

*Measures Against Crime*

electronic surveillance and the unauthorized ones that can be allowed, I submit, cannot be countenanced by this or any other parliament. I hope the minister and his colleagues will have second thoughts and agree that this provision should be withdrawn. Too many decades have been spent in this and many other countries in the expansion and extension of the guaranteeing of civil liberties and the freedom of individual citizens for us to take this retrograde step in respect of this legislation.

In respect of dangerous offenders, the amendments remove some of the previous formality without getting rid of the former sanctions. I think this is a general improvement. If it should fail to achieve its objective of protecting the public against dangerous offenders, sexual and otherwise, the fault will be with the judicial system and not the law. Concerning where the fault may lie, it seems to me if faults of this kind should become evident through experience in the enforcement of this legislation, it will be incumbent on government and parliament in the future to bring in further legislation to correct any faults there may be in the judicial system.

On the matter of the custody and release of inmates, I think it is high time the absurdity in respect of the calculation of sentences should be removed. At the present time a sentence does not mean what it says, and very few lawyers in this country are capable of calculating a release date in a complicated situation. Earned remission is inevitable under present rehabilitation reasoning and may help in the control of inmates. I, for one, agree with the idea of earned remission. The conduct of the prisoner himself will decide what length of sentence he will serve. That onus in respect of individual responsibility on the part of the inmate is not only a good rehabilitative feature, but I feel it is one which will help in the control of inmates and their behaviour.

The increase in deterrent for escape is realistic, but the effort to provide a greater degree of security and safety in prisons will not be accomplished without the clear statement that a prisoner, by his very status, loses certain rights. Once again there is evident here lack of a clear philosophical base, which will continue to create uncertainties and strife within our jails.

I agree with the increase in the deterrent for escape and attempted escape. That penalty should be there and should be added to the sentence which remains to be served. I would hope that those who are far more expert than I, those involved in the law who have great experience and training in this regard, will take a further look at the legislation.

There has been a great deal of emotional hysteria around the country in respect of this legislation and different parts of it. I find this comes from both extremes, those who are for and those who are against portions or all of the legislation. Some of this emotional hysteria, I submit, has been generated by people who in many cases should know better. I have been appalled by some of the outrageous lengths to which some people have gone to criticize this legislation whether in respect of the control of firearms, the abolition of the death penalty or any other feature.

They have attempted to stir up emotional, unreasoned, inane and insensible hysteria around the country. I think that is very unfortunate. I would have expected more from many of those spokesmen. I am sad to say that even some

[Mr. Benjamin.]

members of parliament, perhaps unwittingly, have tried to attract more of that unreasoned hysteria and emotionalism, which has degenerated to sheer absurdity in some of the arguments put forward in opposition to portions or all of this legislation. That is no help to parliament or to the government in arriving at good, sensible, reasonable and enforceable amendments to our Criminal Code or additions to the Criminal Code. I would hope that the level of the arguments put forward against some of the measures in this legislation would reach a higher level in respect of some hon. members than has been the case so far.

Mr. Speaker, may I call it one o'clock, so that I may complete my remarks later?

**The Acting Speaker (Mr. Turner):** It being one o'clock, I do now leave the chair until 2 p.m.

At one o'clock the House took recess.

● (1400)

**AFTER RECESS**

The House resumed at 2 p.m.

**Mr. Benjamin:** Mr. Speaker, before turning to the main part of my speech regarding firearms control, I want to add a few more comments to those I made prior to one o'clock on the matter of electronic surveillance. You will recall that I said I was shocked that the government would want to wreck the civil liberties aspect of the law with regard to electronic surveillance.

I only want to add to those remarks that we must keep in the legislation the notification features. Anyone whose telephone has been tapped or who has been subject to electronic surveillance in any other way is entitled to be notified within 90 days after the fact that surveillance was carried out in that manner. Secondly, the provision requiring police to obtain a court order or a warrant from a member of the judiciary not only must be maintained, but I think all police forces should want that provision in the legislation, even if it means having to get a judge or a magistrate out of bed at two o'clock in the morning to obtain such authorization if it is that urgent. That would be the route to go.

In my opinion, there should always be a judge on call, similar to doctors. If he is needed by the police force in the carrying out of their duties in order to live up to some part of the law, there is no reason a judge cannot be available at all times to assist the police in that respect. So I hope the present provisions on electronic surveillance will be left as they are and not amended in such a manner as to erode civil liberties and the basic rights of the citizens of this country.

I was saying, also, prior to one o'clock that in my opinion there has been a great deal of nonsense, hysterical and idiotic argument put forward against some parts or all of this legislation by people who I believe should know better. In fact, many of them do know better, and I regret to say that some of them are members of this chamber.