

Measures Against Crime

gentlemen opposite paid very little attention to the recommendations contained in it. I will read page 61 dealing with the question of the admissibility of illegally obtained evidence in courts of law.

Rules of evidence are unlikely to prove very effective in controlling police behaviour. However, the courts must be able to protect the integrity of the adjudicative process. Therefore evidence should be excluded if it was obtained in such a manner that its admission would bring the administration of justice into disrepute and in effect render the judicial process, which ultimately is designed to further the aims of the penal system, self-defeating.

This is a law and order bill. It should mean law and order for you, for me, and for the police too. I see no reason why the police should be rewarded by permission to introduce illegally obtained evidence. The law is for all of us, not just for some of us. This proposal does nothing to reduce the crime rate, but if we allow illegal evidence to be produced it does a great deal to bring the judicial system into disrepute.

Another provision the minister seems very keen on is the removal of the notification process. With the greatest respect I do not think he understood why that provision was put there in the first place. It was meant to provide a check in this exceptional area so that the police would not abuse their right to wiretap and so that, ultimately, an innocent citizen would know his communications had been intercepted. This was the method by which parliament decided to reduce the number of unnecessary interceptions.

Wire tapping is not a normal police procedure. Look at the statistics in the United States and you will find evidence of the most amazing kinds of fishing expedition which have revealed nothing except the bedroom behaviour of all kinds of people. The United States experience of wire tapping goes to the roots of the system under which we live. It profoundly affects the right to privacy.

If we remove the right to privacy we must do so carefully and in a manner consistent with the rights the public has traditionally learned to expect by way of protection from big government. The two provisions the minister proposes in this area represent the most serious erosion of the kind of rights to which we are accustomed under the British judicial system, which I am sure we all respect as among the finest in the world. I hope the Minister of Justice will give serious consideration to withdrawing those changes. Let me tell him that the members of this party and, I hope, most of the opposition are going to fight them with all the vigour at our command.

● (2030)

We have little to argue about the provisions regarding dangerous offenders. It is a rationalization of the program. There is a useful change, as I understand it, in the sense that only violent sexual offenders qualify now for an indeterminate sentence, and that is an improvement over the old system. Nevertheless we are still faced with the problem of the discretion given prosecutors and attorneys general; the manner in which the section is applied can be abused substantially. I am therefore issuing the caveat regarding this section, perhaps for the guidance of attorneys general and prosecutors in this country, that they had better get together and have a conference and decide who

is going to be charged under the dangerous offenders provisions, and who is not.

At the moment the majority of people who are presently serving time in Canada come from British Columbia, and this is because of some very effective prosecutions in that province. Nevertheless it is clear that those sections were not being applied properly across the country. It seems to me that a national conference of some kind on the application of the dangerous offenders provisions is fundamental to seeing that the sections are applied fairly.

The bill also deals with changes in the operation of our prisons and parole. I should like to quote from the minister's statement which he issued on February 24:

—a revised construction program that will accelerate the replacement of large, obsolete maximum security institutions by smaller, more manageable institutions and the reduction of population in the existing medium institutions—

Although the minister talks of reducing the prison population there is no question, if one examines the bill, that the prison population will increase. I see the Solicitor General shaking his head. If we amend the mandatory parole provisions regarding violent offenders as the bill provides, and the capital punishment bill provides for 25 year mandatory sentences—though that is not as important in terms of numbers as the general parole changes—then I would be happy to be enlightened if this does not mean that we will be increasing the population of our prisons very substantially. So these pious statements about reducing the population of our penal institutions in Canada, quite frankly I do not think will wash when one examines the approach being taken to sentencing.

Mr. Allmand: They have to do with non-violent crimes.

Mr. Leggatt: Another facet connected with parole that has been of concern to me is the lack of consultation with those who most intimately know the subjects for parole. It is very easy for a prisoner to get himself ready for a parole hearing, and what happens is that the glib and articulate wind up out on the street while the inarticulate remain inside, when quite often the reverse should be the case. We should consider having consultations with other inmates in the institution and with the guard staff who have more day-to-day contact with the inmates of institutions.

There is not much doubt that one of the reasons, why the penal system has come into such terrible disrepute has been the mistakes that have been made in the issuance of parole. They have been horrible mistakes; there is no getting away from that. The problem continues to be in the granting of parole—who gets parole, and the review process that presently exists. I submit that the kind of consultation that should be carried out—

The Acting Speaker (Mr. Turner): Order. I regret to inform the hon. member that his allotted time has expired. He may continue with unanimous consent. Does the hon. member have unanimous consent?

Some hon. Members: Agreed.

Mr. Leggatt: May I thank the House. I will try to close my remarks briefly and not take advantage of the generosity extended to me. If I may get off the subject of parole for a moment and back to the question of what we