

Criminal Code

Mr. Paproski: They change it from crisis to crisis.

Mr. Woolliams: That is correct. As Mackenzie King said, it is an essential principle of liberty and freedom that the law of the land should be known. We are entitled to know the law. The minister said the police must know what weapons are prohibited. I would be far happier if ordinary people knew what weapons are prohibited or restricted. On Monday, I am perfectly entitled to go hunting with my gun. Its possession and use is legal. On Tuesday, its possession and use is illegal. Why? Some unknown body has passed a law in the middle of the night, as it were—and the government would allow this. The hon. member for Peace River (Mr. Baldwin) has established his image across the country as a crusader for freedom of information. We are proud of his image and hope his crusade succeeds. I hope the government was making sincere proposals in the Speech from the Throne and will introduce legislation along the lines suggested by that crusader from Peace River.

Mr. Brisco: More than likely it was a put-on.

Mr. Woolliams: I hope it was more than that. If ever an amendment to a bill deserves the support of parliament, it is this one—because the government has a majority: it thinks it can do as it wants. Mr. Speaker, all governments come and go, but the principle of the rule of law remains. I say, inasmuch as 3,300 orders in council were passed, but only 600 published, Canada is in a sorry state. My remarks apply not only to this bill; they apply also to the human rights bill, the immigration bill, and others. This House grinds out bills like a legislative mill. In this case, parliament is erecting the frame of the House, but the executive will put on the siding and roof.

Parliament will legislate power for the executive to make laws while Canadians sleep. Mr. Speaker, we are dealing with a serious subject, the criminal law affecting the rights and liberties of the individual. I never thought I would see the day when a provincial legislator would be jailed for his refusal to divulge information. That was shocking. You cannot do your job without information. Sometimes you must get it surreptitiously because you cannot pry it out of this government. What happened to that legislation could happen to any Canadian on the strength of an order in council passed in secret.

I expect the hon. member for Winnipeg North Centre (Mr. Knowles) remembers the time when this House debated a spy inquiry which involved certain civil servants. It was alleged that there was no law to cover the matter, and the minister of justice of the day passed an order in council whereby people were incarcerated. Lights in their cells were left burning. That minister said it was an emergency and passed the order in council. Surely there is no emergency so great that we can put in jeopardy the rights and freedom of the individual, as certain dictators in Europe did. You cannot put them in jeopardy by passing an order in council. Therein lies the great danger of this bill.

I want parliament to debate such orders in council; to examine them. That is why I propose my amendments. The

[Mr. Woolliams.]

first of them concerns the appointment of peace officers by order in council. Perhaps the point is not too serious, although the Casal group appearing before the committee wanted that provision changed. I ask hon. members to support motion No. 28 which will provide for orders in council relating to the criminal law to be brought before parliament.

Before I sit down, let me make one more point. Many people wrote to the chairman of our committee and to me asking for the opportunity to testify on this bill. I do not know why there was such a great rush in pushing this bill through committee. Sometimes we sat from early morning to late at night, but most people were denied the opportunity to testify. The Committee heard several small groups. The Advocate Society of Upper Canada, including benchers of Ontario, appeared before the committee. We listened to Messrs. Chappell, Cartwright and Cooper, distinguished scholars all from Toronto. They warned the government of the consequences of amending the criminal law as the bill proposes. I shall have more to say later about the invasion of privacy provisions, which are a disgrace. I am asking parliament, in a non-partisan way, to examine seriously how the government intends to enact criminal law by order in council passed by some unnamed body or unnamed person perhaps some time in future. It may be my lot to be that person, but I do not want that responsibility. I want Canadians to know where they stand. I want our law-abiding citizens to be protected by the law and to know the law. Because if they do not know the law, how do they know they are breaking it?

I will say no more lest I should undo my own case—which has happened in the past. I think my case is strong; I have tried to make it sincerely and intelligently. As a practising member of the Saskatchewan and the Alberta bars of 30 years standing, and as a trial lawyer, I know how these things work. I have defended people charged with contravening the wartime prices and trade regulations at a time when orders in council were ground out by the thousand and nobody could be certain of the law. People were brought before the bar of justice and tried for offences that nobody knew existed. That is why the learned judges saw fit to require that before a conviction was possible, the order in council concerned must be filed as part of the evidence. I ask the minister to reconsider and repent in reference to this matter.

● (1220)

Hon. Ron Basford (Minister of Justice): Perhaps I might take a few moments in which to deal with both these proposed amendments. The first is motion No. 7 which would change the meaning of "peace officer". The definition in the bill was put there at the expressed request of a number of provincial attorneys general who wished to restrict the general Criminal Code meaning of "peace officer" which includes deputy sheriffs, justices of the peace and others. Under the Criminal Code as it currently reads, provincial attorneys general have no authority to limit the ability of these people to carry side-arms. I am responding to the expressed request of a number of attorneys general in the amendment I am proposing. After all, they are the chief law enforcement officers in