

Protection of Privacy

Mr. Leggatt: On a question of privilege, Mr. Speaker. In his remarks the minister indicated I had somehow changed my views in the course of the study of this bill. I should like to point out that I introduced an amendment to remove the emergency clause from it. I voted in favour of an amendment to remove the emergency clause in committee, and I supported this position throughout the entire debate from the time the bill was first read. So, I think it is unfair to suggest there has been any inconsistency on my part.

Mr. Lang: On the same question of privilege—

Mr. Deputy Speaker: This is really not a question of privilege, but since hon. members are trying to get their positions clearly on record perhaps I could be permitted to recognize the Minister of Justice on the same point.

Mr. Lang: I would just like to make it clear that I agree completely with the point the hon. member for New Westminster has made. My point was this: I thought he was beginning to see the value of including the judge in the process of granting permits and that this, perhaps, was an important change of heart. I did not claim I had his word on that, though.

Mr. Leggatt: On the same question, Mr. Speaker—

Mr. Deputy Speaker: Again, perhaps, with consent, the hon. member for New Westminster.

Mr. Leggatt: On that point, with regard to the inclusion of a judge, during the first reading, the second reading and throughout the debates in committee I always voted in favour of including judicial approval in relation to all the clauses, including the emergency clause. Of course, we have now got to the point where the minister has brought back the judge. There has been no question, as far as I am concerned, that we should always have used the judicial process for the approval of wiretaps.

Mr. Knowles (Winnipeg North Centre): It is the minister who has seen the light.

Mr. Ron Atkey (St. Paul's): Mr. Speaker, since I had the opportunity of speaking on the main motion I shall be very brief in my comments on the amendment standing in the name of the parliamentary secretary to the minister to the motion of the right hon. member for Prince Albert (Mr. Diefenbaker). I direct my remarks to certain technical problems which the amendment appears to involve. I apologize for being absent from the chamber for a minute or two; perhaps I missed any comments the minister may have relating to some of these technical shortcomings which I understand he will be attempting to clarify or correct through an amendment of his own or in the name of one of his hon. friends on that side of the House.

As it now reads, the amendment does not require a peace officer or a judge who grants the authorization to comply with any reporting requirement pursuant to the annual report of the Attorneys General or the Solicitor General. This may be an oversight and the appropriate correction can be made, through cross-reference, in due course. Similarly, it may be unfortunate that the amendment should choose to use the term "peace officer". An

earlier amendment used the term "agent" and this at least was consistent with the other language used in the bill. I say this bearing in mind that there are certain reporting requirements affecting agents, specifically the requirement that agents be named in the annual reports of the Attorneys General and the Solicitor General. I would hope that a housekeeping amendment might be brought in to provide for the naming of these peace officers who are to be granted this extraordinary power for an emergency operation by a judge for a period of 36 hours. Again, I think it is important for the protection of the citizens of Canada that ultimately there be some publicity as to the machinery to put this particular section into operation.

● (1610)

Lastly, Mr. Speaker, I think there has to be some built-in protection in this admittedly important emergency section to guard against its possible continual and repeated use. I think it was intended by the minister, and certainly by the right hon. member for Prince Albert, that this be an extraordinary section used only in emergency situations when it is not possible to comply with the requirements of Sections 178.12 and 178.13. One of the methods suggested in the standing committee to guard against repeated and continual use of the emergency section to the exclusion of the regular section, was an amendment put forward in the name of the hon. member for Halton (Mr. O'Connor). It was adopted in the bill as reported back from the committee as sub-section (5) to Section 178.15.

Of course, the original motion moved in the name of the right hon. gentleman quite rightly sought to delete the entire section which, of course, followed the intention of the motion in the name of the hon. member for Halton because that was the course of action sought at that particular time; that is, to get rid of Section 178.15 in its entirety. Now that we have the revised version of Section 178.15, which is apparently acceptable to all members of the House, somehow the additional protection against continual use was dropped. I would propose that the section be reinserted at the end of Section 178.15, and I propose to do this by way of a subamendment to the proposed amendment by the hon. member for Lévis (Mr. Guay) to Motion No. 3. Therefore, Mr. Speaker, I should like to move, seconded by the hon. member for Fundy-Royal (Mr. Fairweather):

That the proposed amendment of Mr. Guay (Lévis) to Motion No. 3 be amended by deleting the first three lines of paragraph (a) of the amendment and substituting the following:

(a) striking out the following words and numbers appearing in lines 2 to 4 of paragraph (b): "lines 1 to 13 inclusive at page 9 and lines 23 to 28 inclusive at page 11".

In so moving the subamendment, Mr. Speaker, I believe I stay within the spirit of the amendment proposed in the name of the hon. member for Lévis, and certainly within the very strict spirit of the bill as reported back from the standing committee.

Mr. Deputy Speaker: The house has heard the proposed subamendment by the hon. member for St. Paul's (Mr. Atkey). Without going into all the niceties of it, I would presume it fits within the spirit of Mr. Speaker's ruling at approximately this time yesterday in respect of another