

Personally, I think there are enough safeguards. I also feel that it will seldom be used. The minister has indicated two examples, although I suspect he could have given others. But I think what is significant is that there are not many occasions when that power would be used. If we find through experience that it is being abused, then it will be a very simple matter to bring in the amendment of the right hon. member for Prince Albert. But I think it would be premature to do so at this time. It seems to me that by taking away this weapon from the police we are putting handcuffs on the policeman rather than on the criminal.

We have heard it said that it is immoral to wiretap. I agree with that; I think it is immoral. I also think it is immoral for a person to hit another person; yet we know that our police do that in self-defence or when they must use their fists possibly in the interest of protecting another person. It is immoral to use a billy, yet sometimes policemen are called upon to do so. I think it is immoral to carry a gun with the knowledge that at some time it might be necessary to use it. I think it is immoral to speed on a city street, but sometimes a policeman has to do this.

What we have to recognize is that there are situations in which a policeman finds himself when he has to do something that is immoral but which is in the interest of the general public. If we take this emergency weapon away from him, we are saying to him that this is just the first step in a series of steps that will make it much easier for the criminal element to operate in our community. I say this with the following caveat: if our experience shows that attorneys general across the country report that this particular section is being abused, it will be a very simple matter to bring in an amendment to have the law changed.

**Mr. Alexander:** It will be too late then.

**Mr. Cullen:** It would be interesting to know the position of those who are in favour of this section if the Minister of Justice had gone along with this amendment contrary to all the attorneys general across the country, because the information I have is that they are in favour of it. They see the need for it; they see the need to give this weapon to the police. As I said before, it concerns me that this emergency power is there, but I can see the need for it. However, if it is abused, then I suggest it will be a simple matter to delete it from the law.

How many times is it going to be used? That is the criterion on which it can be decided whether this power is abused by the police. Second, what are the safeguards? I think the Minister of Justice has carefully catalogued all the procedures that must be gone through before this particular emergency section can be used.

● (1520)

With the spotlight of publicity on the attorney general of a province, who has to get up in a provincial legislature and defend the fact that he allowed the police to use this emergency power, I have the feeling that it will be used very little and there will be little room for abuse by the people who will use it, if in fact it should ever be necessary. The right hon. gentleman, with all his skill and ability, endeavours to kill the bill as a whole by saying that if this particular clause is in it, then it defeats the

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whole purpose of the bill. I say it does not. The protection is there, but this emergency power is necessary.

What we have discovered is that there is difficulty in drafting the kind of bill that will give the general public the protection we feel it must have. The hon. member for St. Paul's has found that out. With all due respect, after listening to the hon. member for Calgary North I say that if this amendment is carried, and spokesmen for the NDP seem to indicate they will support it, then it will become a defence counsel's dream. It will not be necessary to know the facts but just to argue in law that this clause cannot be made to work.

The hon. member talked about patterns and organized crime and, as he indicated, there is a big enough loophole through which to drive a truck. After this kind of legislation is drafted it is very easy to hold it up to ridicule, as the right hon. member for Prince Albert has done. There is difficulty in drafting anything, Mr. Speaker. I remember that on one occasion I was going to send my son to camp, and a letter came to me from the camp officials spelling out all the things campers could not do and all the restrictions that were placed upon them. I thought the letter could have been better drafted and that possibly my son should not go to that camp because of the number of restrictions.

In this instance we have the draftsmen attempting to do something very difficult, knowing the result is susceptible to the kind of criticism offered by the right hon. member for Prince Albert. With these comments, and the caveat I have filed on my own behalf and on behalf of all hon. members, I conclude that if the clause is abused then the amendment introduced by the right hon. member for Prince Albert would probably be passed by the House; but it is premature to do it at this time.

**Mr. Ron Atkey (St. Paul's):** Mr. Speaker, at the risk of incurring your wrath I want to take a few minutes to refer to the points raised by the hon. member for Calgary North (Mr. Woolliams). I agree with his suggestion that perhaps the Minister of Justice and the law officers of the Crown might, within the confines of the principle which I have attempted to put forward in motion No. 2, consider the list of offences; and I would certainly be amenable to an amendment of that list if it were found to be advisable to expand it, or indeed to restrict it, to cover some of the problems raised by the hon. member for Calgary North. So I would indicate, for the purpose of the record, my agreement to that particular approach which I believe to be a responsible one.

With respect to motion No. 3 standing in the name of the right hon. member for Prince Albert (Mr. Diefenbaker), I think we have to look very closely at the words of the clause to the extent that powers are given to agents designated by the Attorneys General or by the Solicitor General, and examine the scope of those powers and the extremes of those powers as they may be exercised within the definition of the words of the subclause.

The hon. member for Sarnia-Lambton (Mr. Cullen) has suggested, notwithstanding some difficulties which he has acknowledged, that we would be wise to proceed with the clause and if, as a result of the reporting clauses, the annual reports of the Attorneys General and the Solicitor