

*Protection of Privacy*

**Mr. Ron Atkey (St. Paul's):** Mr. Speaker, I do not speak with the—

[*Translation*]

**Mr. Guay (Lévis):** On a point of order, Mr. Speaker.

**Mr. Speaker:** The Parliamentary Secretary to the Minister of Justice rises on a point of order.

**Mr. Guay (Lévis):** Mr. Speaker, with respect to the statement made by the hon. member for New Westminster (Mr. Leggatt) I would like to point out that if the hon. member for Saint-Hyacinthe has changed his mind so often it might well be because of that. He should look at the climate that exists in the province of Quebec; he would realize that only two Tory members were elected there.

**Mr. Speaker:** Order. The hon. member knows as well as I do that this is not a point of order. The hon. member will be given a chance to participate in the debate and the Chair will give him an opportunity to make his speech after the hon. member for St. Paul's (Mr. Atkey) has completed his.

[*English*]

**Mr. Atkey:** Mr. Speaker—

**Mr. Speaker:** Order, please. I apologize to the hon. member for St. Paul's. The hon. member for New Westminster (Mr. Leggatt) is rising on the point of order raised by the hon. member for Lévis (Mr. Guay).

**Mr. Leggatt:** Mr. Speaker, on the particular point of order just raised, I think the hon. member should consider that if political consideration is his chief concern in the way he is treating this bill, then I can understand some of the speeches we are hearing from the other side of the House.

**Mr. Paproski:** Right on. Shame!

**Mr. Atkey:** Mr. Speaker, in addressing myself to the three amendments which have been proposed in the name of the hon. member for New Westminster (Mr. Leggatt), I might say that this is one of the issues which before the standing committee did not have the vigorous and detailed debate which might have been useful to all hon. members, not only in the committee but in the House, in approaching the matter now before us. The right hon. member for Prince Albert (Mr. Diefenbaker), when dealing with motion No. 3, expressed considerable concern about the term "agent" and the use of that term with very few, if any, restrictions, particularly any use of the term that might allow emergency permits under section 178.15.

By restricting the application to the Solicitor General or the Attorney General, without permitting them to authorize any agents at all, would be virtually to paralyse the law enforcement agencies in their use of electronic surveillance as a legitimate means of law enforcement, except in large cities where the Attorney General or Solicitor General might reside or would be available.

This has caused me some concern, but I am also concerned by the lack of restriction and the lack of definition of the term "agent". It is for that reason that I moved a

[*Mr. Speaker.*]

motion in committee, which was accepted, to the effect that the agents be specifically named in the annual reports of the Attorney General and Solicitor General. I appreciate that this is a minimal protection at best and it is protection that comes after the event; in other words, it comes after many applications for authorization have been sought.

Nevertheless, in speaking only for myself, my inclination is to let the sections stand as they are now, subject to any further comment that the Minister of Justice (Mr. Lang) might have on the proposed amendments put forward by the hon. member for New Westminster. I think this is one area where the opposition at both federal and provincial levels, as well as the press in doing their duty, may scrutinize the annual reports of the Attorney General and Solicitor General to see that there are not abuses here, that there are not an undue number of agents named, or that there are not persons named as agents who lack the sort of competence, responsibility and quality that we would all agree should reside in a person exercising powers under this important but somewhat dangerous legislation.

So without wanting to be definitive or completely unequivocal on the matter, my inclination would be to let the legislation stand in its present form and to try out this "agent" provision, with a very strong injunction to the Attorney General and Solicitor General that they take great care and exercise caution in regard to the number and competence of the individuals they choose to name as agents.

Certainly I think there would have to be some regional considerations here. Again I refer to my home province of Ontario where I think it would be quite reasonable to suggest that there be an agent in western Ontario, certainly one in northern Ontario, one in eastern Ontario, and of course the Attorney General himself usually resides in Toronto which is the seat of the provincial government. I am sure that similar arrangements could be worked out for the other provinces.

I would be opposed to, and appalled by, any suggestion that all chiefs of police or all police officers, or indeed all justices of the peace, should be named agents. I think that would go beyond the spirit and the intent of this particular piece of legislation in its present form. Again, I rest my case until I hear the comments of the Minister of Justice.

**Hon. Otto E. Lang (Minister of Justice):** Mr. Speaker, I very much appreciate the words of the hon. member for St. Paul's (Mr. Atkey) who has indicated the difficulties that would be involved with the amendments proposed by the hon. member for New Westminster (Mr. Leggatt). Let me first of all say how much I share the view of the hon. member for St. Paul's. The responsibility of a Solicitor General or Attorney General should, in my view, certainly be exercised carefully in regard to the manner of designation, and the practices that are followed by the very best of police forces and police units ought to be followed and be generalized in the way in which very careful use is made of the power to designate.

As has been said by the hon. member, the bill does require very special designation of such persons by the