

Explosives Act

Mr. Elmer M. MacKay (Central Nova): Mr. Speaker, I would like to associate myself to a large extent with the remarks of the hon. member for Skeena (Mr. Howard). I thought that many of his observations were accurate. One of the things that has occurred to me, and which I have observed over the years, has been the proliferation of quasi-criminal statutes which, in my opinion, could have been implemented in the Criminal Code. If this had been done, it would have resulted in a greater amount of freedom for the individual.

I agree that people in the industrial and mining environment, and in rural areas, live in a different way from those in urban areas, many of whom have had no occasion to use explosives for sporting, recreational or any other purpose. However, this is certainly not the case in large areas of Canada. Within my own experience, I have known many people who worked for the railroad. They have had in their possession railroad fuses, torpedoes and other devices which have gunpowder in them and which would probably fall under the definition of explosives. If there were an over-zealous inspector who was anxious to impress everyone with his own authority, there could be a very unsatisfactory situation.

Let us look at the definition of inspector which is found on page 2 under clause 1(3). An inspector could turn into a very officious individual if he wished to develop the full extent of his considerable powers set out in the definition. Under the present proposal, he could go into an individual's vehicle or factory. He could invade the privacy of an ordinary individual ostensibly in the process of trying to enforce this act. In my opinion, this is a real danger. I know from personal experience that when officials are given the power to act like policemen, they often abuse their discretion, just as many police officers adopt the philosophy that convictions mean promotions or advancement. I would like to see the government take a very close look at this office which is being created under the terms of Bill C-7.

In attempting to promote a very worthwhile object, that is controlling the indiscriminate use of explosives, the ultimate objective of which I presume is to curtail violence, the government may be over-reacting. As far as I know, there has not been a great number of prosecutions under the existing piece of legislation which is being amended. I cannot help but think that in many respects the government is over-reacting. If people wish to commit violent acts or protest by committing illegal acts, the possibilities are endless. Surely far more or at least as much harm could be done by the use of poisons as by explosives. We hope this will never occur, but just as gunpowder and explosive devices are very easy to obtain, the mind boggles at what revolutionaries could do with poison. Herbicides, pesticides and insecticides are poisons. Whole reservoirs could be poisoned. Very noxious poisons could be introduced into restaurants or commonly used beverages. This affords just as much opportunity to commit acts of anarchy as does the use of explosives. The only thing is this has not happened so far. We hope that it never does. To react to the point where ordinary use of explosives is hampered for those people who have good cause to use them in their every-day lives, as pointed out by the hon. member for Skeena, is certainly an over-reaction.

When one gets officials who are over-zealous, amazingly absurd things can happen. I can foresee, under the new definition of explosives in clause 1 of this bill, where some over-zealous inspector or other official can come down hard on the local Kingsmen Club's fireworks display. Children's Hallowe'en celebrations could technically be in violation of this type of statutory prohibition. This is absolutely absurd. I hope specific steps will be taken to change the definitions and some of the clauses as well. It is a strange situation when we make available remedies for expedient enforcement, and then find that those people who are enforcing them do not have either the training or common sense to discriminate between what is in fact an illegitimate or premeditated breach of the law or an inadvertent or harmless breach.

As I said a few moments ago, we find police officers who think that convictions mean promotions. This is officially denied by police inspectors and those in charge. However, I know better. I know there are very few warnings given in comparison to the number of prosecutions. That is a bad and needless practice. Someone will not have more respect for the law if he is the victim of what might be called a cheap charge. It disturbs me greatly to see an act which is made more severe on an indiscriminate basis and purports to give an inspector, as defined in clause 1(3) of this bill, the type of powers he has.

If the government does not see fit to specifically limit the powers of an inspector, I hope it will make very clear as a matter of policy that it frowns upon cheap charges. If miners, railway men or anyone else who has a legitimate excuse for having in his possession any type of material or device which technically falls under the definition of explosives, and officials proceed to take action, I hope that, as a matter of policy, the government will make very clear that this is something it does not sanction. If many of these instances occur, instead of being a cause for commendation or advancement, those persons who take advantage of their position to enforce and interpret these regulations strictly should be demoted. If that were the case the idea would get across pretty quickly that, although the people charged with enforcing the law have the means to deal expediently with genuine law breakers who menace society, if they in any way abused their powers they would either be censored or demoted, instead of, as is all too common, not being reprimanded at all for acting in this way.

• (1730)

Mr. John Gilbert (Broadview): Mr. Speaker, owing to parliamentary duties I have not been able to be here to listen to the speeches given this afternoon on Bill C-7. However, I think it is fair to say that there is certainly a difference of opinion about its contents, an honest difference of opinion as expressed by members from different parties. I should like to take this opportunity to express my opinion on the bill.

I agree in principle with the provisions of the bill. According to the explanatory note, the general purpose of these amendments to the Explosives Act is to provide for greater control over explosives, especially in those areas relating to the purchase, possession and transportation thereof. It appears there is a difference in approach taken by members who represent urban ridings compared with