

different matters is very much on people's minds today. In addition, there should be stern penalties for such an invasion. Because a law without penalties is meaningless.

The second philosophy is that authorized representatives of the government, having obtained their authority from a judge of the land first of all, be empowered to use these modern devices, these things that have made our lives different from all other lives in the past, to fight against those who, by their acts, harm the well-being of innocent citizens. It is clear that individuals should be forbidden the right to invade the privacy of others. It is equally clear that those empowered to protect us all must be provided with the most up to date means of so doing.

This bill will empower the police to use these devices, not in a manner where they can be misused but, rather, in a manner that ensures that such surveillance is always regulated so there is no temptation for those few individuals who exist in every profession to abuse their power.

As a result of suggestions put forward by Conservative members, the original bill is being improved. It is being improved in that no law enforcement officer will be placed in the position of having to take the risk that his evidence will be thrown out of court because he acted first and sought permission later, or because of some minor technicality that might develop. This is something that very often plays upon the mind of those outside the legal profession: a minor technicality can cause a case to be thrown out of court, and it seems to them that justice sometimes is not done as a result. Thus we are ensuring use of evidence that is needed to convict criminals.

Under the changes that I hope will be accepted, many of which are on their way to acceptance, there will be a roster system among judges so that permission may be obtained at any time, night or day, to meet a sudden emergency need for authorization. Secondly, the judges shall accept the evidence as long as permission has been granted in substance, whether or not the technical aspects of the granting have been met in every way. It is very important that our police and law enforcement officers be able to obtain quickly something that is needed for the public good.

This bill protects individuals from each other. It allows the police to use modern means to combat crime, and provides that they can obtain this authority at any time of need and not have to face the problem of seeing hard evidence thrown out because a "t" was not crossed and an "i" was not dotted. I welcome this bill in its amended form because it will be a step in two directions: it ensures the preservation of one individual from another, and it offers assistance to law enforcement officers in their actions to control the criminal elements in our society. These are steps that can be accepted by all who are concerned about liberty under the protection of the law and its agents.

Today the two principles of protection of individual liberty and protection and security of individuals from lawless elements are being extremely well put together in this bill. This is taking place, from what I have seen, as a result of give and take between government and opposition. As a result of the urgings of our members, the police will be allowed to have all necessary powers to fight lawless elements in areas in which they threaten the safety of both individuals and the state. The bill will

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clearly state the necessary steps that the police must take, and at the same time it will preserve the essential privacy of those who have done no wrong from unneeded invasion. This bill, if it proceeds along the path that seems likely today, may very well be remembered as one of the finest that this parliament has yet produced.

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

Some hon. Members: Question.

Mr. Deputy Speaker: The question is on the amendment to motion No. 2 moved by the hon. member for Sarnia-Lambton (Mr. Cullen). All those in favour will please say yea.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those in favour will please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

● (1740)

Mr. Deputy Speaker: Pursuant to agreement reached earlier, the division on the amendment will be deferred until a later stage. I gather it is the understanding of the House that we will now proceed to motion No. 3 standing in the name of the right hon. member for Prince Albert (Mr. Diefenbaker). Am I correct in that regard?

Mr. Knowles (Winnipeg North Centre): Question.

[*Translation*]

Mr. Raynald Guay (Parliamentary Secretary to Minister of Justice): Mr. Speaker, I read very attentively the amendment proposed by the right hon. member for Prince Albert (Mr. Diefenbaker). Because of the late hour, let me simply move an amendment which reads as follows:

That Motion No. 3 to amend Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended by

(a) striking out the following words and numbers appearing in lines 3 and 4 of paragraph (b):

"lines 23 to 28 inclusive at page 11"

and substituting the following:

"lines 1 to 14 at page 10, the words "or a permit given under subsection 178.15(1)" in lines 27 and 28 at page 11 "; and

(b) adding to paragraph (b) the following:

"Applica- 178.15 (1) Notwithstanding section 178.12, an application to specially appointed judges application for an authorization may be made *ex parte* to a judge of a superior court of criminal jurisdiction, or a judge as defined in section 482, designated from time to time by the Chief Justice, by a peace officer specially designated in writing for the purposes of this section by

(a) the Solicitor General of Canada, if the offence is one in respect of which proceedings, if any, may be instituted by the Government of Canada and conducted by or on behalf of the Attorney General of Canada, or

(b) the Attorney General of a province, in respect of any other offence in the province,