

Criminal Code

relevancy. I quote Mr. Justice Spence, in his dissenting judgment, who said:

I am most strongly of the opinion that it is the duty of every judge to guard against bringing the administration of justice into disrepute. That is a duty which lies upon him constantly and that is a duty which he must always keep firmly in mind. The proper discharge of this duty is one which, in the present day of almost riotous disregard for the administration of justice, is of paramount importance to the continued life of the state.

Unfortunately, few Canadians are aware of the serious ramifications flowing from the Supreme Court decision in the Wray case.

That prospect is frightening enough, but perhaps the most disheartening aspect of the Wray case is that the court's decision has the unintended effect of giving judicial permission to participation by the state in the illegal conduct of policemen. The rule in Wray denies any value other than the search for truth. But I quote Viscount Knight Bruce, who said:

... truth, like all the good things, may be loved unwisely, may be pursued too keenly—may cost too much.

But since the Wray case was decided in 1970, neither parliament nor the courts have taken any action to reverse the dangerous precedent that was set, despite the sensible guidelines regarding judicial discretion which have been issued by the Law Reform Commission of Canada.

Indeed, not only has Wray remained as the law of the land, but since 1970 the Supreme Court's ruling has obviously assumed the proportions of a huge umbrella under the shelter of which many of Canada's prosecutors feel impelled to tender as evidence some very questionable items, and the courts are required to condone practices that prior to the Wray case would have been totally unacceptable.

I want to refer now to what has been going on, Mr. Speaker. According to the annual report of the Governor General as it pertains to wiretapping, for the period of 1976-77, 548 authorizations were given under Section 423 of the Criminal Code; 21 authorizations under Section 192 of the Customs Act; 529 authorizations under the Narcotic Control Act; 106 under the Food and Drugs Act; 11 under Section 163 of the Excise Act, and one under 158 of the Excise Act.

Perhaps the most interesting statistic in the report shows that 1,062 persons were arrested whose identity became known to a peace officer as a result of an interception under an authorization. The number of criminal proceedings commenced at the instance of the Attorney General of Canada in which private communications obtained by interception under an authorization were adduced in evidence and the number of such proceedings that resulted in a conviction was 13. That is, criminal proceedings, 13; convictions 13.

I do not know what to think about this, Mr. Speaker. We see that when we give the police too much authority it results in 1,062 arrests.

Now I will turn to something that the minister spent most of his time on, gun control. Many of the amendments we suggested to the House in debate proved true and have been incorporated in the bill. I am thankful for that. It is like a prayer, Mr. Speaker—I am thankful for what I am about to receive. I am

[Mr. Woolliams.]

happy to say that we have helped bury Bill C-83. The function of the opposition was fulfilled in this case—with excellence.

Some hon. Members: Hear, hear!

Mr. Woolliams: Take, for example, the clumsy definition of ammunition and the denial of the rights of those who earn their living as trappers and hunters. The rights of the ranchers and farmers were infringed upon but all these things have been corrected somewhat. I could go on ad infinitum, Mr. Speaker. I, personally, and our party caucus prepared more than 30 amendments. Many were accepted, yet on second reading of that bill in the House we were told it was a beautiful piece of work. When it got to committee, however, it was stripped naked. The bill before us is brand new and streamlined, and amendments can also be made to it in committee.

I do not really believe that even this bill will do what all of us want, that is, take firearms out of the hands of criminals. I do not know whether there are six million or 11 million shotguns and rifles in the hands of Canadians now, but whatever the figure is, this bill does not affect them. I can sell my gun or give it to a member of the NDP—

An hon. Member: I do not want it.

Mr. Woolliams:—or even to the minister. How can the transfers be traced? What we have now is really a law for newcomers and a law for oldtimers. That may be better than nothing. I think the minister was being fair in trying to prevent people who have a shotgun and decide they do not like the lady they are living with from rushing down to the hardware store for ammunition to settle things or going out and committing other crimes—I know that is the purpose of this bill. I would be the first to say that that is a good object, but it does not really correct the situation. I do not know how many guns there are. One article I read said 11 million and another, more conservative, said six million. No matter how many guns there are, they will move around society.

I wish to discuss the regulations now, Mr. Speaker. The minister said that he has cut down on regulations. That reminds me of the man who in 1975 raped six women but in 1976 only raped three, so he contended he was better. I am not going to go into them all, but they claim to regulate the handling, storing, advertising, the kind of ammunition, mail order supply, fees, applications for permits, traffic in firearms deemed to be curios—the list goes on and on.

● (1700)

In 1976, 3,326 orders in council were passed, of which 653 were published in the *Gazette*—that is not the *Montreal Gazette* but the *Canada Gazette*. This means that Canadians did not know about 2,673 orders. A former Prime Minister said one should know the law, and as the minister well knows, ignorance of the law is no defence. But how can one know of laws if they are not published, or not promulgated? What is the use of proclaiming the law in the middle of the night, as it were, when you are asleep? Mr. Speaker, as the minister knows, the committee considering Bill C-83 won a battle.