I suppose the point of that last paragraph is that the then secretary of state wanted to prove, as he could quite well do, that his view was precisely the same as that held by the former Conservative government as illustrated by the answer given in February, 1962, when a Conservative government was in office.

The principles in this bill, as well as the bill itself, have been given a good deal of study by some very knowledgeable people who by no stretch of the imagination could be classified as politically partisan. Professor Edward Ryan of the University of Western Ontario delivered a speech, in which he analysed the basic principles of this bill, at the Couchiching conference on August 5, 1971. He commended the principles of the bill and pointed out that for the first time we would be passing legislation that would make wiretapping and electronic eavesdropping a criminal offence.

Professor Ryan went on to analyse the provisions of the bill. Having read his analysis, I who am partisan can only say that like so much of the legislation that has been brought forward by this Liberal government the bill purports to prohibit the use of electronic eavesdropping and wiretapping devices, while at the same time giving permission to the police to continue to do precisely what they have been able to do in the absence of legislation.

I should like to summarize what Professor Ryan said, to illustrate what I mean. Professor Ryan pointed out that the justice committee of this House, which discussed the question and heard evidence over a considerable period of time, recommended in its report that police interception of communications be authorized only for extremely serious crimes which were to be individually named in the legislation. Eighteen of the 19 crimes suggested by the committee carried penalties in excess of ten years. The general rule was that these methods of electronic surveillance should be capable of employment for the investigation, prevention and detection of criminal acts that threaten serious bodily harm or death to the individual, or serious loss or damage to property, involve the corruption of public officials, narcotics trafficking, espionage or sabotage on behalf of a foreign power, or acts which create grave threats to the national security arising from sources within Canada. Control of syndicated crime was also seen as a legitimate ground for authorized interception of communications.

What is provided in this bill? The government proposes to permit the police to intercept communications electronically in cases where they have reasonable grounds to believe an indictable offence has been committed or any such offence is alleged or suspected. No objective grounds are set out. All that the police have to do is to say; "We think an offence will be committed". The Canadian Civil Liberties Association, in a letter which was sent to the former minister of justice, pointed out as follows:

> But indictable offences include a very wide range of illegal acts—from serious violence to petty theft. The offences which can be prosecuted by indictment include such diverse matters as income tax evasion, possession of marijuana, theft over or under $50, impaired driving, etc.

From those few illustrations members of the House are able to see that the police can, if they so desire, get permission to eavesdrop electronically on virtually anyone since the offences referred to can be of a relatively trivial nature. I submit that the right of privacy is an inherent right or every citizen of Canada and that the reasons for interference by the police with that right, if we are serious in our statements that people do have the right of privacy, must be serious. Yet in this bill the government is proposing that for any indictable offence the police shall be given the right to ask for permission to carry on wiretapping. Professor Ryan takes the view that the government is asking for overly wide powers in regard to interception of communications. As I have pointed out, a criminal offence can be relatively minor in character; it can be theft of less than $50. I suggest that this bill should return to the principles enunciated, after very careful consideration, by the justice committee.

There is a second matter that I think is very serious. The bill will permit the police to obtain permission to carry on wiretapping activities on making application to a judge. The justice committee when it dealt with this question spent a good deal of time discussing whether the authority to be given to the police to conduct this sort of activity should be given by a judge, by the Minister of Justice or by provincial attorneys general. The committee, by a narrow majority, I understand, chose to recommend that the person giving this kind of authority to the police should be a judge.

Professor Ryan takes the view, with which I completely agree, that this is a mistake. It is said by those who favour giving judges the authority—and the minister has enshrined this argument within the bill—that a judge is impartial, that a judge is not subject to pressure. I might add, neither is a judge accountable to the public. I think that when we are drafting legislation that legalizes a serious invasion of the privacy of ordinary citizens we ought to demand accountability.

• (2020)

Mr. Speaker, a minister of justice or a provincial attorney general can make a mistake, but they can be called to public account by the provincial legislature, by parliament or even by the media. But who will call a judge to account? When we think of judges, courts and trials we usually think of an open hearing where all the evidence is presented by the prosecutor, the accused has the opportunity of being there to hear the evidence and the opportunity to cross-examine and to present a defence to the accusation. Something else altogether is proposed here. This proposal is akin to an ex parte injunction which is held in great contempt by trade unions and working people.

In a labour dispute someone representing a company appears before a judge and maintains that the company is being harmed by the union or its members through picketing. Usually the workers are not even there. The judge, without hearing the other side of the argument grants an ex parte injunction prohibiting the use of pickets. The same situation could arise here. Someone representing the police could appear before a judge and apply for permission to conduct electronic surveillance. The hearing would probably be held in camera with no one there to assess the importance or truth of the allegation and whether the request was valid or not, and the judge could issue the injunction. Surely that is completely contrary to the con-