

*Protection of Privacy*

**Hon. Otto E. Lang (Minister of Justice)** moved:

No. 7

That Bill C-176, An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be amended by striking out:

(a) line 46 at page 4 and substituting the following:

"unlikely to succeed; and"

(b) line 5 at page 5 and substituting the following:

"cedures."

(c) lines 6 to 8 at page 5.

He said: Mr. Speaker, this is a fairly simple amendment which has the effect, notwithstanding the language of the technical amendment, of removing subparagraph (d) of subsection (1) of section 178.13. Subparagraph (d) referred to is to be found between lines 6 and 8 inclusive on page 5 of the bill. It may not be desirable to repeat any aspect of the definition of offence as lawyers, in looking at the legislation later, may be misled into thinking that the definition of offence, as it will be in the bill proper, is somehow affected by this particular clause, or that the requirement in the application is somehow affected. I therefore ask hon. members for their support in removing this particular part of the clause.

**Mr. Ron Atkey (St Paul's):** Mr. Speaker, speaking on behalf of my party, I say that we will accept this as a necessary amendment, as it clears up an ambiguity in the bill. The minister rightly pointed out that the definition of the word "offence" is the subject matter with which motion No. 2, which has been allowed to stand, is concerned. If both definitions were left in the bill, the result could be confusion.

When the committee considered the matter, it was felt that the term "offence" could be defined as any indictable offence. Since then we have moved to other ground. Therefore, speaking on behalf of my party, I can say that we accept the minister's amendment.

**Mr. Stuart Leggatt (New Westminster):** Mr. Speaker, I associate myself with the remarks made by the previous speaker. This is a necessary tidying up amendment and I do not think it is necessary to speak on it at length.

**Mr. Speaker:** Is the House ready for the question? Is it the pleasure of the House to adopt the said motion?

**Some hon. Members:** Agreed.

Motion No. 7 (Mr. Lang) agreed to.

**Mr. Speaker:** Does the House wish to proceed with Motion No. 8, standing in the name of the hon. member for New Westminster?

**Some hon. Members:** Agreed.

**Mr. Stuart Leggatt (New Westminster)** moved:

No. 8.

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 deleting the words "or an agent specially designated in writing for the purposes of section 178.12 by the Solicitor General of Canada or the Attorney General, as the case may be" in lines 43 to 46 at page 5 and line 1 at page 6.

[Mr. Lang.]

**Mr. Lang:** On a point of order, Mr. Speaker, I wonder if the hon. member would agree to moving two other motions standing in his name. They might be considered all at the same time, as the same principle is involved in each one.

**Mr. Leggatt:** Yes, Mr. Speaker. Perhaps I could also move motions Nos. 17 and 18, which seem to make up the package. I wonder if, for purposes of debate, we could agree that these motions could be grouped as part of a package to be debated.

**Some hon. Members:** Agreed.

**Mr. Speaker:** Is it agreed that motions Nos. 8, 17 and 18 will be grouped and put to the House for purposes of debate as one unit?

**Some hon. Members:** Agreed.

**Mr. Leggatt** moved:

No. 17

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 deleting the words "and agents to be named in the report who were specially designated in writing by him for the purposes of section 178.2" in lines 5 to 9 at page 15 and the words "or by agents to be named in the report who were specially designated in writing by him for the purpose of that section," in lines 11 to 14 at page 15.

No. 18

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 deleting the words "or by agents specially designated in writing by him for the purposes of that section," in lines 30 to 32 at page 18.

He said: Mr. Speaker, in order to clarify the purpose of the amendment I ought to read the clause as printed, and then refer to the proposed amendment. Clause 178.12 is concerned with the application to a judge for permission to wiretap. The first part of clause 178.12 reads:

An application for an authorization shall be made *ex parte* and in writing to a judge of a superior court of criminal jurisdiction, or a judge as defined in section 482 and shall be signed by the Attorney General of the Province in which the application is made or the Solicitor General of Canada or an agent specially designated in writing for the purposes of this section by . . .

Before the bill went to committee, the word "agent" alone was used. The hon. member for St. Paul's (Mr. Atkey) succeeded with an amendment which designated the agent and restricted to some extent the number of people in this country who would be authorized to permit this kind of invasion of privacy.

● (1730)

I am still not satisfied that the bill contains sufficient restrictions. Let me explain why. It is entirely feasible, under the present wording, that every sergeant of police in the country, every corporal, could be designated. In fact, it is possible to designate every peace officer as long as he is named, and the names are not hard to come by. It may be thought I am taking this to ridiculous limits, but let me remind hon. members that the purpose of the bill is to restrict unnecessary surveillance of the public by the police.

We still come back to the morality of wiretapping. The bill still provides that the Solicitor General or the Attor-