

Explosives Act

officer or a peace officer may arrest anyone committing an offence under this act, which may or may not be all right. I doubt if it is. It goes on to say that a man may be arrested if the officer reasonably suspects him. This leaves the door wide open to any police officer or any sort of constable to make an arrest without a warrant.

I do not believe the provisions of this act, either as amended or as originally in the act, are of such grave importance that we should grant the right of arrest on suspicion without a warrant. It is true there is that right in the Criminal Code, but even in the Criminal Code the power is restricted to a police officer who finds a person committing an offence. In most cases the penalty under this act is only a fine of a few hundred dollars, so I believe we are opening the door still wider and giving more and more control to police officers, which is a violation of the concept upon which our whole system of justice is based.

The hon. member for York West has been discussing one very heinous type of offence. While the hon. member was speaking I was rather intrigued to recall an incident a friend told me about yesterday. He suffered a terrible catastrophe while he was in an aircraft. My friend is a sober, righteous and God-fearing individual. He was flying at 25,000 feet and had a bottle of whiskey in his club bag upon which the seal had not been broken, and it exploded. I am told that will happen if the seal has not been broken. There are many around here who could have obviated that danger.

I see that the act defines "explosive" as gunpowder, blasting powder, and then goes on to say—

... and every other substance made, manufactured or used with a view to produce a violent effect ...

I am not sure but what a bottle of whisky comes within that definition. I am sure no one in this house would ever be involved in a catastrophe of that nature, but if that should happen to someone are we going to arrest him without a warrant merely because he happened to lose a bottle of whisky while flying at 25,000 feet?

I am using that illustration facetiously, but it is an example of the danger of giving the power of arrest without a warrant for offences which are really summary and which are dealt with by the imposition of fines. The offences, at the most, are quasi-criminal, and in almost every case would be the result of ignorance of the regulations or technical offences. Of course a tourist might come here and carry ammunition without a permit, or something of that kind; but I do suggest

[Mr. Nowlan.]

that in the ordinary case, perhaps that of a farmer who violates the act because he holds too much in the way of explosives, there is no danger of his running away. A magistrate can get him any time he wishes.

Under our system one may lay an information before a magistrate. It may be a long procedure, and we have gone a long way in abrogating it, but I do not think we should do so for minor technical offences.

Mr. McIvor: If a peace officer is convinced that someone is holding explosives, and that a danger is involved, what would happen if that peace officer had to go back to see a magistrate and get a warrant? The damage would be done before he got it.

Mr. Knowles: Despite what the hon. member for Fort William has said, I wish to support the protest made by the hon. member for Digby-Annapolis-Kings. This is the same argument we had some days ago when we were discussing one of the clauses in the bill amending the Criminal Code. Perhaps we will be discussing it again tomorrow.

It does seem to me we have to be extremely careful before we agree to a provision of this kind that departs from the time-honoured principles of justice that have meant so much in this country. I have read with interest not only the section that it is proposed to enact by this clause, but also the explanatory note on the righthand page; and I suggest they do not say the same thing. If the wording of the clause went no farther than the explanatory note, it might not be so objectionable. I shall read both of them. The explanatory note says:

This amendment authorizes peace officers to arrest without warrant a person whom they find committing or whom they reasonably suspect is committing an offence against the act.

We find in this explanatory note a provision for either one thing or another, but both are in the present. It seems to me there would be a case for a clause of that kind. However, the wording of the clause itself is as follows:

Any peace officer may without warrant arrest any person whom he finds committing or whom he on reasonable ground suspects of having committed an offence against this act.

I can visualize a case where a peace officer might find someone in the act of committing this offence, and that might have been what was in the mind of the hon. member for Fort William. But if the event has taken place in the past, and a peace officer merely suspects that a certain person has been guilty of it, why should we not stick to the principle that the peace officer must obtain a warrant before making an arrest? I have had to say