

Criminal Code

ly unaware even though I was a member of the House in 1972 when they were made. Among those changes were amendments to the penalties section as a result of which, for certain offences, a minimum penalty of one third of the initial price of the grain involved was applicable. That may not sound very much to some hon. members but it is enough to bankrupt an elevator operator and has to be regarded with great concern, especially when one is dealing with an arbitrary, unfeeling administration, such as the present Wheat Board administration, which goes around the country laying every conceivable charge which it believes it can sustain, even though it is not doing too well in court, subjecting the farmers to a great deal of harassment and expense in the process. Because of my experience with that legislation I made it my business to look at the corresponding provisions in the present bill and, frankly, I do not think a great deal of consideration has been given to this penalties section.

As I say, I believe some distinction should be drawn between penalties relating to prohibited weapons and to penalties related to restricted weapons, which should be less. I hope the House will recognize the distinction between the types of offence with which we are seeking to deal, because if the law does not show this type of sensitivity, this type of responsiveness, I do not believe it will ever be as respected as it should be.

Mr. Gordon Ritchie (Dauphin): Mr. Speaker, I should like to reinforce what my hon. friend from Palliser has said. It does not make sense to me that the maximum penalty should be the same in respect of a restricted weapon as it is in respect of a prohibited weapon.

We have just had a report from the Senate, I believe, on the subject of jail sentences in this country and in North America generally as opposed to Europe. In North America we seem to have gone overboard in sentencing people to jail as opposed, say, to European procedures; it does seem as though we do not always choose the best type of sentencing. I do not pretend to be an expert on penology but I sometimes think things get out of hand in this area.

In this amendment here we are asked to endorse five years for restricted weapons, which does not square with the graver issue of prohibited weapons. Presumably the maximum sentence is so prescribed in order to allow the courts to reduce it at their discretion but I am not convinced that this is a good thing; our sentences are already too severe in certain areas while being lax in others. This is an area where we have gone overboard.

It is as though somebody put in the figure five and the typist kept repeating that figure five without thinking it out. I lend my support to this amendment designed to bring about a more realistic sentencing proposal. Just saying "Make it five years and leave it up to them" does not meet with my idea of justice. The minister could well take another look at this and see whether the judiciary are using it more often than he wants.

● (2130)

The Acting Speaker (Mr. Ethier): Is the House ready for the question?

Some hon. Members: Question.

The Acting Speaker (Mr. Ethier): The question is on motions 3, 4, 5 and 6. All those in favour will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Ethier): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Ethier): In my opinion the nays have it.

Some hon. Members: On division.

Motions Nos. 3, 4, 5 and 6 negatived.

Mr. Stan Schumacher (Palliser) moved:

Motion No. 8.

That Bill C-51, An Act to amend the Criminal Code, the Customs Tariff, the Parole Act, The Penitentiary Act and the Prisons and Reformatories Act, be amended in Clause 3 by striking out line 21 at page 12 and substituting the following therefor:

"certificate or signed copy thereof for inspection by the person".

He said: Mr. Speaker, would you just give me a moment to find my notes.

Some hon. Members: Question.

Mr. Schumacher: Mr. Speaker, I am sorry to take the time of the House. I am afraid I will have to let this motion go; I cannot find my papers.

The Acting Speaker (Mr. Ethier): All those in favour of the motion will please say yea? All those opposed will please say nay?

Some hon. Members: Nay.

The Acting Speaker (Mr. Ethier): In my opinion the nays have it.

Some hon. Members: On division.

Motion No. 8 negatived.

Mr. Bob Brisco (Kootenay West) moved:

Motion No. 9.

That Bill C-51, An Act to amend the Criminal Code, the Customs Tariff, the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act, be amended in Clause 3 by striking out line 46 at page 12 and substituting the following therefor:

"possess the firearm,

(iv) to a person who owns, lawfully possesses or is otherwise entitled to lawfully possess a firearm where, having regard to the purpose for which the firearm is loaned, the loan of the firearm is intended to be for a reasonable time only; or"