

of the activities of organized crime". Unfortunately, neither the expression "pattern of offences" nor the expression "organized crime" is capable of precise definition. Thus, if we were to accept the amendment, one with whose spirit many of us agree, we would be leaving unclear the very thing we should be making most clear, namely, when law enforcement officers can or cannot make use of electronic intrusion in their law enforcement work. I say to all hon. members that we owe it to the law enforcement officers to remove all possible elements of doubt in this respect.

If we accepted the definition put forward by the hon. member for St. Paul's, the law enforcement officers would not be sure, and neither would the judge, whether there was a correct application of this clause. This is the major reason I have for urging the rejection of the motion as it stands. On each occasion we went over the list in committee we found that no matter how carefully a list was drawn up, someone else would quickly propose that a further offence be included in it. The hon. member for Peace River (Mr. Baldwin) correctly referred to the offence of wiretapping itself as one which properly ought to be included. The hon. member for Sudbury (Mr. Jerome) and the hon. member for Windsor-Walkerville (Mr. MacGuigan) also referred to other offences. Should we, indeed, exclude fraudulent use of the mails or fraudulent manipulation of stocks on the stock exchange from the list? When are these offences part of a pattern of organized crime? Is it when three men do this together frequently in a suitable location, or is it necessary for them to be in different locations working together? That kind of uncertainty would be introduced.

● (1650)

While saying that we can understand and accept the spirit of the amendment, we believe that attempts by ourselves as well as by many other members have failed to define adequately lesser offences when engaged in by members of organized crime, offences that may properly also be the subject of surveillance by electronic means by our law enforcement officers. Having tackled that problem we came back to the conclusion that the definition that was most clear and most likely to cover all that was required was the definition contained in the bill as it now stands, the definition that relates use of these devices specifically to indictable offences. Therefore, I urge the members of this House to consider the advantage of certainty and clarity and to reject this amendment, not because we reject the spirit with which it was put forward, but rather on the basic ground that as the bill is now written it contains a better and clearer definition.

Mr. John Gilbert (Broadview): Mr. Speaker, we have had a very interesting debate, right from the commencement of the bill to the present stage, when we are discussing motion No. 2 which has been moved by the hon. member for St. Paul's (Mr. Atkey). The composition of the Standing Committee on Justice and Legal Affairs which discussed this bill was an interesting one. We had the Minister of Justice (Mr. Lang) who is a former dean of a law school. We had the hon. member for Windsor-Walkerville (Mr. MacGuigan) who also is a former dean of a law school. Then, we had the hon. member for St. Paul's who is

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a professor at a law school. All have taken different approaches.

I find that the Minister of Justice is very competent, yet very rigid in his approach to the bill. The hon. member for Windsor-Walkerville is competent but takes a less rigid view with regard to it. The hon. member for St. Paul's is very competent and he takes a flexible view in regard to the philosophy of and approach to the bill. These three members are from the teaching profession.

Then, we had a former minister of justice from Quebec who has had a very full experience in the application of the law and who I would say at the beginning took a rather rigid view. However, in view of certain experiences, more especially the recent experience in Quebec, he has to his credit taken a more flexible view of the bill, something I am very glad to hear. All of the members of the committee, as well as all members of the House, realize that this bill will have a tremendous impact on the liberty and freedom of Canadians. It has been said that the price of liberty is eternal vigilance. It could also be said that the price of freedom is the full protection of the individual in society.

I find myself in a very awkward position with regard to motion No. 2. The hon. member for St. Paul's has taken the catalogue approach. The Minister of Justice has taken the full, all-embracing approach, the wide net approach. I am not happy with either. The former attorney general of the United States, Ramsey Clark, stated that in the first bill put before congress in the United States a very limited number of offences were included in the bill, offences relating to national security, espionage, narcotics, homicide, kidnapping and so forth. As time went on more offences were included. But, more important than that, when the law came to be applied the provisions of the bill were abused.

The committee studied this question and came up with the catalogue approach which the Minister of Justice has rejected. The minister contends that on the basis of clarity of definition and to help the law enforcement officers in this country, we should accept his provision. Both in his provision and in the amendment of the hon. member for St. Paul's there is a matter that is really worrisome to me and I should like to indicate what it is.

In the definition clause of the bill "offence" is defined as follows:

"offence" means an offence created by an Act of the Parliament of Canada for which an offender may be prosecuted by indictment and includes any such offence that is alleged or suspected or that there are reasonable grounds to believe may be committed;

The definition used by the hon. member for St. Paul's sets forth the catalogue, and he then uses these words again:

—that is alleged or suspected or that there are reasonable grounds to believe may be committed.

I shall be delighted to continue this debate at eight o'clock, Mr. Speaker.

Mr. Deputy Speaker: I thank the hon. member for Broadview.