

*Criminal Code*

program of picking up unwanted, unused weapons. I also have no hesitation personally in saying that I like, and will support, those provisions of the bill which end over-the-counter sales of long guns, hand guns, or any other guns. I think society is at a state now where if anybody wants a firearm he should have to go through certain safety procedures to acquire one, and it will not really be very awkward for people to go through the somewhat modest procedures proposed by the minister.

I do not want to spend my entire speech on gun control; I want also to mention wiretapping. I do so with a great deal of sadness because I think there is a fundamental retreat by the minister. The addition of cases in which wiretapping can be used will be a retreat for the civil liberties enjoyed by Canadians, and the testimony in earlier hearings was against extending the list. There is no doubt about that. A careful examination of the evidence when the legislation first came before us shows that there should not be an extension of this list.

There are now 44 major crimes for which an authorization can be obtained. I believe very fundamentally that the wiretap is an extreme remedy. It should be confined to extreme cases, and the proposals of the government surprise me because of their illiberality. I think they are wrong-headed and unnecessary, and they fly in the face of the evidence given before the Standing Committee on Justice and Legal Affairs. The current restrictions on wiretapping have not meant an upsurge of major crime, and nothing I have heard in this debate makes me change my mind on that point.

The wiretapping law is, in terms of jurisprudence, new legislation, and this legislation should be tested. I think I am correct that there were no more than three reports given by the Solicitor General (Mr. Fox) about wiretapping. I may be generous by one or two, but this is not any test of the efficacy of this law, and I am ashamed that the government would think it needs to broaden this law in such an illiberal way. Its double irony, of course, is that it is brought in under the so-called heading of protection of privacy, and it in no way protects individuals against wiretapping. Rather, I regret to say, it licenses police departments to proceed.

The government is flying in the face of editorial writers from one end of this country to the other, from the largest metropolitan areas to very small towns and communities, and I am rather proud that the press has understood the concept behind the government's extension of wiretapping and has been quick to remind the citizens of a fundamental invasion on their liberties which will take place should this bill get the approval of parliament. I am not ashamed at all to take a minute or two to say that it will be a poor day for the history of this parliament if this measure does not undergo fundamental amendment when we get to committee. I am very surprised that the Minister of Justice (Mr. Basford) and the Solicitor General—for both of whom I have considerable respect—would countenance such an illiberal measure as this. Society does not need this change, and the present jurisprudence has not been tested sufficiently to warrant this invasion.

The minister seeks to make admissible in a courtroom evidence obtained by following up leads uncovered with an

[Mr. Fairweather.]

illegal wiretap. It is the old indirect evidence rule. I hope to live long enough to see the fruits of illegal wiretapping ended in our evidence law.

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

**Mr. Fairweather:** I would have thought that particularly the young Solicitor General would have been one person who would not lend his name to such a provision.

The minister wants to extend the period for notifying a person that his conversations have been wiretapped from 90 days after the tap to anything up to three years. Once again the Government of Canada is flying in the face of the evidence provided to the Standing Committee on Justice and Legal Affairs. This will mean that it will always be three years. We are told that three years is the maximum; I am willing to bet that in 95 per cent of the cases three years will become the minimum.

● (2100)

The hon. member for New Westminster, in a summary of the report of the Solicitor General on this particular part of the Criminal Code, reminds us that of the 1,062 people who were arrested as a result of wiretaps, there were 824 whose names did not appear on the authorization lists—those innocent citizens become the victims of “fishing expeditions”; of the 1,062 arrested there were proceedings against 368; all the 614 applications for wiretapping were granted. There was not a single denial by a judge.

I think this says something about the use of wiretapping and the need for it in this country. I find it a fundamentally reprehensible concept. I had hoped the government would have seen the light and not have asked this parliament to change the law and make it more restrictive than ever for our citizens.

I want to speak about two other parts of the bill very quickly, Mr. Speaker. I did not hear the Solicitor General speak, but my information is that the part of Bill C-83 which dealt with dangerous sexual offenders has not been changed in the present bill. The minister nods his head. Because of this sort of package deal—this is the clumsy cliché that we are now using—when we were considering Bill C-83 this part of the legislation was not given very close examination although the standing committee on Justice and Legal Affairs called a couple of important witnesses and had some written material of very great interest.

I want to read into the record now the comments made by the undoubted expert on this subject in Canada, Professor Cyril Greenland of McMaster University. I should like to quote from a paper given to the Royal Society of Medicine, London, in July, 1971, on dangerous sexual offenders in Canada. Sadly, six years later his words are just as apt, which says something about the way we have moved to address some of the social problems facing the country. He ended by saying:

Confronted by complex problems of modern society, inaction is an enormously tempting solution for middle-aged men. In dealing with sexual matters, academic lawyers and some eminent jurists of this age also seem peculiarly prone to be more excited by shadows rather than the substance.