

Gun Control

The only reason submitted by the Hon. Member for Skeena (Mr. Fulton) is that firearms acquisition certificates are a hindrance for firearm users and owners. Mr. Speaker, I do not deny that the need to apply for a certificate can inconvenience. But if we consider that the licence is valid for five years and enables its owner to acquire all firearms he may need over the period, the inconvenience is minimal. After all, this is a hurdle most people would have to go through only a few times in the course of a lifetime. The procedure itself only requires a few minutes. As far as going to the local police station is concerned, most applicants can do that on the occasion of other necessary errands, thereby limiting any inconvenience.

The matter of applying for the firearms acquisition certificate also raises another major point the Hon. Member for Seena seems to have overlooked. It is simply that the issuing of certificates and the conditions therefore are matters of purely provincial responsibility. For instance, New Brunswick has implemented a system of mail applications under which the applicant sends his filled questionnaire along with the prescribed moneys, his application is then processed by the police, and eventually the firearms acquisition certificate is sent by mail. One could hardly qualify this as a bureaucratic impediment. If the existing method really makes things difficult for people living in Canada's northern and remote areas—although nothing proves that is the case—other, more satisfactory measures could be introduced. Provincial or territorial procedures for issuing the certificates could be changed to allow for cases where applying for the certificate would be particularly difficult for the applicant. If problems of this nature exist, they should be brought to the attention of the responsible provincial and territorial authorities. However, I do not think there is any justification for amending the Criminal Code to abolish completely the system we have now across this vast country. The same principles should apply everywhere in Canada. However, it is possible to adjust the procedure to meet local needs.

Mr. Speaker, the legislation's existing provisions already include one that allows the provinces to ask the federal Government to declare that in their province, hunting licences, competence certificates and other permits issued for the use of firearms may be substituted for firearms acquisition certificates. By adopting this provision, Parliament clearly wished to give local authorities the necessary flexibility to enforce these provisions in the light of their own particular situation. However, it is interesting to note that none of the provinces ever asked for this provision.

I think that indicates that the system of firearms acquisition certificates was introduced without any problems and that the general public and the provincial and territorial governments accepted this as a useful form of public protection. The very existence of this provision is one more reason not to amend the Criminal Code so as to abolish the requirement for firearms acquisition certificates in twenty-five federal ridings.

Mr. Speaker, so far my comments concerned the proposal about firearms acquisition certificates. I would also like to say

a few words about the possible repercussions of a proposal by the Hon. Member for Skeena to relax the provisions relating to search and seizure. The existing provision is in fact an important preventive measure. When policemen have to intervene, for instance in a family quarrel where a firearm may be used, they have the authority to search for and seize the firearm before it becomes a tragic part of the quarrel. We all know that that kind of incident unfortunately is frequent. It should be noted that family or social relations are involved in the majority of homicides. Needless to say, those situations are so unpredictable that it would be totally unreasonable to require police to get a warrant before moving in. In fact, they may have to act immediately to save innocent lives.

Provisions pertaining to searches and seizures have led to controversy. It was feared giving the police additional powers would lead to abuses. Such has not been the case. Current legislative provisions also include a system of checks and balances under which control is exercised to prevent abuses.

This is another area of the law where it is important to maintain an adequate balance. The need to protect the people must not infringe upon individual rights and freedoms. There are safeguards in that respect, and this is a matter that we should be closely monitoring.

In conclusion, Mr. Speaker, the proposals put forward by the Hon. Member for Skeena would significantly dilute of important provisions protecting the public. It is therefore my view that Bill C-213 does not deserve our support.

Mrs. Claudy Maily (Parliamentary Secretary to Minister of Communications): Mr. Speaker, I would like first to state that I am in support of legislation to control firearms.

• (1640)

[English]

In my view no civilized society can exist without some restrictions. In an open and progressive society the task of striking the appropriate balance between liberty and order is an ongoing process and the end result is dependent upon public consensus.

The first amendment which the Hon. Member for Skeena (Mr. Fulton) is proposing would do away with warrantless searches and seizures by police. He views this provision in the legislation as unnecessary and an infringement upon legal rights. Section 8 of the Charter of Rights and Freedoms reads:

Everyone has the right to be secure against unreasonable search or seizure.

• (1650)

It is a fine balance between the needs of public safety and the legitimate interests of firearm owners and users.

The Supreme Court of Canada has already recognized that in exceptional circumstances, searches and seizures without warrant do not infringe on individual legal rights under the Charter. An example of a warrantless search and seizure