

*Criminal Code*

We are all in his debt for the work that obviously he did in preparing his argument. It was well handled, well in keeping with his pre-eminence as a member of the Bar of Alberta.

I also pay tribute to the former member for St. Paul's, Mr. Ronald Atkey of Toronto, who served in this House in the twenty-ninth parliament. He led the battle in 1973 against the use of sophisticated electronic surveillance devices snooping into the day to day lives of Canadians and their documents. While such snooping may to a certain extent be inevitable in our society, he insisted, against the objections of the then minister of justice, on including in the bill then before the House certain safeguards or limitations governing the conditions under which surveillance could be carried out. I have read several times what he said in this House, and I commend to hon. members a reading of the speeches made on the bill in 1973.

I suggest that because of our determined opposition a sense of justice and fair play became evident in the government's approach to amending the Criminal Code. The amendments proposed under this bill can in part undo that which was fair and just. Therefore, we should not lie down, as it were, and say there is not a battle to be fought—because there is. Any time a free society accepts an amendment which without justification provides intrusion into the private lives of citizens by unusual and electronic means, by means too complicated for the ordinary citizen to understand, freedom in that society is diminished. That is what I am afraid of, and that illustrates my concern about this bill.

As reported in *Hansard* at page 3477 of May 7, 1973, Mr. Ronald Atkey spoke these words in the House of Commons:

To put my jurisprudential premise at its simplest, I believe that in a free society the right to privacy should be protected by law and that there should be derogations from this protection only where public need is clearly demonstrated by those who seek to use means to invade privacy in a rational way for the public good. The onus should always be on those invading privacy, not on those seeking the legal protection of the right.

Those are important words, straightforward and easy to understand, whether one is legally trained or not. Simply and fairly, they put forward the proposition the minister must answer. Really, the minister is saying that society in general, the members of which are just as interested as the Attorney General of Canada in defending individual rights, should grant the minister those powers he seeks in the bill without asking him to defend his request for such powers. We take that position. It is important for the House of Commons to speak loudly, and for its members to protest loudly against the government's attempt, no matter whether it is well-intentioned, to intrude one step further into the right of privacy, the right of civil liberty, the rights which accrue to any member of a free society, without first coming to parliament or one of its committees to justify what it is doing. They have not done so thus far. Until they do, this bill is a suspicious one, and the onus that is on the government as set forth by Mr. Atkey has not been satisfied.

[Mr. Baker (Grenville-Carleton).]

● (1540)

**Mr. John Gilbert (Broadview):** Mr. Speaker, yesterday we heard speeches by the Minister of Justice (Mr. Basford) and the main spokesmen of the opposition parties. I have never heard such an exchange of flattering remarks concerning the Minister of Justice, the hon. member for Calgary North (Mr. Woolliams), and the hon. member for New Westminster (Mr. Leggatt). In fact, I heard somebody say they were statesman-like speeches. My definition of a statesman is a dead politician. Therefore, I am not going to make a statesman-like speech today. I am going to tell it the way it is with regard to Bill C-51.

I say to the Minister of Justice that he has abdicated his responsibility to Canadians to make certain there is adequate protection for the safety and security of law-abiding citizens and to protect the legal rights and dignity of the government. That is the first comment I have with regard to the Minister of Justice. Second, the Minister of Justice has surrendered to the pressures of the gun clubs with regard to firearms, and to the police on wiretaps, thereby endangering the safety and freedom of most Canadians.

With regard to the main spokesman for the Conservative party, the hon. member for Calgary North, after making a fine speech showing the shortcomings and failures of the legislation, ended his speech by making a motion to refer the subject matter to the committee which would, in effect, kill the bill. To me and to many other people that was an irresponsible action with regard to a very important matter.

**Mr. Woolliams:** Mr. Speaker, I rise on a question of privilege. I would have thought the distinguished member who is now speaking would have told it as it really is. My motion was within the rules of second reading as far as I could go. I set out very clearly that it was being done so that the committee could sever the bill. The bill would be severed into the five different parts of the legislation so that we could pass our opinion as parliamentarians according to our responsibility. I think it ill behooves this member to misrepresent the position I took yesterday.

**Some hon. Members:** Hear, hear!

**Mr. Basford:** Mr. Speaker, I wish to intervene for a moment on this question of privilege. I think the hon. member for Calgary North (Mr. Woolliams) has stated the position correctly. While I will oppose his motion, I do not think it has the effect that the hon. member for Broadview (Mr. Gilbert) is suggesting. That, of course, is the difficulty when the hon. member for Broadview tries to be a politician rather than address these important matters of justice and law like a statesman, as he should.

**Some hon. Members:** Hear, hear!

**Mr. Gilbert:** Mr. Speaker, when I look at the content of the bill, I think the Minister of Justice far outstrips me as a politician. He certainly does not appear like a statesman when I read the provisions of the bill. It is a cop-out with regard to