

*Criminal Code*

The fact of the matter, as the hon. member for New Westminster and the hon. member for Calgary North have said, is that this bill is perhaps the best example of how this sort of thing can occur. First of all, part of the bill deals with firearms legislation. Then it goes on to deal with electronic surveillance. Then the bill deals with amendments affecting dangerous offenders' legislation. Then it deals with the custody and release of inmates. Finally it deals with revision of the Prisons and Reformatories Act.

That is quite a formidable package of criminal law. A member of parliament may feel very strongly about one part of the bill as proposed by the government but not so strongly about another part. He may agree with one part of the bill and disagree with another. Each of those sections of the legislation could stand on its own merits, but when a member of parliament is ultimately forced to take a position, he votes perhaps in favour when in fact his point of view might have been completely different. He is then left to explain himself. Indeed, the legislative process is left to explain itself. Parliament becomes less understandable and there is even the chance of an attack on the relevancy of parliament. Some people are prone to attack the relevancy of parliament from time to time, and this process assists and aids it. That is why the bill is an unfortunate one in terms of its form—I will deal with the substance of the bill in a few moments—as well as in terms of the legislative process.

There is no doubt that there have been incidents involving the use of firearms. There is also no doubt that it is legitimate for parliament to intervene in this regard. It has been questioned whether or not, by means of this bill, we are setting up two classes of people who own firearms, those who own them now and those who may acquire them hereafter. Certainly in committee we will have to consider the validity of that concept.

I am satisfied that what the government intends in this bill is to see to it that over a long period of time firearms which are presently owned by people are gradually phased out, say over a period of 20 years. I would be very interested to hear, when the minister sums up, whether that is his point of view, that there will be a gradual phasing out of firearms presently in existence, and that as new firearms are purchased they will be made subject to licensing. If that is the philosophy in this bill, I should certainly like to have it explained in committee.

The new bill does away with a number of things which were obnoxious to a number of well intentioned people in Canada. I received tons of mail on the last bill, and there may be a significant amount of mail come in on this bill too. But I think one can say of the existing bill that there is a fundamental difference in the classes of person to whom it will apply.

Those who felt that the government should have taken a strong position on gun control regard this bill as a capitulation. I suppose that many of those who were upset by the position taken by the government last time, and who felt the legislation was too strong, on reflection will look at this bill and say there has been quite a considerable change.

Another part of the bill which concerns me as a citizen in a free society is the part which deals with electronic surveillance.

[Mr. Baker (Grenville-Carleton).]

These provisions are so great an advance in terms of the power and authority of the state, as embodied in the approach and philosophy of the government in regard to electronic surveillance, that as a citizen and a lawyer I am concerned.

● (1750)

I do not see at this point any demonstration being made by the government in the application and use of the existing electronic surveillance provisions that could so move the Minister of Justice, who is responsible for some balance in the government's approach to legal affairs and the law of the country, to suggest that we should abandon to a greater and greater degree our regard for civil rights, for the freedom of the individual in our society, and for what has been held to be part of the rule of law in this country for many years.

If it could be demonstrated to me that the administration of justice and the exercise of the police authority found itself in a society which was deteriorating so that the only way that one could preserve law, order and justice was to extend the already extensive powers in the Criminal Code to the point suggested by the Attorney General, then I would be bound to say that this country was indeed in a bad shape and that the police authorities needed these new powers. The idea of being able through the electronic surveillance devices, without notice, to shadow someone on a mere suspicion, is repugnant to me, and I think it should be repugnant to anyone who reflects on this bill.

I think there is a duty on the government, whether it does it in the course of this debate when we discuss the principle of the bill or in the committee to which this bill will be referred, to show that the situation in Canada is deteriorating, that the police cannot operate under the existing sections, that the power that has been given to the police is not sufficient. I suggest that on the basis of the statistical evidence that was quoted in the report of the governor in council with respect to the use of electronic surveillance, and the new sections that were put on the record and alluded to by the hon. member for Calgary North, exactly the reverse is demonstrated, that the powers that presently exist are potent ones, that a police officer, properly instructed and properly operating within the laws that exist now, has a power which he never had before, the potential of which has not yet been tested. Unless it is demonstrated otherwise, unless it can be shown that the administration of justice will fail, that the police and the power of the state will not operate and that the public interest will not be protected, the Government of Canada should not ask this parliament to give to the police an extension of the powers which they seek.

It is important that we consider fully and fairly what is being sought. While the debate on Bill C-83 was overshadowed by the public outcry on gun control, whether justified or not, we ought not to let the capitulation—if that is what it can be called, put any label on it that you want—with respect to gun control, to allow us to breathe a sigh of relief in the House that all is well, that the government has finally moved in the way the people want, and let this bill slide through and forget about