

certificates, etc., but does not in any way come to grips by means of deterrence or punishment with those who would unlawfully use firearms in contravention of the rules set forth in the legislation.

● (1600)

I do not like the delegation of power to the governor in council, the commissioner of the RCMP, the attorneys-general of the provinces, the minister of justice, or local registrars to set out the regulations and conditions for the giving of various permits, licences, certificates, registration forms, and so on. Similarly, I do not like the fact that the forms are not set out precisely in this legislation, rather, there is a declaration that they will be announced. I strongly believe that the forms should be in an appendix attached to the Criminal Code so that people will have certainty in the knowledge of what these forms will require. Last, I do not like the fact that conditions will be announced which can be changed in the future without the knowledge of the person who is a legitimate user of guns. I suggest that the necessary conditions should be set out in this legislation and that perhaps only in exceptional, proven cases could a further condition be imposed by a local registrar.

Mr. Speaker, there are more aspects to this bill than just gun control. I would like now to deal with some of those other topics. Section 5 of this bill deals with prisoners trying to escape, or persons who would assist a prisoner to escape. It increases the maximum sentence from five years to ten years. Again, Mr. Speaker, if the government were really interested in security and in giving people a sense of security, I suggest that it would be a step in the right direction if there were a minimum sentence of, say, two years in order to try to deter prisoners from breaking jail or to deter persons from assisting a prisoner to break jail.

The increase from five years to ten years, as the maximum sentence under this section is, is in itself a bit of a laugh. I do not believe that in recent years any person has been given the maximum sentence of the present five-year term. If this is so—and I would look forward to the Solicitor General's comments on this—it seems obvious that it is unlikely that increasing the maximum to ten years will result in any great number of long-term sentences being handed out, as the perpetrators of these proposals intimate. I will be asking the Solicitor General (Mr. Allmand) in committee the number of charges laid under this section in each of the past five years, along with the sentences given to each person duly convicted.

Included in this omnibus bill are sections dealing with what is commonly called wiretapping. In this bill the government attempts to go back to the original bill which it presented in 1973, and to repeal or wipe out the amendments proposed and made law that year. Some people will say that these amendments will give the police too wide powers and that by suggesting these amendments the government is undermining the civil liberties of the individual. The amending of section 178.16 to allow as evidence at a trial the direct or indirect evidence gained by a wiretap, even though the wiretap is illegal, will assist in strengthening the efforts of the law enforcement agencies and will thus enhance the security of law-abiding persons.

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However, I believe that this alone might open the door for law enforcement agencies to go ahead and use illegal wiretaps on a rather frequent basis, rather than go through the administrative procedure of getting proper authorization. For this reason, I believe the widening of this power to introduce evidence from illegal or improper wiretaps should be counterbalanced with a clause to the effect that in any case where the wiretap is proven or shown to have been made without due authorization, the presiding judge should be required to order the person responsible for the illegal or improper wiretap to be charged under the appropriate section of the Criminal Code.

The fact is that by bringing in this rule of evidence and making it statutory, the government is making the rule of evidence as it applies to wiretapping conform to the rule of evidence dealing with statements improperly or illegally obtained. The essence of the matter is that the improper or illegal statement or wiretap is only available if it is shown that the evidence it divulges is true. I, quite frankly, am happy that our rules of evidence in this country in these matters are substantially different from those applicable in the United States, where I believe the legislatures and the courts have gone overboard in giving the criminal rights, to the detriment of the law-abiding citizen.

Further, Mr. Speaker, I am not opposed in principle to the extension of the wiretapping powers to give the appropriate law-enforcing agencies their chance at intercepting, proving and hence stopping crime. But I do believe that in giving these broader powers we should also set up some countervailing powers such as I have indicated. Similarly, in order to keep strong these counterbalancing powers, I would be, in principle, against the repeal of section 178.23 which sets out that notice is to be given to each person subjected to a wiretap.

However, I would, in order to assist the police in on-going investigations of a lengthy nature, support an amendment to existing section 178.23(1B) which would indicate that a judge has a further discretionary power to adjourn the giving of notice, *sine die* if necessary, in exceptional cases based on strong evidence that the giving of notice as contemplated by the section would not be in the interests of justice, or probably would only serve as notification to criminals that their on going criminal activity was being monitored. The only further proviso I would add to adjourning *sine die* the giving of notice would be that all notices must be given when a person becomes charged with any of the offences under surveillance during the period of the wiretap. So, Mr. Speaker, I would not mind supporting the wiretapping amendments contemplated giving enlarged powers to law enforcement officers if this were balanced by reasonable caution in order to protect the civil liberties of Canadians.

Mr. Speaker, I would now like to address myself to the new section of the Criminal Code proposed by this bill which is to deal with so-called dangerous offenders. The dangerous offenders part of the Criminal Code will wipe out the existing preventive detention, habitual criminal and dangerous sexual offender sections, and in my view will water down and severely weaken the present law. The government has advertised that it intends to strengthen