

*Measures Against Crime*

other levels of government. Bill C-83 is a large and complex package of amendments and will require a major re-educational process, not only for the public but for legislators and officials themselves. We will not be served well by superficial, slipshod, biased or otherwise irresponsible reporting on the subject. There are many components therefore to be covered in depth, and not enough time in one speech to do so. Thus I, like many others in the House, will choose to concentrate on one of the areas of greatest interest and importance, gun controls.

The bail system has already been tightened up in recent months and will be tightened further, while attempting to safeguard the rights of the innocent citizen, especially the poor and submissive. Parole procedures will be tightened, to protect the public and to make sure that people are not free to cause further problems when they should still be confined. Although there is an 80 per cent success rate on parole, and an even greater 99 per cent success rate on temporary passes, sensational cases are reported in the media, and the public is concerned. The Parole Board and correctional staffs will be strengthened and, under the new act, those convicted will have to earn time off.

Wiretapping, or electronic surveillance, is regarded as necessary by our police forces to protect us from the evils of organized crime and will be strengthened; but along with these concessions the public must at the same time be safeguarded from any possibility of becoming the victims of these science fiction techniques.

The bill will seek to make it more difficult for organized crime to "launder" money acquired through illegal activities. It will protect the public from habitual, violent, sexual or otherwise dangerous offenders, even those who would inflict severe psychological danger rather than just physical harm on others, while protecting the rights of the accused so that the law cannot be turned against the innocent. It will change the procedure in rape trials, to offer more protection to the victim. However important detection and correction may be, crime prevention is still paramount in the realities of our present society, even though the ideal is a crime-free world. Prevention policy will include better information exchanges, crisis training, and new police programs.

The government also proposes more research on the social environment of communities and organizations which lead to crime and, last but not least, more consideration for the victims of crime. This is a very comprehensive package of justice reforms, if not a total reform of criminal law.

Let me say a word on gun controls. Running through all of these government efforts to improve crime control is the obvious theme of balancing effectiveness with protection of the rights and freedoms of individual citizens. Gun control legislation represents a particularly interesting challenge. Probably no other area of public concern these days enjoys such a strong measure of public support. Yet there is a small but very active and vocal minority who claim to use firearms for legitimate purposes such as hunting, target shooting, and collecting, and complain that new gun controls would constitute unfair and unreasonable restrictions on their activities and individual rights. It has not been lost on the Canadian people that such sentiments are also strongly prevalent on the other side of the border,

[Mr. Philbrook.]

where the right to have and use guns is apparently firmly imbedded in the American constitution.

National and other public polls in Canada have consistently indicated that over 80 per cent of the respondents favoured tighter gun controls. My own personal poll of Halton riding returned a figure of 84 per cent; although, as with the remainder of the questionnaire, only 10 per cent of the constituents bothered to answer.

The *Ottawa Citizen* in its lead editorial on March 30, 1976, stated that gun controls belong in the new peace and security package. The *Globe and Mail* of Toronto, not always a supporter of federal government policy, made several pointed comments in its March 1, 1976, lead editorial, "Reducing the Gun Menace", which I shall now read. I quote:

Guns are for killing. Let's get that straight and eliminate any talk about people being entitled to use a gun unless shown to be untrustworthy. That puts the emphasis in the wrong place. A person who wants to use a gun—just like a person who wants to drive a car—ought to establish first that he is trustworthy. He ought to have a licence.

That's the approach adopted by federal Justice Minister Ron Basford in his new gun legislation and he is to be applauded for it.

Mr. Basford is faced with two problems: the use of guns by criminals and the use of guns by non-criminals who, through carelessness in use or storage, contribute to the injury of others.

He has dealt with the criminal use of guns basically by increasing penalties. Licensing plays no part in this area. In all but two cases, he would at least double the maximum sentences that could be imposed. Summary conviction (petty) offences for which the penalty usually is set at a maximum of six months in jail, a \$500 fine or both, would carry an alternative penalty under indictable procedures (used for more serious charges) of up to two years in jail. Where the maximum sentence currently is two years in jail, Mr. Basford proposes five. And where it is five years, he proposes ten.

For the use of an offensive weapon—a gun, a knife, karate sticks—in the course of a crime, Mr. Basford would have a special penalty: a minimum sentence to be served in jail ranging from one to 14 years and which would have to be served consecutively to any other sentence.

In stiffening penalties directed at criminals, Mr. Basford will have wide and justified support.

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However, his licensing provisions will stir controversy among sportsmen and gun enthusiasts who seem to take it as a personal affront that they will be asked to pass a test and obtain a licence for the use of long guns. If they were to pause for a moment and realize that, as with car licences, the procedure is designed to offer minimum protection against the few who are careless, they would realize how slight their support is likely to be.

Everyone using a firearm of any sort—a pistol, a rifle, a shotgun—would have to be licensed. Everyone owning a restricted weapon—basically guns such as handguns that can be concealed—would have to obtain an ownership registration. And everyone who wanted to carry a handgun with him would need a special permit.

Here is an area for real concern. Mr. Basford has not narrowed enough the reasons for which a handgun can be owned and carried about. He leaves intact the provisions that permit owning handguns as part of a lawful profession—meaning that security guards could still walk through our streets like cowboys—and he would leave a broad discretion in the Criminal Code as to who could own a handgun "to protect life" (although, to his credit, he would remove the right to own a handgun "to protect property").

There would be a broad discretion to refuse registration for a handgun or permission to carry it around, and there would be power to pass regulations governing registration and permits.

Nevertheless, it should be clearly written into the law that ownership and carrying of handguns will not be permitted unless it is clearly established that the police are unable to provide necessary protection. That goes for security guards and that goes for private individuals. It