

Now, the other point was about the names and places. Again, as I read item (e) on page 4, line 29 to line 35, it indicates that, if the names and addresses are known, the judge may authorize quite a wide range of interceptions in relation to those persons.

To take Chief Adamson's example on page 12, where he thought that an emergency permission was going to be needed, he talked about five well-known criminals who were known to be active in a bank fraud and who then, at some stage, suddenly started using the telephone.

With the knowing of the names and the suspicion of the activity they were involved in, I believe they could have had the standing permission to intrude on their conversations by telephone or in other ways, and that they would not have needed an emergency one. They could have been provided and armed with a regular one by a judge.

It is only if they do not know the names. If the names are known, that is it; they can get the necessary authorization in relation to the suspected activity. If they are not known, then a general description of the place is to be put in; but, if a general description of the place cannot be given, a general description of the manner of interception proposed is to be used. Now, that is very broad. It was necessarily written broad to cover the whole range of cases. You will be able to provide yourself in advance, with a great deal of authorization to deal with organized crime, if I may use that expression perhaps in a slightly narrower way than Chief Adamson has been using it.

Senator McIlraith: I take it from what you have said, Mr. Minister, in the case of the telephone booth and the man under surveillance by other persons, that you believe that a general order, having been obtained covering the case of that criminal, would be sufficient under the last part of that clause, "a general description of the manner of interception proposed to be used", to permit them to get an order that would allow them to follow him around and bug the telephone booth he was going to use.

Hon. Mr. Lang: Yes. If either they know the names or, not knowing the names, describe the group that is involved, you would be able to get the general authorization to deal with their conversations in a whole variety of circumstances.

Senator McIlraith: Just for clarification, do you envisage a situation where you would get a general order where you did not know the names of the persons precisely, and you did not know the place where you were going to use the electronic surveillance, and you did not know anything more than the manner the police were going to use? Do you interpret the section as being that wide?

Hon. Mr. Lang: I do, yes.

Senator Laird: That ought to be good enough.

Senator McIlraith: I must say that is a little wider than I interpreted it when it was brought to me. If the judges put that interpretation on it, and I hope they do, it changes my understanding of the nature of the provision quite a bit.

Mr. Dagenais: If I might interject, every time a new person comes into the picture, you are out and you have no authorization.

In the case I was referring to, the half a million dollar fraud, there was a surveillance on a telephone line of one of the suspects. He telephoned a new person and, actually, this new person was a courier in the organization, a minor

character not known to be working at that time for the organization, and he said, "You are going to receive an important telephone call from England." At that time there had been \$350,000 given out by the Barclay's Bank in London on the certified cheque so it was very important to recover the money. That is a very recent case I am speaking about. That case is only three weeks old, but some persons have been detained in England.

Now, to recover the money we had this new character and we knew he would receive a telephone call from England which would be of the utmost importance to us because it had a bearing, actually, on the place where the money was to be located.

I agree with Mr. Lang that the telephone booth was a bad example, because it involved the same character, but in my mind, naturally, I was referring to cases where new characters come into the picture. In the bank fraud case there was no way we could legally have tapped the telephone within the right amount of time.

Senator Choquette: Mr. Chairman, the expression "designated judge" has been used. I was wondering, Mr. Minister, whether these judges were going to be designated by your department or whether they would be, *ipso facto*, designated.

Hon. Mr. Lang: No, the section later on provides for the naming of those judges by the chief justices; they will do the designating. Subsection (4) describes the chief justices, and the beginning of subsection (1), line 23 on page 7, indicates "designated from time to time by the Chief Justice".

Senator Choquette: Would it not be easier to say that every county court judge was designated? We have five here in Ottawa. We have some in the Ottawa Valley. What would be wrong with any county court judge being considered a designated judge? Then, out of the number of judges in the Ottawa Valley, for example, you would be sure to have at least one judge over the weekend. If the judge was playing golf, they could always call him in. I do not see why the chief justice is going to designate a man here and a man there. That will take some time. How will he make his list?

Hon. Mr. Lang: I do not think it will be all that difficult for him to do, and he will no doubt do it promptly.

There is a twofold advantage in having the person who is going to apply know to whom he will apply and having the people receiving the application knowing from whom they will be receiving the application. I think that relationship is important. It is useful because the designated judges can then always have in hand a list of the persons who are authorized by the Attorney General to apply. I think, if you broaden that too far, you end up with a completely uncontrolled situation.

Senator Buckwold: Is it the intention of your department, Mr. Lang, to pass out interpretations of this act to designated judges so that they are in fact knowledgeable of the kind of interpretation that you are giving?

I am concerned that if you do not do that, any number of problems will be created by judges not co-operating because they do not want to stick their necks out to the point of running the risk of being criticized later.

Hon. Mr. Lang: Other lawyers than myself will bring this to their attention.