

Liability Act and the Official Secrets Act, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs.

Debate was resumed on the motion of Mr. Lang, seconded by Mr. Sharp,—That Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended by

(a) adding immediately after line 29 at page 9 the following:

“Judge may rule evidence admissible (2) Where in any proceedings the judge is of the opinion that any private communication or any other evidence that is inadmissible pursuant to subsection (1) is relevant and that to exclude it as evidence may result in justice not being done in the matter to which the proceedings relate, he may notwithstanding subsection (1), admit such private communication or evidence as evidence in such proceedings.”

(b) by striking out line 30 at page 9 and substituting the following:

“Application to Sub-section (1) (3) Subsection (1) applies to all”.

And on the motion of Mr. Atkey, seconded by Mr. Baldwin, in amendment thereto,—That motion numbered 13 be amended by deleting therefrom the words “is relevant and that to exclude it as evidence may result in justice not being done in the matter to which the proceedings relate,” and substituting therefor the following:

“(a) is relevant,

(b) is inadmissible by reason only of a defect of form or an irregularity in procedure, not being a substantive defect or irregularity, in the application for or the giving of the authorization under which such private communication was intercepted or by means of which such evidence was obtained, and

(c) that to exclude it as evidence may result in justice not being done.”

And debate continuing;

Mr. Lalonde, seconded by Mr. Guay (Lévis), moved in amendment to the said proposed amendment,—That the proposed amendment of Mr. Atkey to motion numbered 13 be amended by

(a) adding after paragraph (a) of the substituted text the word “and”,

(b) striking the word “and” at the end of paragraph (b) of the substituted text and substituting therefor the word “or”, and

(c) adding immediately after the word “that” in paragraph (c) of the substituted text the following:

“, in the case of evidence, other than the private communication itself.”

After debate thereon, the question being put on the said amendment to the proposed amendment to motion numbered 13, pursuant to section 11 of Standing Order 75, a recorded division was deferred.

The suspended debate was resumed on the motion of Mr. Atkey, seconded by Mr. Woolliams,—That Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended in Clause 2 by striking out lines 1 to 7 inclusive at page 2 and substituting therefor:

“ ‘offence’ means an offence under sections 47 (treason), 51 (intimidating Parliament or legislature), 52 (sabotage), 62 (sedition), 76.1 (hijacking aircraft), 76.2 (endangering safety of aircraft), 76.3 (offensive weapons on aircraft), 78 (breach of duty respecting explosives), 79 (causing injury by explosives with intent), 80 (possessing explosives without lawful excuse), 108 (bribery of judicial officers and legislators), 109 (bribery of public officers), 121 (perjury), (extortion), 306 (breaking and entering), 338 (fraud), 389 (arson), 421 (a)(b) (attempts, accessories), insofar as they relate to the above offences and 423(1) (a) (b) (conspiracy) insofar as it relates to any of the above offences, or an offence under section 4 (trafficking), and 5 (importing and exporting) of the Narcotic Control Act, and any pattern of other offences created by an Act of the Parliament of Canada for which an offender may be prosecuted by indictment where there are reasonable grounds to believe that such pattern of offences is part of the activities of organized crime, and includes any such offence that is alleged or suspected or that there are reasonable grounds to believe may be committed;”.

And debate continuing;

Mr. Cullen, seconded by Mr. Guay (Lévis), proposed to move in amendment thereto,—That motion numbered 2 be amended by deleting the quoted text therein and substituting the following:

“ ‘offence’ means an offence contrary to or any conspiracy or attempt to commit or being accessory after the fact in relation to Sections 47, 51, 52, 58, 62, 76.1, 76.2, 76.3, 78, 79, 80, 108, 109, 110, 121, 178.11, 178.18, 218, 247, 281.1, 303, 305, 306, 312, 314, 325, 326, 331, 338, 339, 383, 389, 407, 408, 410, paragraph 186(1) (e) and paragraph 294(a); Sections 4 and 5 of the *Narcotic Control Act*; Sections 34 and 42 of the *Food and Drugs Act*; Section 192 of the *Customs Act*; unlawful distillation, selling, offering to sell or purchasing of spirits contrary to Section 158 and 163 of the *Excise Act*; or any other indictable offence in respect of which there are reasonable