

Criminal Code

Lachance, the member for Lafontaine-Rosemont. He, too, is a big man in this field.

So I want to congratulate the minister—he is not here, but he will hear about it, I am sure—

As I obviously have.

—on being flexible, on making this change, and on making it realistic.

I am delighted that the hon. member for Calgary North has expressed support in that way.

We have suggested a further amendment by which the notice period would be limited not to five years but to three years. This is obviously an improvement over the provision which was contained in Bill C-83, approved by the committee and commended by the hon. member for Calgary North. What we are proposing in Bill C-51 is that a judge, upon special application and upon sworn evidence, may extend the delay in notification not to five years but to three years.

The second change in Bill C-51 is to ensure that the fundamental confidentiality of a client's conversation with his lawyer is protected. The amendment says that no authorization can be granted to intercept a client's conversation with his lawyer at the lawyer's office or at home unless, as the bill provides, there is evidence before a judge that the lawyer himself is involved in the commission of a crime. Hon. members may recall two instances which received a good deal of public attention involving electronic surveillance of lawyers' offices or telephones used by lawyers, one in Sault Ste. Marie and another in Perth.

Mr. Woolliams: There was one in Calgary in my own office.

Mr. Basford: In those instances the Solicitor General (Mr. Fox) and I worked out guidelines, and the Solicitor General issued them as instructions to the RCMP.

It is essential that these amendments protecting solicitor-client conversations be passed. It is essential for the protection of the citizen. The bill must be looked at in that light. This is not something special for the lawyers. It is an essential protection for the citizen that he should be able to talk freely with his counsel knowing that no one will be listening or eavesdropping on the conversation. I commend these amendments concerning electronic surveillance to parliament, reminding Your Honour that they were approved by the committee in the last session, subject to two changes which tighten up proposals approved by the committee and which protect the citizens to an extent greater than was previously envisaged.

My colleague, the Solicitor General, will be speaking in this debate tomorrow and will have a good deal to say on other aspects of the bill. I shall touch on them only briefly. The proposed legislation in relation to dangerous offenders is virtually the same as that which was approved by the committee when considering Bill C-83. It will repeal the existing provisions of the Criminal Code dealing with habitual criminals and dangerous sexual offenders and enact new provisions which would enable the courts to impose an indeterminate sentence of imprisonment in the case of all dangerous offenders, including dangerous sexual offenders. The court may impose such a sentence if the offender has been found guilty of a sufficiently

[Mr. Basford.]

serious offence involving the use of violence or a serious sexual offence, if the court feels that there is a threat of continuing behaviour of this sort.

● (1610)

An application to the court to find a convicted offender to be a dangerous offender can only be brought with the consent of the attorney general of the province concerned. The National Parole Board will be required to review the case of a dangerous offender not later than three years after the sentence and every two years thereafter.

With regard to the last part of this bill, there has been in this country a great deal of interest in the custody and the release of inmates of penitentiaries. Because of the very extensive work now being carried on by the penitentiaries subcommittee of the Standing Committee on Justice and Legal Affairs, much anxiety has been expressed. Most of these provisions, as I have indicated, will be dealt with tomorrow by my colleague, the Solicitor General, who will be speaking in detail on them. I touch on some of the highlights in order to remind the House, in terms of public protection which is the central purpose of criminal law, that one of the provisions provides that statutory remission in federal and provincial institutions would be abolished and replaced by an equivalent measure of earned remission.

When someone is in an institution, under the current law, they have a certain amount of their sentence remitted. Under the proposed amendment that would not be possible. As a result of the changes there would be a greater onus on inmates to earn time off their sentences through good behaviour in the penitentiary, and greater pressure to behave responsibly while in the penitentiary. Remission would be earned at the rate of one day for every two served, computed on a monthly basis. Earned remission could be forfeited and, once forfeited, could not be restored. Furthermore, the National Parole Board would be strengthened in a number of ways to ensure that we have an effective parole system.

The major new development in this portion of the bill is the revision that is planned in the Prisons and Reformatories Act which was not contained in Bill C-83. Again, the Solicitor General will deal with those extensively tomorrow. I draw the attention of hon. members to the fact that these provisions have involved considerable consultation with the relevant provincial authorities. These provisions will no doubt be dealt with in detail in the Standing Committee on Justice and Legal Affairs.

I would return to what I said at the beginning of my remarks, namely, that the vital measures in this bill represent the culmination of considerable effort by many parties. I am referring to parties on this side of the House, parties on the other side of the House, and those outside of parliament. The time has now come to bring these long labours to fruition by prompt and deliberate consideration of this measure.

The process of law reform, especially in the criminal area, is a step by step one. Further work in all these areas will no doubt occur over the next few years. It is critical, however,