Senator Lucier: Honourable senators, I thank Senator St. Germain, as I appreciated his input in the Yukon.

I was very surprised to hear Senator Oliver, for whom I have great respect, speak so clearly and so strongly against registration and then end by saying that he will support the amendments that will bring registration into law. You do it two years later, but you are doing it. That is the part that I find totally unacceptable. In answer to Senator St. Germain's question, his suggestion is exactly what we plan to do tomorrow.

Hon. Mira Spivak: Honourable senators, for approximately 60 years, I believe, Canadians have been required by law to register handguns. Since 1932, they have complied. There are one million handguns in Canada now registered to police, target shooters and gun collectors. Occasionally, handguns also find their way into the wrong hands. Still, they account for only 21 per cent of all criminal use of firearms. Rifles and shotguns, on the other hand, account for almost half of all criminally used firearms in this nation. After 60 years of politically acceptable and widely accepted registration of one type of firearm, we are now engaged in a debate on whether several million more long guns should also be registered. That is the fundamental question which has sparked most of the opposition, as Senator Lucier has so aptly put it.

Where you stand on this question depends upon where you sit. Approximately four years ago, I sat on the Senate committee that examined Bill C-17, the gun control legislation which the government of the Right Honourable Brian Mulroney and his justice minister, the Right Honourable Kim Campbell, presented to Parliament in 1991. At that time, Parliament listened to the majority of Canadians who called for strong gun control. The Senate quickly passed Bill C-17, which spent only three days in committee.

Bill C-68 is in keeping with the fundamental principles found in the law enacted by the Mulroney government. In fact, some of the critics of Bill C-68 are perhaps unknowingly attacking provisions that were implemented by that and previous legislation, for example, firearms acquisition safety courses and order-in-council powers. Furthermore, Bill C-68 does precisely what the standing Senate committee urged the government to do in 1991 in addressing the deficiencies contained in Bill C-17. Approximately four years ago, the committee listened to witnesses but did not propose amendments or delay the bill's passage, maybe because the majority in the House of Commons and the Senate was of the same political stripe. Instead, it wrote a letter to Justice Minister Campbell on December 12, 1991, urging her:

> ...to take the following steps towards ensuring that the use of firearms in Canada is as safe as possible, and that no further lives are unnecessarily lost.

Specifically, the letter asked for universal firearms registration, for better control over safe storage of guns and for better training procedures. In short, Bill C-68 does exactly those things that the Senate committee urged the government to do.

I have not changed my mind on this issue since the drafting of that letter. As Margaret Thatcher put it, "Some ladies are not for turning. Some gentlemen are very wet." I believe that the intent of the policy of that government was right then, and that the logical extension, Bill C-68, is right now. Of course, some senators will say that it is not the principle of the bill that is at stake but that the legislation is flawed.

The issue before us, then, is the amendments presented by the Standing Senate Committee on Legal and Constitutional Affairs. I cannot support these amendments, simply because I do not believe they improve the bill.

I want to outline the reasons why I do not think those amendments improve the legislation we have before us. First, I want to deal with the amendment that attempts to address a most important issue for all of us: The concerns expressed by aboriginal groups who fear that their treaty and aboriginal rights, guaranteed under section 35 of the Constitution, would be affected.

The amendment would require "full and considered consultations" with aboriginal peoples before the government could proclaim any section of the act or regulations that would "abrogate or derogate." Leaving aside the issue of whether the minister has or has not fully consulted with aboriginal communities; leaving aside the non-derogation clause in the bill reaffirming section 35 of the Constitution, making it clear that there is no government intention to breach any rights under section 35; paying attention to what Professor Hutchinson has stated before the Legal and Constitutional Affairs Committee — namely, that it is the courts who must decide whether aboriginal rights have been infringed upon, and, in so doing, they will not have recourse to any derogation clauses but will look for evidence of what has actually been done — does this amendment protect aboriginal rights more strongly than would the bill left unamended? The answer is clearly in the negative.

• (1640)

If you imagine that the amendment has passed and the bill has passed, what then? The amendment attempts to put a pre-condition on the exercise of power by the Governor in Council to bring the bill into force. If the minister or the Governor in Council feels that the pre-condition has been satisfied, they would presumably simply bring the bill into force. The question of whether the pre-condition had been satisfied would end up before the court. Therefore, this amendment is empty and powerless to protect aboriginal rights any better or any more strongly than they are already protected under section 35 of the Constitution and the provisions in the act to give that effect.