heard in camera by the judge, and it is determined by a statutory declaration made by a police officer or by the officer designated to be in charge of these applications. The application will relate to indictable offences, which indicates the seriousness of the offence. The report will be confidential. In other words, any of the determinations made by the judge will not result in any reported cases.

Experience in the United States, and more especially in the state of New York, has indicated that many of the applicants for wiretapping permits have gone judge shopping; in other words, they have gone to judges who are easy to satisfy with regard to material that is presented to them. We find that these criteria are not in keeping with the concepts of Canadian justice. When we think of Canadian justice, we think of all parties being represented in court; we think of the adversary system; we think of examination and cross-examination, and we think of legal argument and judgment. All these factors are missing when a police officer makes an application to a judge on an ex parte basis. It may be that the permits that will be issued will become pro forma in the same way as the writs of assistance and warrants which have now become pro forma in their exercise. It has been pointed out that even injunctions, and more especially those relating to union matters, are obtained by way of an ex parte application. I would think that even the experience concerning injunctions would make us acutely aware of the dangers that may be present.

It has been said by the Minister of Justice (Mr. Lang) that there is some protection in the annual report which would be required to be furnished and tabled by the Solicitor General (Mr. Goyer) setting forth the number of applications and the types of offences as well as the permits that have been issued. But I think that we should keep in mind that we will have a problem not only with the requirement that the Solicitor General issue a report but also with regard to the attorneys general of the different provinces. My colleague, the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas), asked the minister whether it was the duty of an attorney general to table such a report in the provincial legislature, or to make it available to the Solicitor General so that it may be tabled here in the House of Commons. The Minister of Justice said quite rightly that the provisions with regard to this matter were silent. It seems to me that we will have difficulties in assembling the evidence concerning the issuance of permits and in analysing and determining whether these permits should have been issued in the first place, how many were issued for particular offences, and so forth. I think it is right that we should have a political accounting by the Solicitor General, but I think it should be a political accounting on a better basis than the one required in the act. The authorization issued by the judge must be for an indictable offence. This is contrary to the recommendation which was made by the Committee on Justice and Legal Affairs which indicated that only extremely serious crimes should be covered by this act. The Committee set forth 18 to 19 serious crimes, most of which carried penalties of over ten years. The question then arises: Why has the Minister of Justice overridden the recommendation of the Justice Committee? It seems to me that we will have a wide, permissive system which may well be Orwellian in nature and concept.

[Mr. Gilbert.]

• (1640)

The bill also provides for a private communication, intercepted without authorization, to be not admissible as evidence but that information or things disclosed as a result of unauthorized interception may be admitted as evidence. In other words, the direct evidence is inadmissible, but the derived evidence may be admissible. We are departing from the usual rule, which states that all relevant evidence is admissible, regardless how it is obtained. It has been suggested that the rule should be that the evidence should be admitted only if it does not offend the fundamental concepts inherent in our ideas of ordered liberty under the law. We should consider whether it is reasonable evidence, whether it is just evidence and whether it is in accordance with the Bill of Rights before it is admitted as evidence in court. Surely, there could be a *voir dire* to determine this issue.

The most frightening parts of the bill deal with the amendments to the Official Secrets Act. All of the safeguards relating to police wiretapping disappear. The amendments set forth in the bill give the Solicitor General of Canada the right to issue a warrant authorizing interception of seizure of any communication if he is satisfied by evidence on oath that the purpose of such interception or seizure is related to the prevention or detection of espionage, sabotage or any other subversive activity directed against Canada or detrimental to the security of Canada, and that such interception or seizure is necessary in the public interest. It will be seen from this provision that all that is to happen is that the Solicitor General may issue a warrant to the police. There is no authorization required or safeguard, as there is concerning wiretapping and electronic surveillance by the police.

One of the other features is that the Commissioner of the Royal Canadian Mounted Police shall, from time to time, make a report to the Solicitor General of Canada with respect to each warrant issued pursuant to subsection (2) of the section setting forth particulars of the manner in which the warrant is used and the results, if any, obtained from such use. In other words, there are none of the safeguards regarding authorization, and the report is made only to the Solicitor General.

From this we can only draw the conclusion that the RCMP have the right to do anything that we cannot prevent them from doing. There has been lumped together home grown political radicalism with espionage, with no political visibility or public accounting. Is it any wonder that many of us have well-grounded fears with regard to the provisions amending the Official Secrets Act? When we think of the activities of the RCMP on university campuses when investigating young students who may have radical ideas, when we think of the actions of some of the members of the police in the FLQ crisis in Quebec, we wonder what is going to happen and how these provisions will be used or abused when the police deal with political suspects or any applicant who may apply for Canadian citizenship.

We find these amendments to the Official Secrets Act reprehensible, repugnant and almost worthy of a police state. Surely, questions of espionage and sabotage can be kept distinct from home grown political radicalism instead of being lumped together. Surely, the police