from the ruling of the Ontario court of appeal. He has ruled that even though one does not have authorization to listen into the conversation of B, if you only had it for A, you could hook B into the evidence as well. It is unclear how this decision fulfilled the requirements of sections 178.12(e) and 178.13(2)(c) of the code.

One month before the Douglas case noted above, the Ontario court of appeal came to some important conclusions in another case, that of the Queen versus Albert Welsh and Anthony Ianuzzi, of February 10, 1977. Here what were mainly at issue were considerations of conditions precedent in relation to section 178.23(1) of the Code, the so-called notice clause requiring notification of the person who has been under electronic surveillance that he has been the subject of wiretapping. As I said, the code requires notice of 90 days. They ruled in this case, and now we are to have the three year clause, that this did not stop the admissibility of the evidence. I only mention these cases because of what my good friend, the Minister of Justice, had to say with reference to my words, and his having half an apple.

Then there is another case, the Queen versus Wai Ting Li, dated July 28, 1976, British Columbia county court, Spencer, county court judge. It was a case where charges of trafficking had been laid under the Narcotic Control Act.

● (1640)

Mr. Basford: I went to school with him.

Mr. Woolliams: Well, the minister taught him some funny things, judging by these facts. However, this judge was one of the top football players at the school. At a voir dire issues were raised whether wiretap evidence was admissible, in view of the problems of authenticating the recordings, and whether the requirements of section 178.16 as regards admissibility had been met. It was determined that derivative evidence was admissible under that section, a decision resting upon judicial discretion. In other words, the judge had the discretion. In other words, the evidence which is gathered as a result of listening in on an illegal bug becomes evidence against people. I dealt with a situation where three could have been innocent and one guilty, but that all goes into a package. I am not going to read the judgment. I have it here, but I hope I have described it in a succinct fashion.

There was another case, the Queen versus Ju Kong Cheng et al, December 13, 1976. I do not know whether that is a relative of the Minister of Justice or not. It was a British Columbia county court case, and the judge was Judge Wetmore.

It was held that the notice clause was not a condition precedent to admissibility of evidence and that interceptions are lawful for the duration of authorization under the unknown persons clause so long as the person is unknown when the authorization is obtained. That differs from the Hamilton case where they listened in and found that one of the police officers was involved in hanky-panky.

[Mr. Woolliams.]

Without the oral evidence of the peace officer who swore the required affidavit to obtain a wiretapping authorization, the determination of the authenticity of the authorization at a voir dire is thrown upon section 30 of the Canada Evidence Act which requires seven days' notice by the party producing the affidavit to the other parties. It was held that that did not keep the evidence out. I could go on and on, but I shall not. I just emphasize these cases to show that whether it is the Minister of Justice or an official in his department—and I respect his officials—when we draft law, and parliament is considering it, it is subject to interpretation by judges. It is not what we say today in this debate that counts; it is what the judges interpret the words of the statute to mean. That is what often happens, and we often have to amend statutes because appeal courts find weaknesses in laws we pass which are not corrected in the Red Chamber.

In summary, there are five significant changes to the privacy sections of the Criminal Code in the criminal law amendments bill tabled in the House of Commons on April 20, 1977.

First, authorizations to intercept will not be permissible at a lawyer's office or other place where he communicates with clients unless the lawyer, a member of his family, or a member of his office is suspected of being involved in an offence. However, there again I say that under the clause and in view of the cases I have read, that would become a question of discretion for the courts.

Second, authorizations may be granted by a court in relation to any offence punishable by five or more years in prison, including bookmaking, smuggling, and offences related to organized crime.

The authorization period would be extended from 30 to 60 days.

Transcripts of unauthorized intercepts may not be admissible as evidence, but evidence derived from such transcripts would be admissible.

The notice clause will be extended from 90 days to any period not exceeding three years.

Our party has fought a hard fight in reference to human rights, and as the *Globe and Mail* said on May 2, 1977:

> A year ago Mr. Basford wanted to eliminate the need for notification altogether. A howl of outrage went up and last June Mr. Basford recanted by suggesting that the period for notification be up to five years from the end of the wiretap. Now he suggests that it be up to three years.
>
> Nonsense. Ninety days is adequate. Perhaps more than anything else it forces police to use wiretapping in only the most extreme cases and that, after all, is what the law should be aimed at doing.

I mention these facts because of what is developing in various provinces. A man is charged with murder, and there is some question about his emotional stability, whether he is sane or not. Before he has a lawyer he is wheeled into a mental hospital and interviewed by the Crown psychiatrist in order to help the poor fellow out, to find out if he is sane or insane. He is asked if he is under medical care, and he is given drugs. In one case a fellow was given 26 ounces of whiskey to see how he reacted when he was drunk. This came out in cross-examination at the last murder trial with which I was involved. Then