General disclosed gross abuses, then of course we could come back and amend the clause to correct the abuses which had occurred.

There are two problems with that approach. The first is that when you are dealing with such a fundamental principle of individual rights, particularly the protection of privacy, sometimes there is too great a price to be paid in saying, "Let us try it. If it does not work, we can come back and correct it." Perhaps the onus should be the other way—let us protect individual rights first, and if there are abuses the other way, we can then correct those. But more important, as I read the words of the proposed new section 178.15, I am concerned that the reports of the Attorneys General and the Solicitor General, made after the event, may not even disclose some of the actions taken by so-called agents under this section, because as I read it the agents who are designated may grant an emergency permit.

There is a requirement that the person granting that permit must forthwith report the full details to the Attorney General or to the Solicitor General. But what does the term "forthwith" really mean? Would it be compliance if the agent reported next day to the Attorney General that he had granted an emergency permit? Indeed, as may be the case, could the agent grant the emergency permit, the tap go on that evening, and it be taken off next morning by virtue of a revocation not by the Attorney General but by the agent himself? And if he were to revoke it after allowing it to be put on for 12 hours, 21 hours, or 35 hours, who would ever know, Mr. Speaker? Is there any guarantee other than the honesty of the particular agent; and there may be hundreds in each province so named by the Attorneys General? Who would ever know that the emergency permit had even been granted? Would that ever find its way into the report of the Attorney General? I have my suspicions, and for that reason alone I am skeptical of the approach suggested by the hon. member for Sarnia-Lambton.

There is one other problem with proposed new section 178.15. We have all talked in terms of the emergency permit being a maximum 36-hour permit. As I read proposed new subsection (3)(b), the time limit is either for 36 hours or, "if, within that time an application for authorization to intercept private communications in the circumstances to which the permit relates is made, until that application is finally disposed of." Take this sequence of events. The agent gives an emergency permit. That lasts for, say, 20 hours. Then, through the agent, an application for authorization is made to a judge. Then that application is adjourned. It may be adjourned for 24 hours, it may be adjourned for 48 hours. Or is it possible that under the terms of this legislation it could be adjourned for two weeks?

It seems to me that under the words in (3)(b) the emergency permit could continue in existence in perpetuity as long as the application for full authorization to the judge is subject to continual adjournments. That is a danger the draftsmen may not have seen when they put this legislation together, but it is yet another difficulty which has incurred the wrath and the scorn of the right hon. gentleman from Prince Albert.

[Mr. Atkey.]

We must seriously ask the question: Do we really need the emergency permits at all? The section providing for a regular authorization provides that the application to a judge need only be ex parte. There is no question of notice to the other side. Of course, the application must be made in writing, but there is nothing to prevent the Attorney General or his agent telephoning the judge and following that conversation up with something in writing. Such document might take the form of a telegram. A written copy could be delivered to the judge.

● (1530)

Certain requirements are set out in the bill; however, if one examines them closely one will find that, as in section 178.12, they are not that onerous. One has to show what is the type of private communication which is proposed to be intercepted. Usually that involves the telephone. One has to show the name and address of the person whose communications it is believed, on reasonable and probable grounds, may assist in the investigation of an offence. If the address is not known, a general description of the place will do; a general description of the manner of interception proposed to be used is all that is necessary. That requirement is not onerous and it could be followed in all cases instead of merely in some cases.

Some members raised the argument about the difficulty of getting to a judge. The right hon. member for Prince Albert told us that under this legislation there will be in excess of 600 judges in Canada who will be permitted to grant authorization. One of the wise amendments put forward and accepted by the Standing Committee on Justice and Legal Affairs in the previous parliament was one which changed the definition of the term "judge", so that the term would include superior court judges as well as county court judges. That included; in Quebec, all general sessions judges or provincial judges as they are sometimes called.

The amendment would mean that in Ontario, my province, we would have available some 32 supreme court judges, some 105 county or district court judges, and ten judges of the Court of Appeal. In Quebec there are, I understand, in excess of 100 provincial court or sessions judges and at present 91 superior court judges. There are close to 200 judges in Quebec alone.

We may have a particular notion about the duties, obligations and responsibilities of a judge. We may think that the dignity of a judge's office requires him to perform his duties only from 9 a.m. to 5 p.m. The office of judge is an office of dignity and tradition. Those of us who have had experience with the bar of our provinces know there are many precedents to show that a judge has signed emergency types of orders at odd hours of the day and night and in odd locations.

Speaking of my province, I know of cases in which judges have signed injunction orders on the docks of their summer resorts on a Saturday afternoon, or have signed search warrant orders at two o'clock in the morning. I have known of injunction applications signed at four o'clock Sunday morning. Judges know full well that when they accept their responsibilities they are not to be judges from nine to five, five days a week; they are to be judges 24 hours a day, seven days a week.