

bugs, would have been equally admissible had this bill with the indirect amendment been the law.

Why the great outcry at ensuring that police and others must obey the law? To leave the fine and/or jail sentence as the only deterrent is no assurance. Who will investigate and charge the police? The police? The same practice that has developed with statements will develop with electronic eavesdropping devices. As those of us who are lawyers involved in defence work will know, as often as not a statement is disallowed at the *voir dire*, but the accused is convicted nevertheless on evidence turned up by the police after the so-called confession has been extracted from him by one means or another. The argument has been made that to automatically exclude indirect evidence from an illegal wiretap would serve to hamper and handcuff police investigations of serious crimes, again as though there need be some trade-off between the protection of civil rights and the vigorous investigation and enforcement of the law by police agencies. I think this is a point that the hon. member for Louis-Hébert attempted to make. I think she missed the point entirely. I think her argument perhaps was well refuted by the hon. member for Winnipeg North (Mr. Orlikow) when he referred to it as a red herring.

The exclusion of indirect evidence would not hamper any honest and hard working police officer or force acting in good faith. Such officers and forces would regularly adhere to the law in obtaining the necessary authorizations and permits prior to carrying out any electronic surveillance. The real benefit derived is the protection of each and every one of us from overzealous police officers and other public servants who would know that to obtain any information, other than with proper authority, would be a fruitless task. Clearly there does not necessarily exist a trade-off between civil rights and law enforcement, as the investigative powers of the law enforcement agencies can be maintained but under authority and with permission. The greater good to society would be to ensure the protection of the individual's right to privacy rather than open the door to abuse by allowing indirect evidence to be admissible. Members of this House and this parliament have the opportunity to substantially improve the quality of criminal justice in this country. This House should take this opportunity by rejecting the minister's indirect evidence amendment and by allowing the amendment that was passed by the Committee on Justice and Legal Affairs to stand as it is.

Mr. Lang: On a point of order, Mr. Speaker, may I say that there have been some informal discussions and there might be agreement to stand motion No. 3, because some further discussions are taking place. Perhaps we could consider the group of amendments standing in the name of the hon. member for New Westminster (Mr. Leggatt) with which we had begun to deal previously.

Mr. Fairweather: Mr. Speaker, I am glad to agree on behalf of our party. Discussions are taking place and I hope we can arrange an accommodation.

Mr. Deputy Speaker: The hon. member for Broadview on a point of order.

Protection of Privacy

Mr. Gilbert: No, Mr. Speaker. I was about to participate in the debate.

Mr. Deputy Speaker: Then, the Chair will call upon the hon. member for Broadview.

Mr. John Gilbert (Broadview): Mr. Speaker, my comments in respect of this amendment will be very brief. I think the amendment was fully explained when it was presented by the right hon. member for Prince Albert (Mr. Diefenbaker). It was attacked by the Minister of Justice (Mr. Lang). My comments are prompted because of the speech this afternoon by the hon. member for Louis-Hébert (Mrs. Morin). The hon. member for New Westminster (Mr. Leggatt) set forth our position in regards to this particular amendment on second reading. I happen to set forth the position of the New Democratic Party with regard to our support for the principle of this bill. I said we supported the bill in principle and that we would try to obtain amendments in committee that would further strengthen it. We did that. We are now at the report stage and the hon. member for Prince Albert is bringing forward another amendment which he thinks will further strengthen the bill. But even after having said we would support the bill, after hearing the speech of the hon. member for Louis-Hébert and the speech of the Leader of the Social Credit Party I am almost inclined to say that we will not support the principle of the bill.

Were it not for members such as the hon. member for Windsor-Walkerville (Mr. MacGuigan) and the hon. member for Matane (Mr. De Bané) who gave some really accurate assessments of the principles of this bill, I would strongly recommend to my colleagues that we not support the bill. When I heard the hon. member for Louis-Hébert speak I thought she was announcing principles which would be applicable to a totalitarian country. When she attacked the hon. member for Saint-Hyacinthe (Mr. Wagner), she failed to mention that the hon. member for Saint-Hyacinthe was present at those committee hearings. He heard Ramsey Clark speak, and I think he has changed his position. I am rather proud of the hon. member for Saint-Hyacinthe for having changed his position. His change of position was brought about by the tremendous experience in Quebec, and especially the recent experience there.

● (1850)

One can never be proud of some of the activities of the metropolitan police in Montreal with regard to wiretaps. Most of the wiretaps that they have used would be illegal under the present bill. They would not only put wiretaps on a person who is about to commit an indictable offence but also in certain places. In other words, if a fellow with a criminal career frequents a place where criminals hang about, the police would seek permission to wiretap that place. In fact, it would be just a mere fishing expedition for evidence in which they would be participating. I was rather ashamed of the performance of the Montreal police when they gave their evidence.

The evidence of the RCMP was rather terrifying when you realize the number of wiretaps they use, the number of charges they lay and the number of convictions they obtain. Also, the record of the Toronto police is not a