

Government Orders

For example, I applaud the changes to section 85 for the use of a gun in the commission of a crime. It has been beefed up to include imitation firearms and use during flight or the attempted commission of a crime. Although the first offence only gets 1 to 14 years, subsequent offences will net a criminal 3 to 14 to be served consecutively to any other sentence related to the same event.

However, these changes are meaningless if the charge is plea bargained away in our overcrowded courts. On the first offence a criminal would also be prohibited from owning a gun for 10 years. If he or she violates this prohibition order, they are subject to a maximum 10-year sentence. It does not say if it is consecutive.

● (1640)

I have some questions about whether the 10-year maximum for violation of the prohibition could ever get tacked on to a maximum 14-year sentence for using a gun in another crime. I think a potential 24-year sentence for using a firearm again would certainly make some criminals think twice before acquiring yet another gun for illegal purposes.

Making sentences tougher on the books will not mean anything to criminals if our judges will not impose sentences consistently or if gun charges are plea bargained away. Imposing a mandatory minimum sentence for armed crimes has no deterrent effect if criminals do not get a consistent message.

The minister has given law enforcement officers greater powers under this bill for search and seizure. The police need to be able to go into a domestic violence situation with the ability to remove firearms while the situation is still out of control.

However, this minister has given police far greater powers. Under section 117.02 police officers can enter any premises, except dwellings, without a warrant if they suspect someone has not registered their shotgun. Why does this justice minister believe people sign away their rights to privacy simply because they choose to own a gun?

I would like to draw the attention of the House to section 112 which says many regulations made by the governor in council do not have to be laid before the House. I find it very disturbing that further regulations can be made with respect to the Firearms Act or part III of the Criminal Code without coming before Parliament.

A small handful of people can make regulations affecting millions of gun owners and there is no public accountability or scrutiny before going into effect. I do not believe it is right that a handful of bureaucrats should be able to make regulations that can land Canadian citizens in prison.

The Minister of Justice believes Canadians widely support all of his gun control initiatives as we have heard countless times in the past and again today. Why does he not have the courage to place all orders in council related to his Firearms Act before the House? Why does Bill C-68 make it so explicit that regulations can be passed without parliamentary approval?

More important, why does he not separate his new Firearms Act pertaining to legal gun owners from his amendments to part III of the Criminal Code dealing with criminals? He has said in the House today that the reason he has drafted the Firearms Act is to address the concerns expressed by legitimate firearms owners, that they feel certain violations pertaining to them should not fall under the Criminal Code.

If he is convinced this has widespread support, he should have the courage to separate these two issues and defend each on its own merits.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am frankly sick of listening to the flagrant misrepresentations the hon. member is indulging in with his efforts to mislead the Canadian public as to what is going on in this bill. He knows perfectly well he is doing it and he should be ashamed of himself.

I refer him for the purpose of clearing up the error—perhaps he will admit his deliberate error—to section 92(1) of the proposed new bill currently before the House. Page 68:

Subject to subsection (4) and section 98, every person commits an offence who possesses a firearm knowing that the person is not the holder of

- (a) a licence under which the person may possess it; and
- (b) a registration certificate for the firearm.

Subsection 3 says:

Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and liable—

—to the 10 year imprisonment to which he referred. This is a person who committed an offence possessing a firearm knowing the person was not the holder of a licence and that the gun was unregistered. In other words, it is the criminal misuse of firearms.

Let us go back to section 91(1) of the bill:

Subject to subsection (4) and section 98, every person commits an offence who possesses a firearm, unless the person is the holder of

- (a) a licence under which the person may possess it; and
- (b) a registration certificate for the firearm.

Then it says in subsection (3):

Every person who commits an offence under subsection (1) or (2)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.