

Measures Against Crime

section 98(1) we find the government introduces a minimum one-year sentence if a person is convicted of using an offensive weapon to assist in the commission of a criminal act or to escape from a criminal act. This legislation breaks that principle. I believe it is proper for the government to propose minimum sentences in the area of gun control when a person is using firearms for blatantly illegal purposes. Frankly, I believe the one-year minimum sentence under section 98(1) should be longer. But to put real teeth into the matter, I feel that a person should be brought to trial on this section at or before he or she is brought to trial on the substantive offence he or she committed.

● (1550)

I say that the prosecution, under section 98(1) should be brought at the same time, or before, so that we can avoid plea-bargaining in what is obviously a serious situation by present standards. If the prosecution were forced to proceed with section 98(1) before, or at the same time as the substantive offence, it would avoid the accused pleading guilty to the substantive offence and getting an agreement from the Crown to drop or withdraw the charge of using an offensive weapon while committing that offence. This procedure, Mr. Speaker, could easily be introduced into the Criminal Code, and I would recommend that the government consider it.

As a former Crown attorney, and knowing what plea-bargaining is all about, I can assure you that in the crowded courts of today the accused and his lawyer will refuse any consideration of pleading guilty and will threaten to go into a lengthy trial in order to force the Crown to drop one or more charges. Knowing the log-jams before the courts today, I think everyone will agree that it is an enticing proposition for Crown counsel to accept a plea to the substantive charge in order to drop what has heretofore been thought of as the lesser charge; for example, the possession of a firearm while committing the substantive offence.

I would now like to deal with sentences for other offences in the gun control sections. In order to try to impress everybody on how serious the government is about dealing with gun control sentences, the government has proposed that the maximum sentence be moved up to 5 years in jail, when previously it was 2 years, and has proposed to increase to 10 years in jail the maximum sentence for all those offences where previously it was 5 years. On the other hand, I suggest, Mr. Speaker, that the old maximums of 2 years and 5 years were rarely ordered by any judge, and that increasing the maximum and failing to put on a minimum is really just a bit of window-dressing, because the new maximums of 5 years and 10 years will never be ordered by a judge. In each of the sections where the government proposes increasing the maximum sentence for these weapons-related offences, I would suggest that a maximum of six months should be included, if in fact the government is really interested in putting teeth into the law respecting gun control.

Further, Mr. Speaker, one aspect of gun control, or lack of gun control, which for many years has horrified society in the North American environment is the prospect of guns being purchased by mail order. Certain sections of the present legislation allow firearms to be ordered by the mail order method, including the ordering by mail or restricted

guns or hand-guns. I suggest that the government would enhance the feeling of security of most Canadians, and would not unduly be infringing upon the rights of those who wish to use firearms for legitimate purposes, if the mail ordering of guns was eliminated. Believe the majority of our people would be quite willing to wipe out the so-called mail order sales of these potentially dangerous weapons. If a person is so keen on a certain type of gun, then I suggest that person can travel if necessary to a centre where he can purchase that gun, or he can arrange for his nearest gun shop or hardware store to order it, so that he can purchase it over the counter, going through all the necessary precautions as is the usual case in firearm purchases.

Again, Mr. Speaker, if the government is really serious in controlling the misuse of firearms, etc., it will change the discretionary order a judge can make prohibiting the carrying or possession of firearms or ammunition under section 102(1) to a compulsory order of prohibition, to force people to abide by the law for fear of losing their rights. Perhaps, Mr. Speaker, the same section, 102(1), of this bill, should include allowing a judge to pass an order of prohibition respecting any person convicted of a violent crime even though the crime may not be related to firearms or ammunition. A person so misguided and capable of using violence without the assistance of a firearm is surely just as capable of using a firearm in the carrying out of his or her intention, with the prospects of even more violent consequences to follow.

Briefly, Mr. Speaker, I have a few more comments dealing with the section on guarantors. I do not like it. It indicates that a person who wants to have a licence to possess guns would have to have two guarantors who had known the applicant for at least two years, and these guarantors would be on a list of persons to be set forth in the future by regulation. I suggest that those persons should be listed in this section now, and if amendments need to be made later, that can be arranged. I also believe that provisions should be made for statutory declarations, much like we have for a person in order to get a passport, in the case where a person has just moved into an area and would not have known two people for the required two-year period who could act as guarantors.

Mr. Allmand: That is provided for.

Mr. Dick: I have not seen it, and I have read through this section three times. Perhaps this is to come in the form of regulation.

Mr. Allmand: It is in the law.

Mr. Dick: In closing, Mr. Speaker, I should say that the present section 101(B), covering the use of another person's firearm under the direct supervision of the owner, should be incorporated into the present legislation. Thus, persons who may be carrying out target practise with pistols could exchange hand-guns for target practise shots. Perhaps it could also be developed so that a father could supervise his son in the training and use of firearms. In essence, Mr. Speaker, the legislation dealing with gun control, as proposed, puts an onerous burden of control, restriction and regulation on the legitimate and lawful user of firearms by means of regulation, licences, permits,

[Mr. Dick.]