

"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 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.

Report to Attorney General or Solicitor General of Canada (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:

"Where and by whom approval of a permit may be given (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."

After debate thereon, the question being put on the said motion, pursuant to section 11 of Standing Order 75, a recorded division was deferred.

Mr. Lang, seconded by Mr. Sharp, moved,—That Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended by

(a) adding immediately after line 29 at page 9 the following:

"Judge may rule evidence admissible (2) Where in any proceedings the judge is of the opinion that any private communication or any other evidence that is inadmissible pursuant to subsection (1) is relevant and that to exclude it as evidence may result in justice not being done in the matter to which the proceedings relate, he may notwithstanding subsection (1), admit such private communication or evidence as evidence in such proceedings."

(b) by striking out line 30 at page 9 and substituting the following:

"Application to Sub-section (1) (3) Subsection (1) applies to all".

And debate arising thereon;

Mr. Atkey, seconded by Mr. Baldwin, proposed to move in amendment thereto,—That motion numbered 13 be amended by deleting therefrom the words "is relevant and that to exclude it as evidence may result in justice not being done in the matter to which the proceedings relate," and substituting therefor the following:

"(a) is relevant,

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

(c) that to exclude it as evidence may result in justice not being done,".

And debate arising thereon;

(Proceedings on Adjournment Motion)

At 10.00 o'clock p.m., the question "That this House do now adjourn" was deemed to have been proposed pursuant to Standing Order 40(1).

After debate the said question was deemed to have been adopted.