

Attorney General or Solicitor General. This is a requirement that gives that flexibility to the Attorney General or Solicitor General to appoint the person who is most likely capable of exercising judgment and also to be in place in order to carry out this function. The problem of leaving the matter to the Solicitor General or Attorney General is, of course, a very serious one in terms of this availability at a certain point in time or at a certain place, and therefore one to be avoided.

Everyone who looks at this act should recognize the very important protections that are built in, in an attempt to assure that the very best kind of conduct does accompany the use of this rather special device, one which is intended to be used only when other devices are not going to succeed in regard to persons involved in serious crime. The reporting provisions are of extreme importance. The reports generally required would include the names of the persons who have been authorized, so that there will be an opportunity to scrutinize the conduct of Attorneys General and Solicitors General in the appointing and designating of these persons.

● (1750)

The reports, in addition, are designed to be very complete in the information they give about the way in which an application was made, whether an application was granted, whether there were renewals and the number of persons identified in an authorization in respect of whom proceedings were commenced. This is the kind of information required in the reports which are to be made annually by the Solicitor General and by Attorneys General put before this House and made a matter of public record. Some of the Attorneys General of the provinces may feel there is a legitimate question as to whether parliament ought to impose upon them this kind of obligation to report in what is essentially a political way. I think it is essential and is the right of parliament to do this because, after all, it is this parliament that has the obligation to make laws which protect our citizens.

As a result of the Criminal Code and long tradition in this country, the provincial Attorney General is the officer charged with carrying out the law enacted by this parliament. It does seem to me, in looking at this power to obtain authorization to use an electronic device to intercept a communication, that we have quite properly looked at the question involving the kind of report to be made by provincial Attorneys General. In making those reports public and available to members of parliament, I think it follows that in order to do our job properly we must examine the reports.

The political processes of the provinces should aid us, as well, in that the members of the opposition there will ordinarily be zealous in pointing out any misuse or abuse in the manner in which the Attorney General of a province carries out his obligation. We, as the makers of law in this parliament, continue to have the right and the duty to examine these reports from the provincial Attorneys General. We also have the obligation to examine the reports so as to determine whether the Attorneys General properly carry out their function; and we should have the right to make changes if we find these officers are not operating in an appropriate manner. After all, that is our obligation and our function.

Protection of Privacy

The reporting provision is one I rely upon as being very necessary in this statute. Here again, this is important as a controlling device in respect of naming the agents who can make application to an Attorney General. The Attorneys General will have to focus very carefully on this question, and I am sure the suggestion of the hon. member for St. Paul's was made in this vein. What he is suggesting is that this should be done. I am sure he has reference to the discretion which is commonly applied to these matters by the very best police forces. We on our part will be charged with the obligation of seeing that Attorneys General throughout this country do in fact apply the kind of standard which should be applied in respect of police units throughout this country. I refer to the high quality of standard that can be found among many police units now in existence in our country.

Therefore, I hope hon. members will oppose this amendment proposed by the hon. member for New Westminster in order that the operational possibilities of using electronic intrusion when really needed in order to detect serious crime and enforce the law can, in fact, be a workable procedure.

Mr. Terry Grier (Toronto-Lakeshore): Mr. Speaker, in rising to support the amendment put forward by my colleague, the hon. member for New Westminster (Mr. Leggett), I should perhaps say by way of preface that I am not a lawyer and I have no experience in the administration of the law. I am inclined to feel that this matter should not be left exclusively to the advice of lawyers, so I want to add a layman's point of view.

My position is simply that, rather than starting off by permitting a fairly wide use of the principle of agency, it would seem to make more sense to be more cautious by starting off with a limitation as suggested by the hon. member's amendment. If after a period of time it becomes evident that the provisions set out in the hon. member's amendment are not sufficient to meet the problems toward which this act is directed, surely that is the time to broaden the use of the principle of agency.

I am perhaps not so sure as the hon. member for St. Paul's (Mr. Atkey) that the spirit of the law will be observed if the letter of the law does not make the spirit explicit. Therefore, I believe there is good reason for arguing that the use of the principle of agency should be restricted to those persons designated in my colleague's amendment. If, after experience of a year or two, it seems clear that this is an unworkable restriction, then perhaps the doctrine of agency can be expanded further. Therefore, I believe that the spirit of the law as enunciated by the hon. member for St. Paul's should be made explicit in the letter of the law.

I should like to add one additional comment in respect of the argument put forward by the hon. member for New Westminster when he addressed himself to the principle of this legislation. I do not agree entirely with him that the use of wiretapping under certain circumstances is in itself immoral. I believe that the state has rights, just as an individual has rights, and there are certain circumstances under which the state may apply those rights. This bill sets forth one of those circumstances.