

Private Members' Business

Having said all that, I would like to conclude that we do need a new look at our justice system. As a part of that we have to look at gun control and tougher penalties for crimes with guns.

We have to look at a change in the juvenile system. I am getting that from my constituents. We have to work at crime prevention. Finally, we have to look at real rehabilitation of offenders so that they do not just get out of jail and then commit another offence. That is the challenge.

This bill is worth considering. It is part of the challenge. I am prepared to sit down now and let the bill go to committee.

Hon. David MacDonald (Rosedale): Mr. Speaker, I will not speak for very long, although it is almost dangerous to make that statement in this Chamber at the outset of one's remarks.

Like the other members who have spoken, I certainly appreciate the interest, the concern and the intense activity the member for Kitchener has given to this matter, not just in the bill but in the chairing of the committee and in concerning himself with something that certainly concerns many, if not most Canadians.

I represent one of the areas in Canada which can be the most readily affected by the use of guns in the commission of a crime, downtown Toronto. My constituents are well aware of the dangers.

During the course of the last year or two the Minister of Justice introduced first Bill C-80 and then Bill C-17, I believe it was. This was extremely important.

I did hear from some specialized groups in the community who were concerned about the restrictions that might apply to those who were recreational or competitive users of guns. I would certainly say that the vast majority of people in my constituency were concerned that we would do everything we possibly could to avoid the increase of guns in the commission of crimes.

I welcome the interest not just of the member for Kitchener but the others who have spoken. However, I want to speak directly to the proposal in front of us. It is a proposal that raises some very serious questions. It raises two, in particular, that I want to deal with directly.

It raises the question of the ability of the courts to distinguish between the kinds of crimes that are being committed. In the debate over the course of the last few minutes we have seen the variety of situations that can occur in real life. We heard an eloquent plea from the member for Kitchener in terms of the importance of having these minimum sentences of five and eight years. We heard an eloquent alternative opinion from the member for Cape Breton—The Sydneys when he described the situations in which the courts would virtually have their hands tied in dealing with an individual who, in the heat of the moment or by accident or in some situation with extenuating circumstances, could have his or her life virtually totally destroyed and not only that individual's but those who might depend on that individual. Not to have any ability for the courts to deal with the variety of those situations seems to me to reduce both our respect for and our capacity to use the courts in a way that makes the criminal justice system serve the interests of all Canadians.

I would have some real difficulty in accepting that. When we are increasingly wanting to see the courts exercise responsibility in our society, and certainly that has been the trend over a great number of years now, to put these kinds of inhibitions into the situation would perhaps do significant damage to our courts. I have not been convinced yet of the wisdom of that.

My more important concern touches on something which I do know a fair bit about. Many years ago, before I became a member of this Chamber, I worked as a prison chaplain in several institutions. I worked with a number of people who had been incarcerated for a variety of criminal offences, but the one thing that I was able to learn over a period of several years was that it was absolutely important, along with the incarceration of the individual who had committed an offence, that there was sufficient flexibility beyond the original sentencing period for there to be a recognition that this individual ultimately will be released back into society.

By the establishment of some kind of arbitrary sentencing requirement, in this case for the first offence, one of five years; for the second offence, eight years, I think we would be in danger of creating within our penal system a situation which would do, I believe quite frankly, significant damage.