

*Measures Against Crime*

gun control. I said that I welcomed the legislation with regard to gun control because it sets forth the general principle that the availability of guns should be controlled, that we should promote public responsibility in the use of firearms, and that the penalties should be increased for persons who commit indictable offences while carrying firearms. There are six or seven proposals with regard to gun legislation, and I support most of them. I support licensing for a five-year period rather than registration of guns, the fitness test and in addition the two guarantors with regard to fitness. I also ask that we include a competency test because I feel no person should have a gun unless he is competent to use it.

The proposal of issuing special permits with conditions attached to persons between 14 and 18 years of age and also of requiring guarantors, one of which should be a parent, is a good move. The special provision for persons under 18 using firearms to provide food for their families in areas where hunting and fishing are a way of life is a good change, and the registration of restricted weapons which is now going to be expanded with regard to short firearms is a good change. The test of need to be applied is also welcomed.

The increased responsibility on dealers and importers of firearms and ammunition to record sales and ensure safety of storage is a move in the right direction. Seizure of firearms by the police in situations where possession constitutes a potential danger to the lives and safety of others is an excellent move because of the problems we have had with regard to domestic quarrels within families. Increased penalties to person carrying firearms during the commission of an offence is something which will be accepted by most people.

In addition to the observations I made last Tuesday evening, I should like to point out a criticism which was conveyed to me by my colleague, the hon. member for Timiskaming (Mr. Peters), who has had discussions with gun store operators. Out of those discussions has come a good suggestion, and that is to have gun stores solely and completely responsible for the sale, purchase and repair of guns. There is an analogy in the liquor stores in Ontario where beer and alcohol are sold, and I think that analogy should apply with regard to guns, because there is something wrong when guns are made available for sale in department and hardware stores. If we are going to control the sale, importation and repair of guns, it should be exclusively within the control of gun stores which would be able to issue licences, make sales and record those sales. That would make this process much easier.

● (1540)

Finally, Mr. Speaker, it seems to me that the gun control legislation provides a reasonable balance between public concern for safety and the legitimate use of firearms by persons interested in hunting, target-shooting or gun collecting; therefore, I will support that section of the bill.

I notice the minister is now taking his seat, and I want to direct my criticism to the Minister of Justice (Mr. Basford). I am terribly disappointed with the Minister of Justice and the Solicitor General (Mr. Allmand) with regard to the provision concerning electronic surveillance or wiretapping contained in Bill C-83. It is a complete

[Mr. Gilbert.]

surrender by the Minister of Justice to the police. It is an abrogation of and failure to maintain the strong civil liberties approach which members of the Conservative party and the New Democratic Party fought for when the bill was presented and passed in 1974.

It is necessary to maintain a balance between the possible police abuse of electronic surveillance and the protection of civil liberties. When I heard the minister say that there is an approach by the opposition with regard to coddling criminals concerning electronic surveillance, it seemed to me he was drawing a red herring into the debate and not taking account of the basic principle of civil liberties and the possible abuse by police of the use of electronic surveillance. We in the opposition are not soft on criminals but we are strong on civil rights and persons who live in Canadian society.

There are four areas of concern with regard to the amendments that the minister has set forth. First, the area of the intercepts is to be expanded from some selected, indictable offences to all indictable offences and to a pattern of behaviour constituting criminal activity. Mr. Speaker, if you knew how hard we fought to contain the government with regard to the selection of indictable offences you would appreciate how strongly we are opposed to that expansion. With regard to the extension of the authorizations from 30 days to 60 days and the extension of renewals from 30 days to 60 days, I do not think we have much objection to that. I have none, personally.

The third area is with regard to the repeal of the notification procedure within 90 days of the termination of the tap. We find this most unacceptable. We also have objections to derivative evidence admissible on an illegal tap. The reason we disagree with these three areas is that the principle of the right to privacy has been rendered ineffectual and meaningless by this legislation. To reward the police for attempting to illegally obtain evidence is to downgrade the judicial process.

Mr. Speaker, I never thought I would see the day when I would seek to persuade the Minister of Justice to follow the United States rule with regard to wiretaps where evidence obtained on an illegal tap is admissible in court. Here we have a complete abrogation of a fundamental principle by the Minister of Justice and the Solicitor General. May I remind Your Honour, and the minister, of the evidence given to a committee by Ramsey Clarke, former attorney general of the United States, the man who worked with Senator Kennedy on the crime commission, the man who had a strong job to convince Senator Kennedy of some of the pitfalls of wiretapping. In the final analysis, Senator Kennedy was persuaded of the dangers of the practice. In substance, in his appearance before the committee Ramsey Clarke said that wiretapping is enormously expensive, it is wasteful of police time and talent, it is inefficient, it is ineffective on street-corner crime, and it is erosive of police dignity.

Why do we support that general proposition put forward by the former attorney general of the United States which I am sure would have had the support of Senator Kennedy? All you have to do, Mr. Speaker, is look at the reports submitted to the Minister of Justice and the Solicitor General concerning the wiretaps that took place in 1975. In 1975, under section 178.12 and 178.15 of the Criminal Code,