

Criminal Code

Almost everyone who has spoken in this debate has declared that, although there are times when the state ought to have the right to intercept or open mail, it should be done only under appropriate safeguards. Those who have taken the trouble to define appropriate safeguards have made it clear that what they meant was a warrant from a judge.

Most of those who have defended this bill have emphasized the fact that, with respect to requests for opening mail, where the senders or the receivers are suspected of being involved in drug traffic, a warrant has to be obtained from a judge. But in the case of security the situation is quite different. The person who issues the warrant in that case is the Solicitor General (Mr. Blais). It can come about in two ways. On the one hand, the Royal Canadian Mounted Police can request of the Solicitor General that he issue a warrant, or the Solicitor General on his own initiative can issue a warrant. That disturbs and concerns us deeply.

I could take time, but I will not, to recount some of the things we have been through in recent weeks and months. Surely the experiences that we have had underline the necessity for the objectivity of a judge rather than for a decision being made by a member of the executive. It is that fatal flaw in the bill that makes us feel we should not vote for it in its present form.

It is true that the bill is going to committee. It is true that it is theoretically possible for the committee to amend the bill. However, a number of those who have spoken, especially members of the Progressive Conservative party, have said that although they are prepared to vote for second reading of the bill, they will oppose it on third reading unless a change is made so that warrants for opening mail in respect of security have to be obtained from a judge.

We think this matter is serious. We are alarmed about what has been happening recently. As I say, it is too serious to give an affirmative vote at this point. Now is the time to take our stand against the element in the bill that to us is not only a denial of civil liberties, but is a case of putting too much power into the hands of the executive.

That is the reason that we in the New Democratic Party have taken our stand against this bill. We are not against the portion of the bill that deals with drug traffic. We are not against totally the idea that there can be instances in which the state should have the right to open mail. However, Mr. Speaker, we insist that in no case should it be done without a warrant obtained from a judge. Because of that flaw, we feel, as we did at the beginning of this debate, that we must vote against the second reading of this bill.

The Acting Speaker (Mr. Turner): Order, please. I must inform hon. members that if the minister speaks now, he will close the debate.

Hon. J.-J. Blais (Solicitor General): Mr. Speaker, I will be very brief. It has been my pleasure to have heard the large number of participants in this debate. I feel the debate has been constructive. I look forward to a very serious, fruitful and worthwhile discussion in committee.

[Mr. Knowles (Winnipeg North Centre).]

There has been a strong expression of approval for the principle of this bill. I appreciate that approval. There has also been some indication of a fear relating to the safeguards. I want to indicate to hon. members that I am reviewing all the suggestions that have been made and I will consider whether there might be some grounds for presenting some amendments.

Some hon. Members: Hear, hear!

Mr. Blais: I encourage all members to look at the debates and the arguments that have been presented. We are dealing with a very serious matter. It is one I have not taken lightly and one that I will not take lightly.

I understand, Mr. Speaker, there is agreement that there be a recorded vote at a quarter to ten. That is agreeable to the government. I understand it is also agreeable to the opposition parties. Upon this recorded vote being called, I understand there is an item of business standing in the name of the Minister of Agriculture (Mr. Whelan) that is ready to proceed. That matter will be proceeded with until a quarter to ten, at which time the division bells will ring and the vote will be taken at ten o'clock.

The Acting Speaker (Mr. Turner): Is the House ready for the question?

Mr. Nielsen: Mr. Speaker, I think the Solicitor General (Mr. Blais) meant that we should proceed with the item under the aegis of the Minister of Agriculture (Mr. Whelan) now, to be interrupted at a quarter to ten for the taking of the vote. Therefore, we are not ready for the taking of the question until a quarter to ten.

Mr. Blais: Mr. Speaker, I would like the question to be put now. I have concluded the debate. As I understand it, there will be a requirement for a recorded vote and that recorded vote will be put over until a quarter to ten.

Mr. Paproski: Mr. Speaker, there is not agreement between House leaders that there be a recorded vote at 9:45 unless five members stand to ask for a vote. I want to bring that to the attention of the House.

The Acting Speaker (Mr. Turner): Is the House ready for the question?

Some hon. Members: Question.

The Acting Speaker (Mr. Turner): Is it the pleasure of the House to adopt the said motion?

Some hon. Members: Agreed.

Some hon. Members: No.

The Acting Speaker (Mr. Turner): All those in favour of the motion will please say yea.

Some hon. Members: Yea.