

*Protection of Privacy*

available to the Crown are immense. It is surrounded with support staff. The police are in a position to conduct in-depth research. However, most often in our courts the defendant is at a severe disadvantage.

The view of a trial which people see portrayed, of a highly paid defence lawyer using every trick in the book to get his client off, is certainly not typical at all in respect of trials in this country. It is nonsense. In the typical trial someone is brought before the bar of justice who may or not be represented by a lawyer. He is very insecure. He does not understand the procedure. The Crown has enough going for it, without giving it more.

● (2130)

I am not so sure that we need to support this subamendment, because there are many other things that one might call technicalities but which are really matters of substance. It has always been a general rule of our law that the Crown should dot its "i's" and cross its "t's" to ensure that the liberty of the subject is protected. I must say that I have no hesitation in opposing the amendment put forward by the minister. The amendment is clearly a device to overcome the lack of success that he had in the committee. In fact, I am surprised that he bothered proposing this kind of amendment. He could just as easily have proposed an amendment which would wipe out the clause completely, something which he attempted to do in the committee.

I cannot look into the minister's mind to understand why he used this procedure. In any event, the meaning would be that illegally obtained evidence would be admitted in almost every case, because if you look at the amendment proposed by the minister you will see that no objective standard is to be applied by a judge. Anything that a judge found relevant would clearly be admitted in spite of its being obtained in an illegal manner. We have to come back to the basic principle in which the hon. member for St. Paul's, myself and others in our party believe, namely, that wiretapping is immoral, wrong and something that should be severely restricted in this country. It is clear from the minister's remarks that he does not share this view. I am sorry that he does not, but that is the only thing we can read into his remarks. On that basis, I have no hesitation in opposing the minister's amendment.

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

**Some hon. Members:** Question.

**Mr. G. W. Baldwin (Peace River):** Mr. Speaker, I rise on a point of order. I understood the hon. member for Windsor-Walkerville (Mr. MacGuigan) was going to speak. If he is not, I am prepared to speak and give him an opportunity to speak later.

**Mr. Ouellet:** Yes, keep the debate going.

**Mr. Baldwin:** The Postmaster General (Mr. Ouellet) should attend to his own business. He has enough problems trying to deal with that monstrosity. It was bad enough when he took it over but it is a lot worse since he has been dealing with it. He should spend more time looking after the Post Office and less making remarks about things he does not understand.

[Mr. Leggatt.]

**Mr. Alexander:** Get the Christmas mail out.

**Mr. Baldwin:** If the Postmaster General could only keep quiet, we would not have these arguments. I was trying to go along peacefully, creating no difficulties at all. I want to oppose the amendment of the minister.

**An hon. Member:** Oh, oh!

**Mr. Baldwin:** I am glad to hear the hon. member. It is the first time I have had a chance to hear him. I am glad to know he can speak. Even he would know better in his heart than to really support the motion of the Minister of Justice (Mr. Lang) in his attempt to wipe out the good work that the standing committee did in this regard.

I am prepared to go along with the amendment moved by the hon. member for St. Paul's (Mr. Atkey). I suppose I must support it, since I seconded it. In spite of what the hon. member for New Westminster (Mr. Leggatt) said, I think there is a valid case to be made for the reason that sometimes the police—and I am speaking directly to the amendment of the hon. member for St. Paul's—in urgent cases may not have had an opportunity to have completed all of the technical requirements as conditions precedent to getting the judicial approval of a judge. I think that is the issue, and this is what we in this party rest our case on—that there must be judicial intervention.

If a judge does in fact give an order, even though it may be based on some technical error contained in the affidavit and which does not go to the substance of the application upon which the authorization is made, it would be most unfair and inequitable to deprive the authorities of their right to use the evidence. I am sure, as I said before, that a large body of jurisprudence will be built up in connection with this bill. I think that a judge charged with the responsibility, having cast upon himself the onus to which the hon. member for St. Paul's refers, will make quite certain—I am now talking about a judge at a trial at which there is an attempt to have evidence admitted which has been obtained following a private communication—not to allow that evidence until the Crown has sustained the burden which is suggested in the amendment of the hon. member for St. Paul's.

I would have thought that the very least the minister would have done—I might have given more thought to his proposal if he had done it—was to ensure that there be an onus cast upon the Crown, in introducing evidence which has been obtained as a result of an interception, to satisfy the court that there is no taint of illegality about it. If the minister had that in mind, he might have been entitled to a little more consideration of his proposal than otherwise would be the case. That is not much to ask for, that the Crown shall sustain the burden of proof that the evidence they are attempting to introduce with respect to matters following interception has been legally obtained. But it is obvious the minister is not interested in that. Therefore we have to oppose his amendment, and I hope there are hon. members on the other side of the House who will look at the matter in that light.

I heard the speech of the very attractive hon. member for Louis-Hébert (Mrs. Morin). It was a good speech and I think she made as good a case as could be made. However, I think she made as good a case as could be made. How-