

*Criminal Code*

the police to listen in on their conversations. The police would, of course, be able to hear the telephone call which the prisoner might make to his lawyer in which he might make the most incriminating admissions. Then, there are the recent cases in Toronto, including the case in which one or more magistrates were investigated on the basis of evidence obtained because the police had been listening to the telephone calls of a man they suspected of being involved with the underworld. This was done not for one hour or one day but for two months. For two months, the police had been listening to the telephone calls of Victor Alexander. It was on that basis they obtained information in respect of the magistrate or magistrates who were later put on the carpet.

It may be that wiretapping and electronic surveillance is necessary. I am not a lawyer and I have never been a policeman. It seems to me, however, that it is the duty of the police, the attorneys-general of the provinces, the minister of justice, or the Solicitor General of this government, if electronic surveillance and wiretapping is necessary to combat crime, not to ignore what has been happening. The way to do it is to write into the law exactly what they want. If we want to give the police the right to wiretap, then let us say so in the law. If we want to put limitations on that right and say before the police can listen in on somebody's telephone line they must get an order from a supreme court judge, a judge of the county court or a magistrate, and state the reasons, then let us say so. If we want to follow the example of Great Britain where the police must go to the Home Secretary and explain exactly why they want this right, then let us do it in that way. I say that it seems incomprehensible that we would permit wiretapping to take place. It is not only the police who are engaged in wiretapping. Industrial espionage goes on every day of the week.

● (4:20 p.m.)

Drug companies spy on other drug companies and oil companies spy on other oil companies. I am told that wiretapping is used frequently by one of the parties to a marriage who may want a divorce in order to get evidence against his or her partner. This is the kind of thing that goes on and these are the invasions of privacy against which the Prime Minister has spoken so eloquently and frequently. That being the case, why is there no

clause in this bill either outlawing wiretapping or defining the conditions under which it can be carried out?

I suggest to the Minister of Justice that if his officials are having difficulty in drafting such a measure he should consult with the hon. member for York-Scarborough (Mr. Stanbury). If he is not talking to him these days he should look at Bill C-24 which is entitled "An act to amend the Criminal Code (Control of electronic eavesdropping and wiretapping)". This bill was submitted by the hon. member for York-Scarborough and given first reading in this house on September 20.

I am not one who is particularly suspicious of motives. I do not believe that the hon. member for York-Scarborough was anything but sincere in respect of this question when he proposed this bill. I do not believe for a moment that this hon. member, who has spoken in and out of this house about the inequities of wiretapping, did not really mean what he said. I am sure he is really disappointed that the basic principle contained in this bill does not appear in the form of a clause in the omnibus bill. I have news for the Minister of Justice and the hon. member for York-Scarborough. We believe the hon. member's bill is so good that at the appropriate time we propose to move an amendment to add an additional clause to this omnibus bill which will be based on the basic principle contained in Bill C-24. I hope when we move that amendment the hon. member for York-Scarborough and the Prime Minister will be here so that they will be able to vote for that amendment. We are going to give them a chance to put their votes where their mouths are.

I should like to speak about something else contained in the Charter of Human Rights about which the Prime Minister spoke so eloquently and which is conspicuously absent from this bill. Let me quote again from an article reporting on the Prime Minister's briefing in respect of the charter of human rights. This article appeared in the *Ottawa Citizen* on February 2, 1968 and it reads:

The main additional legal right proposed in the government's white paper would be a guarantee against unreasonable searches and seizures.

"At present in Canada" the white paper stated, "evidence obtained not only by means of an unreasonable search but by actual illegal means (theft, for example) is generally admissible in the courts."

There are many people who are much more knowledgeable in the law than I who could, and I am sure will, give precedents for this.