

not exceeding five years, in substitution for the period mentioned in subsection 178.23(1).

(4) Where the judge to whom an application for an authorization and an application referred to in subsection (2) are made refuses to fix a period in substitution for the period mentioned in subsection 178.23(1) or where the judge fixes a period in substitution therefor that is less than the period set forth in the application referred to in subsection (2), the person appearing before the judge on the application for the authorization may withdraw the application for the authorization and thereupon the judge shall not proceed to consider the application for the authorization or to give the authorization and shall return to the person appearing before him on the application for the authorization both applications and all other material pertaining thereto."

Clause 8

Strike out line 11, on page 40, and substitute the following therefor:

"(2) Where the judge or magistrate presiding at any proceedings is of the opinion that a private communication that, by virtue of subsection (1), is inadmissible as evidence in the proceedings

(a) is relevant to a matter at issue in the proceedings, and

(b) is inadmissible as evidence therein by reason only of a defect of form or an irregularity in procedure, not being a substantive defect or irregularity, in the application for or the giving of the authorization under which such private communication was intercepted,

he may, notwithstanding subsection (1), admit such private communication as evidence in the proceedings.

(3) A private communication that has"

Clause 10

Strike out lines 34 and 35, on page 40, and substitute the following therefor:

"10. Section 178.23 of the said Act is repealed and the following substituted therefor:

"178.23 (1) The Attorney General of the province in which an application for an authorization was made or the Solicitor General of Canada if the application was made by him or on his behalf shall, within ninety days next following the period for which the authorization was given or within such other period as is fixed pursuant to subsection 178.12(3) or subsection (4) of this section, notify in writing the person who was the object of the interception pursuant to the authorization and shall, in a manner prescribed by regulations made by the Governor in Council, certify to the court that issued the authorization that such person has been so notified.

(2) Subsection (1) does not apply in the case of a warrant issued under subsection 16(2) of the *Official Secrets Act*.

(3) At any time within the ninety day period mentioned in subsection (1) or any other period that is less

than five years that was fixed by a judge pursuant to subsection 178.12(3) in relation to a particular authorization, the Attorney General by or on whose behalf the application for the authorization was made or the Solicitor General of Canada if the application was made by him or on his behalf may apply to a judge of a superior court of criminal jurisdiction or a judge as defined in section 482 to substitute for the ninety day period mentioned in subsection (1) or the other period so fixed, such longer period not exceeding five years as is set forth in the application.

(4) Where the judge to whom an application referred to in subsection (3) is made, on the basis of an affidavit submitted in support of the application, is of the opinion that the interests of justice warrant the granting of the application, he shall fix a period, not exceeding five years, in substitution for the ninety day period mentioned in subsection (1) or the period fixed pursuant to subsection 178.12(3)."

Clause 11

Strike out lines 40 to 44, on page 42, and substitute the following therefor:

"689. (1) Where an application under this Part has been made, the Court shall hear and determine the application except that no such application shall be heard unless

(a) the Attorney General of the province in which the offender was tried has, either before or after the making of the application, consented to the application;"

Strike out lines 34 to 36, on page 46, and substitute the following therefor:

"shall, forthwith after the expiration of three years from the day on which that person was taken into custody and not later than every two years thereafter, review"

Clause 13

Strike out Clause 13.

Clause 14

Add immediately after line 30, on page 53, the following paragraph:

"(d.1) barrelled weapons that are deemed by subsection 82(2) of the *Criminal Code*, for the purposes of certain provisions of that Act enumerated in that subsection, not to be firearms;"

Clause 19

Strike out line 38, on page 56, and substitute the following therefor:

"sions of the Board, each consisting of two or"

Strike out line 3, on page 57, and substitute the following therefor:

"powers conferred on the Board by this or any other Act of Parliament."