

Criminal Code

Mr. Woolliams: That is right, gritty. What we are doing here is talking about notice. As the Code now stands, within 90 days notice must be given to the person who is the object of a wiretap. I think I covered the subject pretty fully this afternoon. The amendments before us now allow a period of three years. It is within the discretion of the judge. What will happen? There will be a form affidavit which they sign and swear to, a form order, and the police will get the right to wiretap everybody for 60 days. It is a 100 per cent gain. The person being wiretapped does not have to be notified for three years. That is what it is all about.

This afternoon I spoke for almost 40 minutes. Notification does not have to be given for three years. Let me put it in very broad terms. By that time the lawyer may be dead, the accused may be dead, the judge may be dead, and even those who put on the wiretap may be dead.

Mr. Peters: Do you expect a nuclear bomb?

Mr. Woolliams: I am going to quote the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) and then resume my seat. He was premier of my home province. I did not always agree with him. However, he was a distinguished scholar, distinguished as an academic, and distinguished as the premier of my province. He put his finger on the whole matter. He said forget about authorization and wiretap everybody, because it is going to be evidence any how. Regardless of whether notice is given, it will not make any difference.

When I spoke this afternoon, I expended a lot of energy. I will not waste the time of the House tonight. However, as I watch the division in the NDP—

Mr. Leggatt: There is no division here, only a tiny crack.

Mr. Woolliams: It is not. The hon. member for New Westminster (Mr. Leggatt) certainly disagrees with the hon. member for—

Mr. Leggatt: Waterloo-Cambridge (Mr. Saltsman).

Mr. Woolliams: Right. Thank God they don't think alike. If we all thought alike, there would be no thinking. We are always criticizing the press. There they sit, two out of 70. I say this to them. Once in a while the Tories do not agree. They think that is a terrible thing if you do not agree. They think we should all be like the Liberals. They all agree and they have a great party. I say thank God we have some disagreement in our party. If we all thought alike, there would be no thinking.

Some hon. Members: Hear, hear!

Mr. Woolliams: I was very proud of the NDP tonight. That is something I have always admired about them. They did disagree. That is healthy. I hope the press will be as fair with them as they have been with us.

Some hon. Members: Hear, hear!

Mr. Hnatyshyn: What a wonderful line.

[Mr. Woolliams.]

Mr. Woolliams: I realize that. I will tell you why tonight is the greatest debate. Let me be really honest. I will tell you why the debate is better than average. Members opposite were at a big party tonight in the office of the Minister of Justice (Mr. Basford). There was a big party in room 200 for the Conservatives. That is very healthy. We meet and we think.

I made my speech this afternoon. I repeat that if we extend the notification from 90 days to three years, God help the law abiding citizens.

Some hon. Members: Hear, hear!

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, I wish to refer the House to the existing legislation that we are presently trying to amend through amendments which the Minister of Justice (Mr. Basford) has presented. The existing legislation deals with the question of notice. The Minister of Justice has been up in this House over and over again saying, "Have faith in our judges, have faith in our police." The hon. member for Waterloo-Cambridge (Mr. Saltsman), when speaking about five minutes ago, said have faith in our judges, have faith in our police. I want to read to the Minister of Justice and the House the law that he is seeking to change. I quote from page 17:

—to the judge who granted the authorization that the investigation is continuing and the judge is of the opinion that the interests of justice require that a delay of a determinate reasonable length be granted, in which case the judge may grant a determinate reasonable delay."

I do not know whether the House is in the mood to listen to something that is as mundane as the law we are attempting to amend. I know that is a bit mind-bending for a lot of people here tonight. What we are trying to do with the amendment the Minister of Justice has presented to this House is to take away the discretion of the courts and say that the notification period shall be up to three years.

I would rather trust the judges of this land, and that is what the hon. member for Calgary-North (Mr. Woolliams) is attempting to do with the amendment we have before us. There is no reason in the world to change the law as it stands. It has worked well. It gives the courts a review process that is absolutely vital and necessary in terms of wiretapping. The trouble with this debate is that it gets so simplistic no one looks at what we are trying to change.

I have great respect for the hon. member for Waterloo-Cambridge. I have respect for his intelligence and intellect. He is an extremely astute member. However, what he has failed to perceive is that liberty is a very delicate flower. The species has developed liberty in a unique and unusual way. Somebody has to defend liberty once in a while because the trends are all against liberty.

Some hon. Members: Hear, hear!

Mr. Leggatt: Unless somebody waters and fertilizes the flower, it will die. The Minister of Justice, the government, and the Liberal party have thrown salt on that delicate flower. They are going to kill that flower.