There is a second reason for this amendment. It is an amendment which applies to authorization which has been legally obtained, in that the reporting requirement makes the offence and damage sections of the bill much more meaningful. It will assist an individual Canadian, in the first instance, to know whether he has been the victim of a legal wiretap. Indeed if a Canadian discovers electronic surveillance equipment, and in due course does not receive the adequate notice to which he would be entitled under this amendment, then obviously he has good reason to suspect that he may have been the victim of an illegal tap. In that case, he has the very meaningful damage section open to him whereby he can proceed against the perpetrator of that illegal surveillance for punitive damages to the extent of $5,000, and he can seek to have that individual prosecuted in the criminal courts where the individual can face a penalty of up to five years' imprisonment.

● (1640)

But without the notice section, who is ever going to know? Certainly, the evidence placed before a judge on an application for authorization is not going to be a matter of public record. Certainly, the hearing at which an authorization is obtained is not a public hearing. It is an ex parte hearing in secret, and I think it is clear from the evidence of the police or law enforcement officials, put before the Justice Committee at various proceedings in this and the last parliament, that the police or law enforcement officials themselves are not going to make available the evidence that was used to obtain the authorization. Obviously, that is going to be secret documentation. At some point there has to be accountability, and unless we have this notice section, which the majority of the Justice Committee saw fit to include, we will not have the openness and public accountability which any system of legal electronic surveillance really requires in a free and democratic society.

The original motion which I placed before the standing committee was not spun out of thin air. It was not spun out of my imagination, or the imagination of any individual member of the committee. Indeed, it was the product of the standing committee of the last parliament, a committee which was dominated by a majority of Liberal government supporters, a committee which presented a very excellent report to the House on March 11, 1970. I would like to quote at length from that committee report, because I think the rationale for the amendment which we are debating today was very clearly put forth in it.

> The Committee recommends that every order authorizing the interception of communications specify that the responsible Minister must notify the person who was the object of the surveillance, in writing, within 90 days of the termination of the interception; and that the fact of notification be certified by the responsible Minister to the Court issuing the authorization order. An exception to this rule should be made in the case of an interception involving espionage or sabotage on behalf of a foreign power, or where the responsible Minister certifies to the judge granting the authorization, prior to the expiration of the 90-day period that the investigation is continuing and the judge is of the opinion that the interests of justice require that a delay of a determinate reasonable length be granted.

It is really pursuant to that majority committee report—I repeat a committee dominated by Liberal government supporters—that the amendment was put forward in the standing committee of this parliament, and it carried.

Again, to illustrate that the committee itself was not spinning its ideas out of thin air, and indeed had subsequent confirmation of some of the rationale behind the suggestion of a notice rule, let me refer to some submissions made by the Canadian Civil Liberties Association when it reported to the Standing Committee on Justice and Legal Affairs on June 6, 1972. I am now going to quote from the brief of the Civil Liberties Association of Canada presented that day.

> But not all electronic bugs will culminate in public hearings. Thus, their victims may never learn of the intrusions they have sustained. In order to minimize the surreptitious character of the process, we believe that the bill should contain a provision requiring notification to the victim within a reasonable period after the termination of the surveillance. Such notification would enable the innocent victim to seek redress where the surveillance might have been improper. Moreover, the requirement of notice would create another political deterrent to widespread and needless bugging. Telling the victim is the perfect complement to disclosing the statistics. The prospect of more angry people might serve to restrain much needless bugging.
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> We note that such a provision was included in the U.S. statute, Professor Blakey's proposals and the recommendations of this Committee. It is regrettable that the government did not see fit to include it in Bill C-6. We submit, therefore, that you should try again.

Those words of the Civil Liberties Association tell it all. The majority of the standing committee in the previous parliament recommended a section like this but, for reasons which were not clearly explained, the government chose not to adopt the recommendation. And again, the Civil Liberties Association, making reference to U.S. authorities, to the very excellent evidence of Robert Blakey, professor of law at Notre Dame law school in the United States, and indeed to other statements made in the public domain at that time, came forward and said to the committee, "Have a try again; have another go." The committee in this enlightened parliament did, and we were successful. This is the amendment which the minister now seeks to remove.

I was interested in the minister's comment that one of the particular problems with the wording of the clause before us was that it was very difficult to determine who would be the object of surveillance. I find that strange when it was the minister himself, in committee, who suggested the use of those particular words. The amendment, in the form in which it was originally put, contained the words "any person whose private communication has been intercepted." Those words are obviously much wider than the words which are now in the present bill. Indeed, it was in order to accommodate some of the minister's concerns in committee that the words "those who were the object of the interception" were adopted in the amendment which is now part of the bill.

If I may draw an analogy to show why we need a notice section such as this, I may say it is similar to the situation involving credit reporting agencies where information that potentially invades the privacy of the individual is kept by a commercial concern, and is capable of being passed on by computer and other records to virtually anyone willing to pay for that information. In a number of the provinces legislation is being developed, a principal provision of which is to require disclosure to the individual citizen, so that he has an opportunity to see his file and to correct it. I think that is a wise provision. Similarly, I