

Protection of Privacy

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.

Authorizations 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 interceptions deemed not lawful

(3) For the purpose of section 178.16 only, an interception of a private communication in accordance with an authorization given pursuant 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, 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 the 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."

Mr. Speaker, may I be permitted to table, in both official languages, the amendments I move, seconded by the hon. member for Beauce (Mr. Caron) to Motion No. 3 moved by the right hon. member for Prince Albert (Mr. Diefenbaker).

[English]

Mr. Deputy Speaker: The House has heard the motion presented by the hon. member for Lévis (Mr. Guay), seconded by the hon. member for Beauce (Mr. Caron). If I read the motion again it would take us beyond six o'clock. I assume copies have been made available. The motion contains some technical aspects, but perhaps the right hon. member for Prince Albert (Mr. Diefenbaker) would wish to speak first on its acceptability.

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, on May 8 I spoke in the House concerning this bill. That was before the bill came before the committee, where it was considered at great length. While I made various criticisms in general, I think I could epitomize my criticism by pointing out that the feeling was that, while I was opposed in general to wiretapping, I realized that circumstances would arise from time to time that could justify this course being followed, provided no open season was permissible for police officers, enforcement officers, Attorneys General or the Solicitor General to

[Mr. Guay (Lévis).]

allow wiretapping to take place without judicial approval in advance.

The essence of proposed section 178.15 as originally placed before the House would have allowed the Attorney General of a province, the Solicitor General of Canada or an agent specially designated in writing for the purposes of the section by the Attorney General of a province or the Solicitor General of Canada, if he were satisfied that circumstances existed which would justify the granting of authorization for the interception of private communications, but the urgency of the situation required that interceptions should commence before an authorization could with reasonable diligence be obtained, on such terms and conditions if any as he considered advisable to grant a permit for the interception of private communications between persons, and that right would exist for a period of 36 hours. To me that constitutes the embodiment of a most dangerous provision whereby the right to privacy of Canadians would be subject to an invasion which after 36 hours could result in dangerous implications to the freedom of the individual.

I said that as far as the general principle was concerned, I was opposed to it. But realizing the expansion of crime which is taking place and the difficulty of assuring justice to the nation, while at the same time assuring the freedom of the individual against insidious attacks by those who would take shortcuts through our system of justice, perhaps this could be considered a proper course.

● (1750)

We argued very strongly. I do not wish to name all the hon. members who took part, but I would say a word of commendation not only in respect of the hon. member for St. Paul's (Mr. Atkey) but also the hon. member for New Westminster (Mr. Leggatt), who in the amendment he offered to this House represented in essence what I have argued for and against. I think all of us will appreciate the fact that while strong words were expressed, because of the nature of this bill, essentially those words were based on the fact that only under a judicial system properly enforced can there be that freedom that gives equality to each and every one of us.

Crime is rampant. There is no question about that. Contempt is shown today for police officers to a degree that did not exist when I came into this House. While police officers always must be subject to the searchlight of public opinion, they have the right to ask that citizens stand behind them and support them when they are doing their duty. All of us who have the viewpoints I expressed on May 8 realize since that date, as was mentioned earlier this afternoon, the revelations of Watergate mean that parliament must be careful. It is difficult to understand what has happened in Washington and to realize that the finest principles of justice in the British tradition were swept aside by a coterie surrounding the President who placed the welfare of a political party above the needs and the welfare of the state.

Much has been made of the fact that there is international crime and that it is difficult to secure convictions. I was amazed to read in the report of the Mounted Police that in Canada, in one year beginning April 1, 1971, there were police reports and investigations concerning rack-