

*Measures Against Crime*

to those areas where people are concerned that the law is not as well drafted as one might hope.

● (1540)

I would now like to deal with some of the substantive aspects of Bill C-83. The first major proposal is that of gun control. I believe the vast majority of Canadians are in favour of gun control, but when one reads this legislation one is entitled to have serious reservations. I believe in gun control which is clear, defined and definable, I am not happy with the legislative proposals I find in this bill.

I believe the criminal law should be spelled out clearly in the Criminal Code, I believe that any person who wants to know what the criminal law of this country is should be able to go and look in the Criminal Code and read it. I do not believe, as this legislation proposes, that the criminal law should be changed by delegating powers to the governor in council, the commissioner of the RCMP, the attorney-general of the ten provinces, or the minister of justice.

If we follow the route of delegation of powers through the passing of regulations as proposed by the legislation before us, it will be impossible for persons to know what the Criminal Code really is, because they will have to buy not only the Criminal Code but also a book of regulations, which might be another 50 or 60 pages in length and which will always be in a state of change and flux as the governor in council, the commissioner of the RCMP, the attorneys-general of the various provinces, or the minister of justice may amend, alter, repeal or add new regulations, all at various times.

The greatest concern I have with the proposal of gun control as put forth in this legislation is that it is not set out clearly in black and white in the Criminal Code. I believe that criminal law, being a penal law, must be interpreted strictly, as the courts have done in the past, and that for it to be strictly interpreted it is only fair that the citizens of the country should have an easy opportunity of finding out what that law is. I believe we can only do that by having it set out in one place, that is, in the Criminal Code of Canada. If the government insists on going by the regulatory route and the delegating of powers, I believe the criminal law will become unreadable, that people will tend to ignore it and that it will become a nightmare to enforce.

Bad law, unmanageable law, is probably worse than having no law at all, because if people ignore the law it brings the entire system of law enforcement and administration of justice into disrepute. I believe the gun control section of this proposed legislation is bad law because of the granting of regulatory powers and the delegating of powers. I plead with the government to encompass all the proposed gun control legislation in the Criminal Code. If a form is to be used, I would suggest that the section dealing with the form should indicate that a certificate must be filled out as per form A in appendix 1 and we should put a sample form A in appendix 1 at the back of the code.

I would hope that if, because of some oversight or some housekeeping measure that needs to be taken from time to time, need arises to correct or to make for better implementation of the law, a short bill could be introduced asking to alter the form in appendix 1 or to alter the various sections. I would hope that in the sections dealing

with the type of person who could grant a certificate or be the registrar of firearms, or could be the guarantor of an applicant, appropriate lists could be set out in the Criminal Code. If this is not found to be sufficient after some experimentation, then one or more of those on the lists could be deleted, or one or more added by a fast amendment to the Criminal Code passed in the normal way through the House of Commons and the Senate. I believe the criminal law is too important to be delegated to others and that amendments and changes should be made only by parliament itself.

In the present proposed legislation on gun control, there are some 27 clauses or subclauses which give regulatory power to the governor in council, the commissioner of the RCMP, the attorneys-general, or the minister of justice, and in one case the proposed legislation provides for the balkanization of our Criminal Code by allowing the attorneys-general of the various provinces to pass amendments. We could have ten different regulations passed by the ten different provinces, all providing penalties under the Criminal Code, so that a person would not know what the Criminal Code actually is as he moves from one province to another. In a more substantive manner, I am concerned that certain regulations which this legislation proposes could, in effect, be made by the governor in council without obtaining the authorization of parliament and could change the very intent of the law.

In this bill, parliament is asked to classify certain weapons as prohibited weapons, and certain other weapons, such as hand-guns, as restricted weapons. Then, parliament is asked to allow the governor in council to change hand-guns from restricted weapons to prohibited weapons by order in council. I do not believe parliament is really intending to prohibit hand-guns at this time. If parliament wants to wipe out hand-guns—and there are advocates of that course—then let us do so now, in parliament, by voting that way. If, on the other hand, as I believe, parliament is not prohibiting hand-guns now then the governor in council should not be allowed to prohibit them later. If it is deemed that hand-guns should be prohibited, the legislation should be brought forth in parliament so that parliament itself can decide that point.

Mr. Speaker, I have spent some time explaining my abhorrence of the fact that the government wants to introduce massive amounts of delegation of powers to regulatory bodies into the criminal code. It strikes me that the government will make this part of the proposed legislation unwieldy, difficult to understand and will be inviting the public at large to ignore the law. The public at large to which I am referring, is the law-abiding public who would be using firearms for legal purposes. By passing legislation such as proposed, we would be placing a roadblock in the path of their carrying on legitimate, legal activities.

Now, Mr. Speaker, I would like to comment on some of the penal aspects of the proposed gun control legislation as they would affect persons who are obviously not carrying firearms for legal and legitimate purposes. Since the revision of the Criminal Code in 1955 which reduced it from well over 1,000 sections to some 600 sections, we have heard that there should be no minimum sentences in penal law but that it should be left to the discretion of the judge to pass sentence based on the circumstances of the case. In