

Protection of Privacy

not be completed in time to handle such a matter. For example, it might be the head investigative officer in a drug squad who would have authority in certain circumstances to accomplish this kind of detection.

Hon. members may say that it is not so important that one or two persons involved in drug crimes get away undetected. Once again I put to them the proposition that we ought to help our law enforcement officers and give them equipment they can use to detect crime on our behalf, rather than tie their hands in cases where we do not have to do so essentially for our very liberties. It seems to me that the responsibility of the officers and of the attorney general in this operation is a complete answer to the question whether we ought to have this extension in the area of emergency permits.

I repeat that this is a relatively small area operationally in the bill. It is a minor area but one where the investigative officers feel that in certain significant cases of crime, drug trafficking to which I have referred being one example, they may be impeded in bringing to justice persons who have come to their attention if they cannot obtain a permit to use this kind of device. Please let us all remember, Mr. Speaker, that persons involved in the worst of organized crime will themselves put no equipment out of reach. They will use all equipment available to detect even the use of electronic devices to which the police on occasion may resort.

The bill has been written in an attempt to protect in every way against the misuse of its provisions. The hon. member for New Westminster (Mr. Leggatt) said that if a permit were taken out to meet an emergency situation and then never followed up in its application, he foresaw that evidence obtained might none the less be used as evidence. For the purpose of that provision of the bill, any evidence obtained under a permit which is revoked is treated as unlawful, so I suggest that contingency is covered in the bill.

We have endeavoured in every way to provide similar protection. I therefore appeal to the individual members of this House, as I did the members of the committee, to look at the balance between protection and privacy, which is the fundamental thrust of the major offences in the bill, and the need for legitimate use by our law enforcement officers of electronic equipment in carrying out their job on our behalf. It is not their job alone; they are doing their job on our behalf, apprehending persons involved in serious crime and bringing them to justice.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, before commencing my remarks, last evening there was before the House motion No. 2 which was stood at my request. I should like to say a few words about that and then discuss the amendment moved by the right hon. member for Prince Albert (Mr. Diefenbaker). So, with your leave, I will speak to the one amendment which was moved yesterday in regard to which I filed a caveat which was agreed to by the Deputy Speaker. This is why I thought I would bring it to Your Honour's attention since you were not in the chair at the time.

The Acting Speaker (Mr. Laniel): Order. The hon. member is asking the House to allow him to speak on the other amendment which stood over with consent. I do not

know why the hon. member wishes to speak to two amendments at the same time, but if hon. members have no objection the hon. member may do so. I would not want this to be taken as an opportunity for other members to take advantage of this permission and speak to all amendments while they are debating one of the many amendments.

Mr. Woolliams: Thank you, Mr. Speaker. Actually I am not going ahead of the game but addressing myself only to the motion stood. I appreciate your generosity.

First of all, I should like to endorse what the right hon. member for Prince Albert said in regard to his amendment dealing with the question of emergency. There has to be a happy balance between the protection of privacy and the administration of law. I want to be fair to all sides of the House, so let me say that whether we belong to the legal profession or to some other profession we would all want to see a happy balance struck in this regard.

I do not want to be offensive in any way to the minister, but I hope he will be very flexible at this stage. I was not on the standing committee in this session, though I was when it had a similar bill before it before the last election and therefore have a pretty good knowledge as to what was attempted at that time. Some of the compromises made by this committee were similar to those made by the other committee.

When the bill first came before the committee in its original form, the Solicitor General or the attorneys general of the provinces were given the right to grant permission. I, the hon. member for Fundy-Royal (Mr. Fairweather) and others, took the view that permission should be granted by a judge to protect the privacy of the citizen. The former minister of justice, now the Minister of Finance (Mr. Turner), who presented that bill, finally introduced that particular phrase when the bill went back to committee, but I was glad to see the change made to the effect that consent of a judge is required.

I hope the minister will accept the amendment moved by the right hon. member for Prince Albert. He has had wide experience in the practice of law as a counsel in the great councils of this country. He is well aware of the problems of the Crown in obtaining evidence, as well as the problems of the defence. Obviously, he has given an amendment of this substance a lot of thought and weighed the question of civil right to privacy against the administration of law. I hope all members of the House will be in accord with this amendment because it would ensure privacy.

Someone said there were 600 judges available, but there are times when it is difficult to find a judge. Indeed, I have had that experience myself. I agree with the right hon. member that even if an agent were appointed, the Minister of Justice or an attorney general cannot always be located. If the amendment is accepted, many of the other amendments may prove to be more academic than they appear to be at the moment. If the amendment were accepted, I would think there was very wide protection. Whoever applies for an order to bug one's telephone has to swear certain things in an affidavit as prescribed by a certain formula. If the order is granted, the judge would