

*Criminal Code*

years in cases of possession of a weapon for a dangerous purpose or to commit an offence. These are important parts of this legislation. They constitute a clear indication to the courts that parliament, if it adopts the bill, will not condone the criminal use of weapons and that the legislative will is to see stiff sentences imposed in such cases. But in saying this I must again stress the importance of not losing sight of the fact that most of our crime with firearms is not committed by people we would normally think of as hardened or professional criminals. Two-thirds of our murders occur in circumstances where the victim and the murderer are either related or have had previous relationship with each other. Too often neighbourhood disputes or family quarrels are transformed into tragic incidents by the ready availability of a firearm.

In order to keep such dangerous weapons out of the hands of those unfit to use them, the government proposes that new acquirers of guns be required to apply for a firearms acquisition certificate, which would then enable a firearms officer to ascertain that the applicant had no record of conviction for an indictable offence under the firearms sections of the Criminal Code, nor for an indictable offence involving the threat or use of violence during the previous five-year period. Further, a check would be made to verify that the applicant had no known record of violent behaviour or treatment for a mental disorder associated with violence.

As you can see, Mr. Speaker, these proposals make use of existing information and do not place an onerous burden on responsible citizens who would acquire firearms, while at the same time providing an essential and fairly simple method of screening-out new acquirers who are clearly unfit to own or handle firearms. Those who already own firearms but who are considered to be potentially dangerous could be subject to court-ordered prohibitions.

● (1630)

I would like to make it clear that the onus would be on the peace officer applying for a prohibition order under clause 98(4) to satisfy a judge that the gun owner is not fit to possess a weapon. Other clauses provide for the seizure of firearms in potentially violent situations without a warrant, but subject to later justification before the court.

Responsible use of firearms is encouraged by the active promotion of safety and competency training in all provinces. In fact, clause 106 of the bill authorizes agreements with the provinces designed to maximize co-ordination of the firearms part of the bill with provincial laws and programs dealing with game hunting, firearms competency testing and firearms safety training. This would enable some provinces to substitute hunting licences or competency certificates in place of the federal firearms acquisition certificate, though the normal screening procedure would apply to the substitute firearms acquisition certificate. Such programs can be a prime vehicle for participation by gun clubs and wildlife associations, which are equally concerned about the responsible use of such firearms.

[Mr. Fox.]

For the minority of gun users who use, carry, handle or store their firearms or ammunition in a careless manner, thus endangering themselves or others, provision is made for legal penalties. It is not anticipated that there will be many charges under this clause, especially since many gun clubs now carry out the training function which educates new gun owners on the proper and safe use and storage of weapons. But the fact is that many gun owners are not members of such clubs, nor are they covered by provincial competency test requirements, and the misuse of weapons by such people leads us to propose these penalties.

Care has been taken in the development of these proposals to take into account special needs and special situations, and for this reason several exceptions and modifications to the basic plan are built into the measures. Many of these modifications were developed as the result of concerns raised during consideration of legislation brought before the House of Commons last year.

[Translation]

It is fair to say, Mr. Speaker, that this legislation reflects the government's and the public's concerns that a stop must be put to increasing firearm abuse, without undue restrictions upon legitimate use, for leisure or as a livelihood by a number of responsible Canadians. The current system, including the review of police records, prohibition by the courts, public and private provincial proficiency and safety courses, should help reach that goal without the need for a huge bureaucracy, and at minimal cost to the user and the taxpayer.

The proposals put forward after discussions with the Association of Police Chiefs, provincial governments, gun clubs, wildlife societies and native groups are both practical and reasonable in my view.

I hope they will receive favourable consideration in this House and will soon become law. I would now like to review the provisions in the bill now before us dealing with detention and release of inmates, a specific responsibility of the Solicitor General's department. While discussing those provisions, we should remember that this legislation has two goals, which is protecting the Canadian public against crime and humanizing our laws, making them fairer and more equitable.

Of course, these two goals must be considered in the broader context of the commitment made by the government to have its programs and its policies continuously reviewed as to their efficiency and flexibility. Therefore, Bill C-51 should be regarded as the latest of a long series of measures designed to improve the penitentiary system and to adjust it to changing situations and concerns, with a continuous view to ensure protection and justice.

This means some parts of our criminal law and regulations must be strengthened to give Canadians better protection against dangerous and violent criminals whereas other parts of the legislation and regulations can be changed to humanize the penitentiary system. I would like to set out briefly some of the changes that were put forward in these two general areas.