

Criminal Code

as suggested by the hon. member for Timiskaming (Mr. Peters), there are many police officers.

It is as fallacious to suggest that gun collectors are prone to break the law because they are gun collectors as to say that antique automobile collectors statistically have more traffic violations than people who do not collect cars, or people who are interested in numismatics, the collection of money, are more prone to currency fraud, or people interested in collecting stamps indulge in post office fraud.

The whole thing boggles the mind. I do not see why this provision is necessary. If it is not necessary, why encroach again on the rights of Canadians or indeed the practice of Canadians which, up to this point, has enabled them to own guns as an investment or something of interest? All this type of legislation does is make lawbreakers out of thousands of Canadians who will not accept this type of restriction and see no logic for it any more than to provide an already swollen bureaucracy with a few more jobs.

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 Nos. 2, 21 and 22 standing in the name of the hon. member for Palliser (Mr. Schumacher). Is it the pleasure of the House to adopt the said motions?

Some hon. Members: Agreed.

Some hon. Members: No.

The Acting Speaker (Mr. Ethier): Those in favour will please say yea.

Some hon. Members: Yea.

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

Some hon. Members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Ethier): The recorded divisions on proposed motions Nos. 2, 21 and 22 stand deferred. The House will now proceed to motions Nos. 3, 4, 5 and 6. These will be grouped for debate. If required, a vote on motion No. 3 will also dispose of motions Nos. 4, 5 and 6.

Mr. Stan Schumacher (Palliser) moved:

Motion No. 3.

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 deleting the word "five" in line 37 at page 7 and substituting the word "two" therefor.

Motion No. 4.

[Mr. MacKay.]

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 12 at page 8 and substituting the following therefor:

"not have a registration certificate or who does not have a permit issued pursuant to subsection 106.2(1)".

Motion No. 5.

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 deleting the word "five" in lines 14, 26 and 40 at page 8 and substituting the word "two" therefor.

Motion No. 6.

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 lines 20 and 21 at page 8 and substituting the following therefor:

"place named on the registration certificate".

● (2120)

He said: Mr. Speaker, this series of amendments is designed to cover a situation in which the maximum sentence recommended appears to have been fixed without due regard for the gravity of the offence. Indeed, the penalty, five years under the indictable procedure, appears to have been chosen by someone putting his finger at random on a series of numbers.

I believe the penalty for offences related to restricted weapons should differ from that related to prohibited weapons. I also believe there should be a distinction drawn between an active offender and an offender who just happened to be in the vicinity—for example, reference is made to the occupant of a motor car which contains a restricted weapon. Surely the major offender is the actual owner and possessor of the weapon, and a different penalty should apply. In my view, five years is a lengthy period of possible imprisonment to impose on offenders concerned with these clauses I am seeking to amend.

A great deal of debate is going on in the country presently about the frequency with which we resort to imposing terms of imprisonment and the length of the sentences handed out. I do not think anyone would accuse me of not being a proponent of law and order. Nevertheless, I believe there should be some moderation shown here, some distinction drawn. I realize there is room for discretion, since the Crown can always decide to proceed in a summary way and judges, after all, are not obliged to impose the maximum sentence, but there is always the possibility that some judge, perhaps influenced by an over-zealous prosecutor, will determine that the maximum sentence should be applied and I, for one, do not believe there are many situations in which members of the House would feel that the imposition of a five-year prison sentence is justifiable in relation to the type of offence envisaged in these clauses.

I should like the House to consider placing a more reasonable upper limit on the maximum term for these offences which the bill proposes to create. It does not appear to me that sufficient consideration has been given to the implication of these clauses.

Hon. members may recall my earlier remarks this afternoon when I was talking about changes which had been made in the Wheat Board legislation, changes about which I was complete-