

# HOUSE OF COMMONS

Tuesday, June 13, 1995

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Debates (No. 217 ) | [Journals \(No. 217 \)](#)

## GOVERNMENT ORDERS

### FIREARMS ACT

The House resumed consideration of the motion that Bill C-68, an act respecting firearms and other weapons be read the third time and passed; and of the amendment.

[SNIP]

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, I rise to participate in what will really be the closing debate on the government's controversial gun control Bill C-68.

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My colleagues, under the able direction of the hon. member for Crowfoot, have put forward a host of arguments concerning the defects of the bill and over 200 amendments to endeavour to correct the worst of those defects. I wish to commend each and every one of our Reform members for the quality of their contributions and the conscientiousness with which they have made them.

Although these seeds of gun control reform may have fallen on barren ground in this Chamber, I can assure the government that those seeds are falling on fertile ground in the country at large. Within a year they will bring a crop of public discontent which will cause the minister and the government to rue the day they rammed this ill conceived legislation through their own caucus and through Parliament.

As the debate winds up, I do not want to dwell any longer on the details of the bill but instead on the bigger picture. What are the characteristics of a good law and does this bill possess them?

**(1640)**

The short answer is that a good law must have at least three characteristics. It must be within the constitutional competence of the government. It must be effective in achieving the objective for which it is introduced. Above all it must be capable of carrying the judgment of the people who will pay the bills and for whose benefit it has been introduced. In other words, a good law must pass the test of constitutionality, effectiveness and democratic consent.

Let us look at the big picture. Will Bill C-68 if enacted be a good law or a bad law?

First is the test of constitutionality. This bill will be challenged constitutionally. It will be subject to constitutional challenges to which it would not be subject if the minister had carried out more genuine consultations, listened to the advice he had received and given greater care to the issue of civil liberties when he first conceived and drafted the bill.

With respect to potentially damaging constitutional challenges, I refer to the following. There is the contention of the James Bay Cree and Yukon First Nations that the minister did not comply with the provisions of constitutional agreements with themselves in framing the legislation. I refer further to the fact that several of the provinces consider the onerous regulatory aspects of the act an imposition and an intrusion into their

provincial jurisdictions. They may very well challenge the constitutionality of the act once the regulations are proclaimed.

Finally, I refer to the concerns of the civil libertarians that certain clauses, such as those pertaining to inspection, may very well contravene the charter of rights and freedoms, in particular, the rights of Canadians to privacy and security of the person.

It is with some bitterness I note that when these concerns with respect to the intrusion of the bill on civil liberties were first raised by ordinary citizens with their MPs, they were completely ignored by the government. When they were pointed out again by Reform MPs in this House and in committee, they were ignored by the government and the media.

It was only when more elite groups like the Canadian Bar Association or politically correct groups like the Canadian Civil Liberties Association also made the same points months later that the civil liberties issue was even recognized as a potential flaw in the bill by the justice department. I say it is a sad day when the civil liberties of a people are taken for granted by the government and only judged to be at risk when the elites or special interest groups deign to acknowledge the risk.

I would also ask how the justice minister in introducing his first major complete legislative initiative to this House could have managed to get himself on to such shaky constitutional ground including potential violations of the charter of rights and freedoms. Bill C-68 fails the test of being on sound, and unquestionably sound, constitutional ground.

A second major test which any government legislative measure must pass regardless of whether or not it has sufficient support to pass in this Chamber is the test of effectiveness. Will it achieve the object, in this case an increase in public safety, which is its purported intent?

My colleagues have made the argument very effectively that Bill C-68 will not achieve the goal of increased public safety because it focuses less than 20 per cent on the regulation of the criminal use of firearms and over 80 per cent on the regulation of the non-criminal use of firearms. To be effective the emphasis of the bill should have been exactly the opposite.

