

For people who do not store, handle, and use their weapons responsibly, penalties must be imposed. There are still far too many instances where children, for example, gain access to improperly stored weapons or ammunition causing tragedy for themselves or playmates. This cannot go on. Generally speaking, careful use of firearms is a matter of common sense.

Gun clubs and provinces make excellent material available advising people how to handle, transport, and store their weapons safely, and there is no excuse for people failing to do so.

As far as the use of guns by professional criminals goes, this legislation will make it as difficult as possible for them to gain access to firearms, and will provide penalties for committing crimes with guns which are so stiff that the crook feels it is too dangerous to do so.

I think one of the things the committee was looking for when we discussed this the last time, and I also agreed to, was somehow to write into the law a system of mandatory minimum sentences for the use of firearms in the commission of crimes which would be a signal to the criminal element that if they were going to commit crimes they had better not do it with a firearm. It was the unanimous feeling of the committee that that was the desirable and necessary approach to take. It is alarming to note that the incidence of firearms robbery rose 53 per cent between 1974 and 1975 while non-firearms robbery rose only 11 per cent. We must turn this trend back, and I believe that our new proposals can do so.

Hon. members will recall the discussion during the last year on the work of the Quebec crime inquiry. It was very much in the news. The recommendations made by that inquiry relative to the criminal use of firearms and what the law should be were carefully considered in the preparation of this legislation.

The firearms control provisions in Bill C-51 fill a critical gap in the protection that Canadians have a right to expect. They have a right to expect parliament and myself to deal with that. That gap must be filled now before yet more deaths and injuries point out in the most tragic manner possible the urgent need for improved control of firearms.

In a free society we have to take account of what the views of the Canadian people are, without at the same time using the strength of the majority to override the legitimate interests and needs of the minority.

The last public opinion poll taken on this subject in February, 1977, asked, "Would you favour or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?" The responses were 85 per cent in favour, 12 per cent opposed, and 3 per cent with no opinion. I submit that the proposals relating to firearms contained in Bill C-51 are precisely in line with that question. The question refers to a police permit, the legislation to an acquisition certificate which would apply and be necessary for the new acquisition of a firearm. We have a responsibility to respond to the need and the desire of those 85 per cent who want that sort of system within the law of this land. We obviously have a responsibility to take into account the interest of the 12 per

Criminal Code

cent who oppose this system. Many of them are sportsmen, gun-users, trappers, and native people. In designing Bill C-51 and in the immense amount of consultation which has gone on, we have endeavoured, successfully I think, to take into account the proper interest of that 12 per cent. I hope this minority will recognize, as we proceed with the debate, that we have endeavoured to take their interest into account while protecting the majority of the Canadian people.

● (1600)

I wish to turn now to the provisions of the bill relating to electronic surveillance, an immensely difficult issue which concerns each one of us. As many hon. members will recall, the question was debated at great length in 1974 when the protection of privacy bill was under consideration, and again when Bill C-83 was before the House. The provisions in Bill C-51 in relation to electronic surveillance do not in any way derogate from the fundamental principles, approved by parliament, that the individual has a right to privacy in his lawful communications with others, and that private interception of communication is outlawed.

Just as the protection of privacy legislation was passed by parliament with no intention of frustrating the capacity of police authorities to uncover and prosecute crimes, the amendments in this bill are designed to ensure that the activities of the bosses of organized crime can be more effectively investigated than is possible at present. The amendments are essentially the same as the provisions passed by the House committee which reported on Bill C-83. There are two important changes and each of them further protects the fundamental right to privacy. I might add that in this speech I shall deal with those two changes only. In committee I shall obviously have to deal extensively with all the provisions relating to electronic surveillance.

The first change has to do with the 90-day notice provision. Your Honour will recall that the earlier bill allowed a waiving of the 90-day notice provision according to which, if surveillance had occurred, notice had to be given within 90 days. In committee last year the hon. member for Lafontaine-Rosemont (Mr. Lachance) introduced an amendment to extend the 90-day notice to a period of five years if a judge so ordered. In other words, the giving of notice could be delayed for a period up to five years. This meant that while, as a general rule, the police had to give a notice to a person who had been the object of an interception within 90 days of wire tapping, in special cases a judge could order, upon the basis of a sworn affidavit, that the permitted period could be extended to five years.

This amendment, as I followed the committee proceedings, was generally supported. I quote, for example, the hon. member for Calgary North as reported in the official record of committee proceedings of June 16, 1976. The hon. member is reported as saying:

Mr. Chairman, I am happy to see this change. I do not think any of us can take individual credit but I do know Mr. Leggatt took that position, as did Mr. Fairweather and Mr. Diefenbaker in our party, and myself, as well as Mr.