

*Criminal Code Amendment*

ten year provision should be reduced to at least five years, so that then the section could be employed to obtain evidence in relation to such criminal activities as unlawful military drilling, unlawful possession of bombs, grenades or explosive weapons, the carrying of offensive weapons for dangerous purposes, the breach of trust by a public officer, prison breaks and fraudulent stock market transactions.

Mr. Speaker, I could not possibly disagree with the principle of this bill. In fact I wholeheartedly support the general principle. I should like to see this bill evolve and become law, as I believe would most hon. members in this house, but I want to see the best possible bill after most thorough consideration. I hope that the discussion on this and similar bills will be considered by the Royal Commission on Security, which likely will be dealing with this whole problem when it delves into the entire question of security in Canada.

I do not think it would be wise for the government to finalize a bill to deal with wire tapping and electronic eavesdropping until such time as the report of the Royal Commission on Security has been tabled. On the other hand, I hope this report will not be delayed too long because all our communications and every individual in this modern era in effect are threatened by a modern electronic sword of Damocles. Wire tapping and electronic eavesdropping certainly should be controlled and the public should be informed concerning just what can and cannot be done by the authorities and others in the field. It is imperative also that regulations as to the use of a telephone by prisoners in police stations, jails and other places of incarceration should be made, understood and enforced. If lines are bugged, should the regulations be posted in all institutions? Similarly, should fair warning also be given in such institutions that letters are likely to be opened and inspected?

A couple of weeks ago the hon. member from Durham advised the house that there is no authority in Canada to open letters. There is no authority under the Post Office Act of Canada, but under the regulations of the Penitentiary Act, there is a discretionary power vested in those who are in charge of federal institutions to open incoming and outgoing mail. Therefore, there are many problems in connection with an enactment of this kind to be considered.

Should there be some exceptions in Bill C-45, in addition to the exception concerning

a judicial order? Should the general prohibition be further qualified by some stipulation in favour of jails and police stations? What about people who listen in on party lines? Is there a danger that they might run afoul of a measure such as this? Is the old time country sport of listening in to be rewarded in the future by a jail sentence? I submit that this would be a harsh law in this country, even at this late date. There still are many party lines in use throughout the countryside. I am sure that prosecution of a person who listened in on a party line would create quite a problem, if initiated under a statute such as this.

● (5:30 p.m.)

Possibly there should be an exception in favour of those who listen in on party lines, or perhaps the penalty should not be so severe in such cases. Should there be an exception in respect of wartime threat or should there be special measures drafted only upon the outbreak of war?

What about our customs and excise officers? Should there be an exception in their favour? In England the customs and excise officers simply apply to the secretary of state and get permission to open letters and, I understand, to go somewhat further in the tactics they employ, which involve interventions in individual privacy. What about our own security service, the R.C.M.P.? Should they or should they not have some special powers set out in an enactment of this kind?

Mr. Speaker, I am advised that the Department of Justice has received a number of recommendations on wire tapping and electronic eavesdropping. The deputy attorney general of British Columbia has forwarded a resolution of the Vancouver city council in favour of a Criminal Code amendment to restrain wire tapping.

By resolution dated October 26, 1964, the council of the corporation of the city of Toronto indicated that it is

—categorically opposed to the unrestricted use, whether in the process of law enforcement or otherwise, of any kind of mechanical or electronic device for intercepting or overhearing words spoken in conversation by one person to another and not intended to be heard by the person using such device—

They expressed the belief that

—the use of such devices is an offence against an individual's right to privacy, and as such should be forbidden under all circumstances except where a superior court judge otherwise orders for the purposes of criminal investigation in extreme cases.