

pursuant to section 178.12 or subsection 178.13(3) with such modifications as the circumstances require."

He said: Hon. members will appreciate that I rise once again to speak on this bill with some regret, even though I repeat how important a measure it is. Like many hon. members, I had hoped this House had disposed of the matter and that it would be on its way to becoming the law of the land. This is an important bill. There are many clauses in it which should not be lost sight of, even though we are dealing with some rather different and special areas. It is important because it makes it an offence to intrude upon individuals in this country or to possess electronic intrusion devices.

When we disposed of this bill last, we had a debate in this House on the particular clause which is now in issue, the clause which was deleted in the other place. Rather than allow it to be deleted, I propose in my motion to substitute therefor a different form of words. When this specific notice provision was before the House last, I indicated my doubt about the real importance or desirability of having that provision, having regard to the fact that we are dealing here only in the area of wiretaps which are legal in their nature and which are authorized. It is only in that case the notice provision comes into play and requires some further examination from time to time by a judge as well as notice concerning those authorizations which have been given.

I also indicated to the House something which concerned me about the clause, and which in later discussion also concerned members in the other place. I refer to the fact that the clause, as originally proposed by the hon. member for St. Paul's (Mr. Atkey), seemed to be rigid in the sense that it required, in certain circumstances, notice to be given of criminal investigations when those investigations were not complete which might, therefore, seriously interrupt and interfere with those investigations.

There has been some discussion of this subject in the press. I read it again in this morning's *Globe and Mail*. It is to the effect that one can go back to a judge again and again under the clause as proposed by the hon. member for St. Paul's. That is not so. That is not how the clause reads. The clause basically requires notice of an intrusion by the police under a lawful authorization, that notice to be given within a 90 day period following the authorization. There is an exception to that which would allow the going back to a judge, but really only within the 90 days. The words of the clause require the attorney general to certify within the said 90 days that the investigation was continuing. In that case, an exception could have been granted by a judge.

When speaking before the Senate committee, the police indicated that in one particular famous example, the Zizzo case, they were sure this would have interfered with the investigation to completion of a very serious offence. The Zizzo case was the subject of court proceedings in Toronto in 1973. Heroin importation of a very serious nature was involved. The conviction of the persons who were involved led to certain life sentences being imposed. Therefore, we are dealing with no light matter: the importation of heroin into Canada which led to life sentences. In that case the police investigation included the use of certain electronic intrusion devices spread over a period beginning in May

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1971 and not completed until 1973. If in that period of time the police had had to give notice after 90 days, they are sure that would have been the end of their opportunity to apprehend these criminals. This is a very serious matter, indeed.

It also appeared to the committee looking at this question that a judge might have granted a certain extension. However, there is some real question whether he would grant an extension of one or two years on the one occasion he could grant an extension under the clause in question. It was this point which troubled me originally, which troubled the members in the other place, and which led them to delete the section. In the other place, appearing before members there, I did attempt to urge them to pass the bill as it stood rather than see this important piece of legislation fail to become law. I urged upon them the possibility of our watching the section and introducing amendments in short order, if necessary, to cover any deficiencies rather than hold up the bill. I did this recognizing the procedural difficulties in which we could get ourselves if we did not find a compromise.

● (1510)

I think the hon. members in the other place were somewhat impressed by the fact that the decision on this issue in the House had been very close—that we had decided by a vote of only 118 to 113. This, too, may have influenced their course of conduct. As a result, we were presented with the choice of either concurring in what the Senate had done, which, as hon. members will realise is what I had originally suggested, or sending the bill back to them in its original form. Another option would be to continue some of the work upon which we had been engaged, that is to say, endeavour to reach a compromise which could rescue us from a difficulty and produce a reasonable solution. Such a compromise would be one which met the wishes, to a large extent, of members like the hon. member for St. Paul's (Mr. Atkey) who felt that notice was desirable and even though I could not see the particular merit of that position, I was willing to put such a compromise before the House in the motion we are now considering.

Discussions have been held with members opposite, and I acknowledge the contribution of some words in the motion itself by the hon. member for St. Paul's, particularly the reference in subsection (1) and elsewhere to the interests of privacy. In subsection (2) the hon. member requested that the words "and in the interests of privacy" be added to the words I had proposed, "in the interests of justice". I was willing to go along with that suggestion, although I felt the existing wording was sufficient. It was clear there was agreement to attempt to pass a motion of that sort, putting a new notice-provision in the bill, and to return it to the Senate in that form in the hope that it would overcome the objection raised by their Honours and thus allow this important piece of legislation to become law.

What I now urge upon hon. members is that above all we should allow this matter to be decided quickly in the House; that we not be carried away by subsidiary or other points. I make this plea particularly to those hon. members who are interested in opportunities to speak about the other place in a variety of ways. In my view, this is not the time to do so. This is an important piece of legislation and