

Protection of Privacy

Mr. Lang: Mr. Speaker, I suggest we go quickly to motion No. 11 standing in my name, and thereafter to motion No. 13 standing in my name.

The Acting Speaker (Mr. Boulanger): Is this agreed?

Some hon. Members: Agreed.

[*Translation*]

Hon. Otto E. Lang (Minister of Justice) moved:

That Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended by striking out:

(a) lines 8 to 44 at page 7 and substituting the following:

178.15 (1) Where the Attorney General of a province or the Solicitor General of Canada or an agent specially designated in writing for the purposes of this section by the Attorney General of a province or the Solicitor General of Canada is satisfied that circumstances exist that would justify the giving of an authorization for the interception of private communications but the urgency of the situation requires that interceptions commence before an authorization could, with reasonable diligence, be obtained, he may, on such terms and conditions, if any, as he considers advisable, give a permit for the interception of private communications between persons, at a place and in a manner designated by him in the permit.

(2) Where a permit for the interception of private communications is given under subsection (1), the person giving it shall, in every case, forthwith report thereon with full particulars to the Attorney General by whom he was designated for the purposes of this section or to the Solicitor General of Canada, as the case may be, who shall thereupon

(a) direct that an application for an authorization to intercept private communications in the circumstances to which the permit relates be made,

(b) direct that an application for approval of the permit be made, or

(c) revoke the permit or confirm any prior revocation thereof by the person who gave the permit."

(b) lines 14 to 39 at page 8 and substituting the following:

(4) An application for approval of a permit for the interception of private communications shall be made *ex parte* and in writing to a judge of a superior court of criminal jurisdiction or a judge as defined in section 482 and shall be signed by an agent who would have been entitled to apply for an authorization to intercept private communications in the circumstances to which the permit relates; and such approval may be given if the judge to whom the application is made is satisfied that, at the time the permit was given, circumstances existed that would have justified the giving of an authorization to intercept private communications in the circumstances to which the permit relates and that the urgency of the situation required that interceptions commence before an authorization could, with reasonable diligence, have been obtained."

[*English*]

He said: Mr. Speaker, this is simply an amendment to correct the bill along the lines of the intention of the committee. The report came forward with a change which was not considered to be in accordance with the over-all approach and the report of the committee. This is a motion accordingly to correct it, and I commend it to the House.

Mr. Atkey: Mr. Speaker, I wish to concur with the Minister of Justice (Mr. Lang). We have examined this amending motion. We believe it to be necessitated by a clerical error in the reporting back of the bill from the committee. I think the amendment accurately reflects the intention of the committee, at least to the best of my recollection. Therefore, I would support it.

[The Acting Speaker (Mr. Boulanger).]

Mr. Leggatt: On a point of clarification, we are dealing with amendment No. 11 at this time?

Mr. Lang: Yes.

Mr. Leggatt: Since this party has moved to strike out the emergency permit clause, I would point out this is simply an attempt to amend that clause and there does not seem any point in supporting an amendment to a clause that we have moved to delete from the provisions of the bill. We can understand the minister wishing to amend in accordance with the proceedings of the committee, but nevertheless we cannot support the amendment on the basis that we cannot support the clause it seeks to amend.

[*Translation*]

Mr. André Fortin (Lotbinière): Mr. Speaker, personally I am strongly opposed to amendment No. 11 before us and to amendment No. 13 for several reasons, including, as I said earlier, the intervention of the political power that can always intervene directly under several pretexts.

The reasons for being authorized to use wiretapping devices are as follows:

178.12 (c) the facts relied upon to justify the belief that an authorization should be given . . .

(d) the type of private communication proposed to be intercepted;

(e) the names and addresses, if known, of all persons, . . . whose private communications . . . are proposed to be intercepted . . .

(f) the period for which the authorization is requested; and

(g) whether other investigative procedures have been tried . . .

With respect to that under the procedure set out by the original bill the judge must be satisfied that there are no other means available. In making his decision the judge must emphasize the terms with which authorized persons must comply.

The bill also says elsewhere that renewals can be granted by a judge of a Superior Court within a period of 30 days. The same procedure as under clause (4) must be followed.

Mr. Speaker, I fail to find situations so urgent that one judge or another could not be contacted and I fail to see why any minister should have it within his power on the pretence of a so-called emergency to give an authorization to install bugging devices and use them for unknown purposes.

Mr. Speaker, this bill is acceptable and I intend to support it to the extent that I am protected against the possible use by the political power. And I think that if the House agrees to that amendment that means that the House is going against the spirit of this bill which is to protect society and individuals while at the same time giving increased efficiency to justice. Thus it continues to do what has been done in the past, that is allowing the political power to intervene as it wishes according to circumstances in the administration of justice.

Mr. Speaker, in introducing this amendment the minister admits that on certain occasions it is impossible to contact a judge of the Superior Court or any other person. Then let him appoint more judges or take the necessary means so the judicial power can meet the demand, instead