

Debate was resumed on the motion of Mr. Diefenbaker, seconded by Mr. Bell,—That Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended in Clause 2:

(a) by deleting lines 33 and 34 inclusive at page 2 and substituting therefor:

“authorization or any person”

(b) by deleting lines 8 to 44 inclusive at page 7, lines 1 to 39 inclusive at page 8, lines 1 to 13 inclusive at page 9, lines 23 to 28 inclusive at page 11, lines 13 to 34 inclusive at page 17, and lines 29 to 32 inclusive at page 18.

And on the motion of Mr. Guay (Lévis), seconded by Mr. Caron, in amendment thereto,—That motion numbered 3 be amended by

(a) striking out the following words and numbers appearing in lines 3 and 4 of paragraph (b):

“lines 23 to 28 inclusive at page 11”

and substituting the following:

“lines 1 to 14 at page 10, the words “or a person given under subsection 178.15(1)” in lines 27 and 28 at page 11;” and

(b) adding to paragraph (b) the following:

Applica-  
tions to  
specially  
appointed  
judges

178.15 (1) Notwithstanding section 178.12, an application for an authorization may be made *ex parte* to a judge of a superior court of criminal jurisdiction, or a judge as defined in section 482, designated from time to time by the Chief Justice, by a peace officer specially designated in writing for the purposes of this section by

(a) the Solicitor General of Canada, if the offence is one in respect of which proceedings, if any, may be instituted by the Government of Canada and conducted by or on behalf of the Attorney General of Canada, or

(b) the Attorney General of a province, in respect of any other offence in the province,

if the urgency of the situation requires interception of private communications to commence before an authorization could, with reasonable diligence, be obtained under section 178.13.

Authoriza-  
tions in  
emergency

(2) Where the judge to whom an application is made pursuant to subsection (1) is satisfied that the urgency of the situation requires that interception of private communications commence before an authorization could, with reasonable diligence, be obtained pursuant to section 178.13, he may, on such terms and conditions, if any, as he considers advisable, give an authorization in writing for a period of up to 36 hours.

Certain in-  
terceptions  
deemed not  
lawful

(3) For the purposes of section 178.16 only, an interception of a private communication in accordance with an authorization given pur-

suant to this section shall be deemed not to have been lawfully made unless the judge who gave the authorization or, if such judge is unable to act, a judge of the same jurisdiction, certifies that if the application for the authorization had been made to him pursuant to section 178.12 he would have given the authorization.

“Chief  
Justice”  
defined

(4) In this section, “Chief Justice” means

(a) in the Province of Ontario, the Chief Justice of the Supreme Court,

(b) in the Province of Quebec, the Chief Justice of the Court of Queen’s Bench (Crown side),

(c) in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, Alberta and Newfoundland respectively, the Chief Justice of the Supreme Court,

(d) in the Province of British Columbia, the Chief Justice of the Supreme Court,

(e) in the Provinces of Manitoba and Saskatchewan respectively, the Chief Justice of the Court of Queen’s Bench,

(f) in the Yukon Territory, the Chief Justice of the Territorial Court,

(g) in the Northwest Territories, the Chief Justice of the Territorial Court.”

And debate continuing;

Mr. Atkey, seconded by Mr. Fairweather, moved in amendment thereto,—That the proposed amendment of Mr. Guay (Lévis) to motion numbered 3 be amended by deleting the first three lines of paragraph (a) of the amendment and substituting the following:

(a) striking out the following words and numbers appearing in lines 2 to 4 of paragraph (b):

“lines 1 to 13 inclusive at page 9 and lines 23 to 28 inclusive at page 11”.

After debate thereon, the question being put on the amendment to the amendment, it was agreed to.

And the question being put on the amendment, as amended, it was agreed to.

And the question being put on motion numbered 3, as amended, it was agreed to.

By unanimous consent, motion numbered 11, standing in the name of the Minister of Justice, on which a recorded division was deferred, November 27, 1973, as follows:—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:

“Emergency permits 178.15(1) Where the Attorney General of a province or the Solicitor General of Canada or an agent specially designated in writing