

Criminal Code

point to the exercise. However, since there is no record of the serial numbers of guns, what is the use of this provision? What is the good of the serial number registration provision, unless the government's ultimate aim is to force the registration of every conceivable kind of gun people in this country possess? If it intends to do this I tell you, here and now, the public of Canada will not accept such a system.

In closing I suggest that if members on both sides of the House were to read carefully the clause of the bill we are discussing, the speeches of the hon. member for Calgary North and, of the hon. member for Palliser, and some of the other speeches which will be made on this part of the bill, I am satisfied that they in all good conscience will not be able to support the bill as presented by the government.

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, I am emboldened to take part in this debate because the hon. member for Calgary North (Mr. Woolliams) in his remarks dealt with certain principles established in law, and the best the Minister of Justice (Mr. Basford) could do to refute that argument was point to some bad practices which have grown up in the law. Therefore this House, on this question, must decide between principle and practice. I suggest that simply because the government has been able to follow certain courses in the past, perhaps in circumstances which should be judged on their exceptional merits, it does not mean a bad practice is a good precedent to be followed in drafting an amendment to the criminal law or in running the administration of justice. Therefore I must come down squarely on the side of the hon. member for Calgary North with regard to the amendments moved.

In some respects the government has cleaned up its act, as it were. Some of the important powers originally set out in Bill C-83 have been corrected. Nevertheless certain other clauses disturb me, for example the powers to be granted to local registrars, with which I will not deal now. Perhaps we could deal later with some of these powers when we consider the relevant clauses of the bill. Here and now, for reasons eloquently put forward by the hon. member for Calgary North and capably argued by the hon. member who just resumed his seat, and others, I must come down on the side of the angel, principle, rather than that of the devil, expediency.

Mr. Gordon Ritchie (Dauphin): Mr. Speaker, may I speak on the group of motions now being debated, particularly on motion No. 13 standing in my name, which reads:

That Bill C-51, an Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in Clause 3

- (a) by striking out line 27 at page 24 and substituting the following therefor:
"number on a restricted weapon; or"
- (b) by striking out line 28 at page 24 and substituting the following therefor:
"(b) has in his possession a restricted weapon".

The government apparently wants to smuggle in its registration provisions by the back door. Of course there was such a huge outcry against Bill C-83 exactly for this reason—the government wanted all gun owners to register their guns.

[Mr. Neil.]

Considering all the guns people of this country own, the registration of all guns would be a horrendous job. Apparently the government is looking to the day when it can force all gun owners to register their guns.

The minister says he sees nothing wrong with the clause we are considering. Why include it in the bill if you do not want to cast your net a little wider and make your mesh a little finer? In effect the government says, "If one provision is not effective, perhaps another will be."

I object to the reverse onus which stems from the Napoleonic code. We rejected that code in Canada, for under our criminal law a person is innocent until proven guilty. Obviously, according to the government's thinking, people charged are presumed guilty and must prove their innocence. This reverse onus, this espousing of the Napoleonic code's attitude, is not to my liking.

● (1750)

Why this registration when the minister says that nothing will be changed? I have three guns, a shotgun which I bought 25 years ago, a carbine which was given to me 15 or 20 years ago, and one I bought last summer. I do not know where the serial numbers are on them. They could have been tampered with. Someone may well have filed them off. At various times I have carried them in my car. They could be changed by anyone who wanted to change them.

Anyone who has tried to decipher numbers from farm machinery or other metal surfaces knows that it is possible. Any letter or number can be changed. Many people have made mistakes with a five, three or eight. They can be removed by rust. With a scratch you can easily change a three to an eight, a five to a three, a seven to a one, or a one to a seven. Serial numbers can easily be changed in that way.

Any game warden, game guardian or anyone else who would like to get at a certain person could do so under this clause. That person could always say that the number had been changed. I do not know who could prove him wrong. He could always say that a particular number looks as though it had been changed.

Game wardens and other authorities will be able to increase the number of convictions by merely saying that the Criminal Code has been changed. For what reason is this being done other than to pave the way for gun registration in the future? That has to be the only reason. Crimes are not proved by gun registration numbers, but by ballistics tests. If the minister is sincere, he will say that he intends to institute gun registration some time in the future.

The minister said in committee that he is extending this to all firearms, and there is no new concept here. Instead of only applying to restricted guns, it is extended to all firearms. The policy is that the lawful excuse is something uniquely within the knowledge of the accused. That is Napoleonic code thinking, saying let us make the individual guilty and let him prove his innocence. That is a lot easier than the other way around.