

Criminal Code

He replied: 'Well, it looks as if the public criticism over the lawlessness of recent times had made them feel that they have to look as if they are doing something to deter it. By taking the action of presenting a bunch of amendments to the law it will get the public off their back. And, they can say: 'Look, we have done something.' Then, they can sit back and say: 'We've done our best'

He went on to say:

Frankly, for a moment I was stunned at the revelation. This was a man of the law, an experienced executive police officer. My next question was: 'Do you think the changes are necessary?'

He shook his head. 'There isn't anything ineffectual about the Criminal Code as it stands. It covers everything in the way of a crime. It just has to be administered properly. Agencies interfere with the proper course of justice. Case loads are so high that courts can't handle them.'

I asked: 'Then, do you feel that the 'gun control' measures are necessary?'

His reply: 'There is a law to cover any gun infraction right now. They might make some new infractions.'

I could see that he was uncomfortable, really not sure of his position as a law administrator, specifically talking to a reporter.

Mike Cramond went on to say that we do not need more laws. We need to make our present laws more effective, by enforcing them. He went on to take pot shots at some of my colleagues in the House, and at esteemed members of the legal profession. He said, and I quote:

The main problem for the long-suffering public, in particular the gun owner, is that delaying tactic with which the legal profession is very familiar, 'getting an adjournment', knowing that each delay suffocates the public's willingness to go on fighting to maintain its rights.

That is the nub of the problem. We do not need more laws. We need to give authority to those who administer the law; we must make sure that we enforce laws we already have. We must remove some of the rights which practitioners in law now possess of holding up due process of law. They have that ability under current practice.

Now I wish to turn my attention to the bill itself. As I said, it is divided into five parts. There have been some improvements made to the bill, as I said previously. The minister obviously has listened, but listened with only half an ear. If he had listened properly to the people representing—

Mr. Leggatt: Gun owners?

Mr. Friesen:—gun owners, gun clubs, antique owners, and the legal profession, as they appeared before the Standing Committee on Justice and Legal Affairs last spring, he would have introduced an effective bill which would do for the public what it ought to do. I am cheered to note that the bill now requires gun users to prove their competence with guns. I called for such a provision last spring, as did many other members. We said, what is the good of having a licence if you do not know how to use a gun?

Mr. Leggatt: If you don't know how to shoot straight.

Mr. Friesen: That is right. The gun licence should be something like a driver's licence. You may have a driver's licence but not own a car. On the other hand, if you possess a driver's licence you must know how to operate a car. Similarly, because you possess a gun licence does not mean that you necessarily own a gun, but you should not be allowed to use a gun unless you have a licence. In other words, you should be

[Mr. Friesen.]

able to produce proof of your ability to operate a gun properly, if you own a gun. I am glad to see such a provision included in the bill.

Why should we include in one bill provisions like the one I just mentioned, and other provisions which are reprehensible not only to members of this House but to the sense of justice of all in society? Specifically, I am referring to the wiretap provision, which is an invasion of privacy, to the parole legislation in this bill, and to certain aspects of the dangerous offenders provisions of this bill.

Let me read into the record one of the provisions in this bill having to do with the Penitentiary Act. Proposed section 26.2(1) on page 76 of the bill reads:

Where, pursuant to an agreement under subsection 19(1), an inmate has been admitted to a provincially operated mental hospital or to any other provincially operated institution in which the liberty of the patients is normally subject to restrictions, the officer in charge of the provincial institution may permit temporary absences from that institution within the limits prescribed in paragraph 26(b) . . .

(b) without escort, when he is delegated that authority by the National Parole Board.

My understanding of this part of the bill may not be correct, but if that provision says what I think, it is a dangerous provision. Any provision which allows a local official to release without escort someone who has been convicted of a crime and then put in a mental institution is dangerous. I suggest that is a dangerous practice and dangerous provision to include in the bill.

Subclause (3) on page 77 reads:

For the purposes of paragraph (1)(b), the National Parole Board may, if it has determined that an inmate or a class of inmates is one for whom or which temporary absence without escort is appropriate, delegate authority to grant temporary absences without escort to that inmate or class of inmates to the officer in charge of the provincial institution described in subsection (1) subject to any conditions it deems advisable and for such period as it sees fit.

Let us suppose we are satisfied with the gun provisions of this bill and want to pass them as they are. That is not the case, but let us suppose it is. Why should that legislation be included in the same bill which deals with the Penitentiary Act, about which we have some question? In other words, why hold up the legislation because, although we may agree with one part of it, we may have some questions to raise about the other? Bringing together in one bill these various pieces of legislation verges on the immoral.

I repeat what I said at the beginning of my remarks. This bill has been drafted on the premise that more laws will make our citizens more law-abiding. We know that is not so. Therefore I cannot support this bill, will vote against it, and ask for the support of hon. members to defeat this bill.

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, when I participated in the debate on the late and unlamented Bill C-83 one year ago, I drew attention to some of the zany features of it. After I had finished speaking I walked down the corridor with a friend. He said, "You must be crazy to say what you did, because no government would ever be so foolish as to put so many stupid features in one bill." I said, "Wait and see." Time has vindicated me, because Bill C-51 does not