There is another front on which this bill fails the effectiveness test. As all members know, the Criminal Code and a national gun registry is a federal responsibility but its administration is a provincial responsibility. To be effective a bill of this nature must have the full and positive co-operation of the provinces. It is becoming increasingly apparent that this is not the case. At least five provinces and two territories have indicated their profound unhappiness with the bill and the administrative obligations it imposes upon them.

The Government of Saskatchewan has gone so far as to introduce a motion in the Saskatchewan assembly urging the federal government to introduce amendments to Bill C-68, to allow provinces and territories to opt out of the provisions respecting registration and licensing. The attorney general in Saskatchewan has called on the federal minister to place higher penalties on criminals who use firearms in the commission of an offence and to withdraw all the remaining sections of the gun

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control package. He has indicated his willingness to continue to oppose this federal legislation.

**(1645)**

The minister has made it clear that he will proceed delicately with respect to imposing the administration of this gun control legislation on Indian reserves, many of whom are unalterably opposed to the provisions. This holds out the unseemly prospect of one approach for non-aboriginals, and another for aboriginals, in violation of the basic concept of equality of all citizens before the law.

From a political standpoint, no one in his right mind believes that the federal government, in association with the separatist government of Quebec, is going to vigorously and actively proceed to register every firearm in that province, including those on aboriginal reserves, during a period of constitutional uncertainty.

In other words, even a cursory examination of the practical aspects of administering the bill across the country by provincial governments, half of whom profoundly disagree with it, and on aboriginal reserves, the majority of which disagree with it, reveals profound weaknesses in the potential administration of the bill, profound weaknesses which will render it ineffective in achieving its purpose.

The third test of a good law is that it must be capable of carrying the judgment of the people who pay the bills and for whose benefit it has been introduced. In other words, it must pass the test of democratic consent and support.

Since the bill was first introduced, the government has maintained that it has vast public support, citing various public opinion polls in that regard. However, governments, especially elitist ones that boast of their ability to spin doctor the issues, have a habit of deceiving themselves on the subject of democratic support and their reading of the polls, as was profoundly illustrated in the country and in the House with respect to the Charlottetown accord.

Various polls have been conducted which ask the public whether they are in favour of gun control, and of course the majority answered in agreement. These polls usually fail to follow up that question with the more pertinent question: Should the focus of gun legislation be on punishing the criminal use of firearms or regulating the non-criminal use of firearms? If and when that question is put to the Canadian public, I submit that the majority favour coming down like a ton of bricks on the criminal's use of firearms which is precisely the Reform position.

Other polls ask whether the public supports the federal government's proposed gun control legislation, but fail to ask whether the respondents are in any way, shape or form, familiar with the federal government's gun control legislation. They completely miss the point that as the public gains more and more knowledge about this bill, its support for it declines rather than increases no matter what the initial level. This was precisely the same pattern of declining support which ultimately sank the Charlottetown accord.

Made in Ottawa solutions to national problems, if promoted and promulgated by governments with vast dollars to spend on public relations, initially receive a high rating-in the vicinity of 60 per cent to 65 per cent-with the public. However, as the public gets to know more and more about the legislation, as they examine it for themselves, as they discuss it, as they hear the perspective of the provincial and municipal politicians, the interest groups, the academics and their friends and neighbours, the track record is that public support declines in direct relation to increased knowledge about the legislation.

Any piece of public legislation is subject to declining public support, a trajectory which in the case of this bill will mean that less than 50 per cent of the public will support its provisions by late this fall. That is the sign of a bad law, a law which cannot be properly enforced and will not achieve the intent of Parliament because it does not carry the judgment of the people who pay the bills and whom it supposedly benefits.

I therefore submit in conclusion that Bill C-68, if passed into law, will not be a good law. It will be a bad law, a blight on the legislative record of the government, a law that fails the three great tests of constitutionality, of effectiveness and of the democratic consent of the governed.

**(1650)**

What should be the fate of a bad law? It should be repealed, which is precisely what a Reform government will do when it eventually replaces this government.

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