

Protection of Privacy

Everyone of those cases was clearly covered under the provisions of the bill as drafted by the hon. member for St. Paul's to provide for a reasonable determinate delay, and I have no doubt that in every case a judge would have ordered that kind of delay so that those notifications would not have had to go out. That is close to a misrepresentation by silence. Surely, the minister could have spoken up during the deliberations and could have pointed out that the examples given honestly by the chief from Toronto did not apply to the House bill, but I cannot find a comment like that in the record of the proceedings.

● (1550)

As I said, we have heard 32 witnesses, such as Mr. Jacques Dagenais and Detective Sergeant Masse of the Montreal urban community police service. We had M. J. Nadon, deputy commissioner of the RCMP and H. C. Draper, assistant commissioner of the RCMP. We also had Ramsey Clark, ex attorney general of the U.S. Unfortunately, we did not have Mr. Adamson. I wish he had come. We also had Dr. Whiteside and Alan Borovoy as well as people from the civil liberties side of the particular question. We tried to weigh the evidence. There was no one representing the point of view of the House before the Senate, no one explaining the position that the House took. I urge this House, not as an act of defiance but as an act of good judgment, to return the bill in its present form to the Senate.

Some hon. Members: Hear, hear!

Mr. Leggatt: Let us give the Senate a chance to consider the bill. They have spent a very short period of time on it. Let us hear evidence from the other side. I will be proposing an amendment which would return the bill in its present form. If the House wishes to get on with other business, it can get on with that other business right away. Let us send the bill back in the form in which we sent it the first time and confirm the four years of work that went into creating the bill. I am concerned about these sections which were studied in great detail. Without any question or doubt, the clause which was sent to the Senate by the House is preferable to the one the minister is now proposing and which I am concerned may be accepted by other members on this side of the House. The distinction is clear and uncomplicated.

Under the House amendment to the bill, there is provision for a reasonable, determinate delay of the notice to permit the investigation to continue. The words were "while the investigation is continuing", and I submit to the House that nothing more is needed for a judge to delay that notification procedure other than to say, we still have strong suspicions; we have not developed evidence; we ask for a determinate delay. It does not say how many years.

The Minister of Justice is fond of pointing out his famous heroin case which lasted for over a two year period. There is nothing in the section which the House sent to the Senate which would prevent the extension of the notification provision in that case. It is very clear that the example which the minister cites is not a proper example. Under the House provision that would have clearly been covered. The investigation could go on for 10 years under this provision; there is no limit to the delay

[Mr. Leggatt.]

which may be considered necessary. The investigation may relate to organized crime, in which case the police might wish to take a great deal of time, and in such a situation I do not see why a 10 year delay could not be given. But then, the minister wants his own little way. I submit that, in order to achieve it, he is sacrificing the work of this House over a four year period and risking this bill.

Before putting the amendment, I should like to mention this matter of whether or not we should be going home. People keep suggesting that if we want to go home we may lose the bill. I have an option. We can go home if you will vote for this subamendment because it will bring an end to this matter. The subamendment will have the effect of saying, first, to the Minister of Justice that there is to be no game playing in the House, and second, it will have the effect of returning this matter to the Senate. Then, the Senate can have ample opportunity to consider all the evidence, not just some of the evidence, when they tinker around with a bill sent by the House.

Therefore, I move, seconded by the hon. member for Vancouver East (Mr. Neale):

That the motion be amended by striking out all the words after the words "an Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act", and by substituting therefor the following words:

"and that a message to that effect be sent to Their Honours".

I now wish to read the entire motion as amended, so that it will make a little more sense. If this amendment is adopted, the motion would read:

That this House does not occur in the amendment made by the Senate to Bill C-176, an Act to amend the Criminal Code, the Crown Liability Act and the Officials Secrets Act, and that a message to that effect be sent to Their Honours.

Mr. Deputy Speaker: Is the House ready for the question?

Some hon. Members: Agreed.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the said amendment?

Some hon. Members: Agreed.

Some hon. Members: No.

Mr. Deputy Speaker: All those in favour of the proposed amendment will please say, yea.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: Call in the members.

The House divided on the amendment (Mr. Leggatt) which was agreed to on the following division: