

Measures Against Crime

under which he may lawfully have in his possession firearms or ammunition

- (a) is guilty of an indictable offence and is liable to imprisonment for two years, or
 (b) is guilty of an offence punishable on summary conviction.

The intent of course of this particular provision is at first reasonable, apparently justifiable, and not too apparently onerous, given the thrust of the entire legislation. However, I ask hon. members to consider the occasion of a hunting foursome who agree to attend a given place at a given time in order to enjoy the sport of a rabbit shoot or a pheasant hunt.

A couple of hours and many shots later, one of the four, having expended all of his shells, requires of the other three the loan of some shells in order to complete the hunt with his friends. To complete the scenario, let us suppose that one shot later—the shot having been fired by the person who has just borrowed a shotgun shell—a lands and forest inspector appears on the scene and asks for the appropriate licences for hunting and possession of the guns and ammunition. Let us say he discovers that the individual to whom the ammunition was lent is not the holder of a valid licence lawfully to have in his possession firearms or ammunition, and an inquiry is made into the source of the ammunition. Subsequently it is determined that the ammunition was lent to the culprit by one of the party, who then is charged with an indictable offence or, at the very least, is charged upon summary conviction.

Surely this House would not agree that in setting up the licensing provisions for control of guns we must now make all hunters such as I have described inspectors of the legislation, bound under penalty to inquire whether an individual, friend or acquaintance has borrowed some ammunition. Surely it is not the intent to make them inspectors under the act. We cannot liken this to the licensing provisions of provinces for citizens to drive automobiles. Indeed ministers have themselves on occasion argued that licensing was preferable to registration; that gun licensing was reasonable upon the same basis as the licensing of automobiles. I ask you to consider for a moment whether any of the provincial licensing authorities of automobiles make it an offence to lend your automobile to an individual who is not licensed to drive.

As far as I am aware, it is not a provincial statutory offence or a criminal code offence to knowingly lend an automobile to a person who does not hold a licence. I agree that there are certain civil considerations that come into play, and certain statutory contractual provisions that come into play with respect to the insurance of a vehicle and the loss thereof as a result of an unlicensed driver operating it but we are certainly going a long way, perhaps too far, is suggesting that the individual who knowingly or unknowingly provides ammunition, as in the situation which I have described, is guilty of an indictable, or at the very least, summary conviction offence. I submit this particular provision of the legislation should at the very least require that the individual who lends the ammunition shall have knowledge that a person receiving the ammunition or the firearm is unlicensed; alternatively we should remove that particular provision completely.

I am not so greatly concerned with the individual who is in the business of providing firearms or ammunition, since

[Mr. Daudlin.]

I believe it is reasonable to expect in the course of a business that the seller shall require a licence to be produced before the ammunition is sold, bartered or transferred for monetary return. I do not believe that the same sort of conditions can be required of a movement of the ammunition and guns between friends.

Let me move on now to proposed section 103 dealing with seizure and forfeiture. The hon. member for Central Nova (Mr. MacKay), speaking on this bill just a few days ago, drew attention to proposed section 103. It deals with search without warrant of a person, vehicle, place or premises other than a dwelling house. A peace officer may seize anything by means of or in relation to which "he reasonably believes the offence is being committed or has been committed." This obviously deals with seizure by a police officer of any weapon, used or being used in the commission of an offence. Indeed the first part of the proposed section relates to restricted weapons or firearms, so that I believe the government's position is not so onerous as to be feared, as the police have now the right to seize weapons used in the commission of an offence.

I am more concerned, however, with proposed section 105(2), which now provides:

Where with respect to any person the peace officer is satisfied that there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of other persons, that that person should have in his possession, custody or control any firearm or other offensive weapon or any ammunition or explosive substance and that the danger to the safety of that person or other persons is such that to proceed by way of an application under subsection (1) would be impracticable, the peace officer may without warrant search for and seize any firearm or other offensive weapon or any ammunition or explosive substance in the possession, custody or control of that person.

● (2140)

I recognize that the case of the domestic quarrel upon which the police officer arrives, only to find himself staring down the barrel of a rifle or shotgun, is probably the classic case to which this particular provision will apply. I am concerned, however, that the well-intentioned police officer will now have the right, upon arriving at the scene of a domestic quarrel, whether or not a gun be in sight, to search and seize, regardless of what place and at what time, any and all offensive weapons, firearms, ammunition, etc., thereby putting the individual in a position where he must then make application to an appropriate court for the return of those guns or other articles, whether or not the officer had justifiable grounds for making the search and seizure.

I believe that this is an unjustifiable and unwarranted encroachment upon the individual rights and liberties of our citizens, by putting the subjective decision into the hands of individual police officers; it is in my view over-reaction to this admitted problem which has been faced by our law enforcement officers for some time.

I was interested in listening this afternoon to the hon. member for Elgin (Mr. Wise). He said that this bill did not address itself to the real causes of crime. When I listened to him he seemed to say that he would relate the real causes of crime to drugs and the use thereof. He seemed to imply that gun control measures were useless. In fact I believe he went so far as to say they were useless. To argue in that manner is to argue that there is no deterrent effect