

includes the words "offences which are alleged or suspected". When I put the motion in committee, I deleted those words, and I did so advisedly on the recommendation of a number of hon. members on the committee and also on the recommendation of one Ramsay Clark, who was one of the better witnesses appearing before the standing committee in the month of July. As hon. members know, Ramsay Clark was a former attorney general of the United States for a period up to 1968 and had particular views on wiretapping which were very useful to the members of the committee, which was much in his debt for the time, trouble and expense he undertook to come up here and share his thoughts and valuable experience with us.

By leaving in the words "alleged or suspected", I am concerned that the requirement that will trigger an application for authorization by the attorney general or his agent may be too minimal a requirement. Concern was expressed by the minister about the possible removal of these words, and I paid some heed to his concern. Concerns were expressed in the standing committee by Mr. Dagenais of the Montreal police about the fact that the activities of law enforcement officers to meet the serious problem of organized crime in the city of Montreal might be impeded unless the bill contained a particular phraseology permitting them to seek an application before a judge. It was my view, and it still remains my view at the present time, that with the words "alleged or suspected" the difficulties referred to in the evidence of Mr. Dagenais before the standing committee are largely overcome, and that the particular situation that the Montreal police found required the use of electronic surveillance is one in which they can name specific offences in the list, or those that are not on the list but are part of a pattern so long as they are alleged or suspected. I am sure that all hon. members agree that this is not a particularly onerous condition to meet.

Notwithstanding the recommendation of the standing committee of the last parliament, the government has brought in a bill in this parliament that does not pay heed to the recommendations to limit the range of offences. This has made the whole shooting match wide open because the government has used the term "all indictable offences". This includes not only virtually every provision in the Criminal Code but other federal legislation as well, where offences are created and under which there may be a procedure by way of indictment. As an example of the types of offences in regard to which the bill in its present form would allow an application for wiretapping authorization to be made, we have petty theft, income tax evasion, impaired driving, possession of marijuana, theft over and under \$50, any of the offences created under the Combines Investigation Act, or any of the offences that would be created by the amendments to the Combines Investigation Act which the Minister of Consumer and Corporate Affairs (Mr. Gray) seems so anxious to have placed before the House and enacted.

The government's approach is really like using a shotgun when a rifle would do. I think it is unnecessarily wide and is an approach that should be avoided. This shotgun approach ignores the necessity for making the need fit the deed. Not only does it permit the minor offences that are listed to be made the object of an authorized electronic tap, but it would permit snooping into any field in the

Protection of Privacy

future in which the government chose to enter under its criminal law through the enactment of new indictable offences.

To conclude my remarks on motion No. 2, let me repeat that the majority of the Standing Committee on Justice and Legal Affairs of the last parliament saw fit to limit the range of offences. The committee was controlled by a majority of the supporters of the present government. The committee split seven to seven this time, and there were a number of members from various parties away from these particular sessions of that committee. I know some of the members of the committee who sit on the other side of the House were concerned that my initial amendment had not dealt with the problem of organized or syndicated crime, but I suggest that the amendment now before the House in motion No. 2 does deal with the problem of organized crime in the words that I have outlined earlier.

The Civil Liberties Association of Canada, which in many respects took an extreme position on the type of wiretapping legislation that we should have in this country, said they would specifically name the range of offences for which wiretaps could be authorized. I had always understood that it was a fundamental principle of criminal law that, wherever possible, in drafting a statute an attempt is made to name specific offences. This is the inclusionary approach to drafting, not the exclusionary approach. It is essential that it be followed here if this bill is to provide a rational and reasonable restriction on government use of electronic snooping.

● (1540)

I implore, indeed I plead with hon. members, particularly those opposite who considered this matter at length on July 17 in the standing committee, to consider the terms of the present draft amendment now before us in Motion No. 2. I am confident that on full reflection of the implications of this draft they will be able to say that this is a reasonable and rational restriction of the power to proceed, through the Attorney General or his agent, the Solicitor General or his agent, before a judge to get authorization to tap. Let us not use a shotgun approach, a wide unnecessary approach, when a more rational approach is available to us in the particular amendment we have before us.

Mr. Mark MacGuigan (Parliamentary Secretary to Minister of Manpower and Immigration): Mr. Speaker, in introducing his motion, the hon. member for St. Paul's (Mr. Atkey) ranged far and wide over the field. I suppose that may be permissible in the first speech on this matter, but I hope it will not turn out to be the pattern. We do not know that all the cases he has mentioned dealt with wiretapping by police or whether some criminal organization was involved. In any event, my point is that the very purpose of this bill is to prevent such wiretapping taking place. Under this bill wiretapping will not be permissible either by the police or anybody else in our society unless it falls within the four corners of this legislation. That surely is the important point before us.

I fully appreciate the efforts of the hon. member for St. Paul's to meet the arguments which were advanced in the committee against the amendment he moved at that time, which was unsuccessful. He now recognizes that there does have to be something which takes account of the