

*Criminal Code Amendment*

The Bell Telephone Company of Canada, by letter dated February 14, 1966, has urged, in effect, that the government sponsor legislation in relation to wire tapping and has offered its co-operation in studying the subject. Also, the Canadian Association of Chiefs of Police, at their 1965 annual meeting, proposed that

—in the interests of the crime victim, or the potential crime victim, that we require federal legislation to authorize the police to tap, oversee or superintend telephone messages and or telephone conversation to get evidence, information or intent of criminal activity, by order of a justice and that it be an offence to tap or supervise telephone conversation unless such order has been obtained.

It may be of interest to note also that the national conference on the prevention of crime, consisting of members of the bench, bar and university faculties, came to the following conclusion in regard to wire tapping and the use of electronic devices, as expressed in the final release from the conference dated June 3, 1965:

There was a general feeling that the law should control the use of wire tapping and concern was expressed at the implications which technological advances in electronic eavesdropping may involve so far as the citizen's right of privacy is concerned. A wide measure of support was exhibited among the conference participants for the control by legislation of wire tapping, it being felt that specified procedures should be worked out whereby the courts could govern the resort to wire tapping by law enforcement agencies and that this should only be permitted in the detection of certain types of crimes.

The matter of wire tapping was also considered at the conference of attorneys general on organized crime held in Ottawa on January 6 and 7, 1966.

The attorney general of Saskatchewan advised that legislation in relation to wire tapping has already been prepared in that province and that the government intends to proceed with the legislation at this present session of the legislature. He left open, however, the possibility of federal legislation as a preferable solution.

A number of provinces expressed themselves as being in favour of wire tapping legislation, these being Quebec, New Brunswick, Manitoba, Prince Edward Island, Alberta and Newfoundland. Two provinces expressed doubt about the proposal. Nova Scotia doubted its desirability and questioned also whether the matter might not preferably be left to provincial legislation.

The attorney general of British Columbia emphasized that wire tapping is only one part

[Mr. Ryan.]

of a larger problem, that of the use of electronic techniques generally, and suggested that the real need is for a broader study of the various new and sophisticated techniques of surveillance that have been developed in recent years, and for means of resolving the difficulties surrounding the admissibility of such information in evidence. A number of provinces emphasized the importance, in any event, of providing stringent safeguards in any legislation.

Some of the questions that receive attention in Bills C-33 and C-45 were the subject of a study in the United Kingdom by the committee of privy councillors appointed to inquire into the interception of communications. Three privy councillors were appointed, commonly known as the "Birkett committee"—

—to consider and report upon the exercise by the Secretary of State of the executive power to intercept communications and, in particular, under what authority, to what extent and for what purposes this power has been exercised and to what use information so obtained has been put; and to recommend whether, how and subject to what safeguards, this power should be exercised and in what circumstances information obtained by such means should be properly used or disclosed—

The committee reported in October, 1957. The main conclusions of their report are set out in paragraph 8, which reads as follows:

We set out our conclusions and recommendations at length in the pages that follow. The gist of our report may be thus summarized:—

(1) The origin of the power to intercept communications can only be surmised, but the power has been exercised from very early times; and has been recognized—

**Mr. Speaker:** Order, please. I must advise the hon. member that his time has expired.

**Mr. H. W. Herridge (Kootenay West):** Mr. Speaker, I rise to say a few words at this time because I am very much interested in the principles of this and other related bills dealing with this very important question. Let me congratulate the youthful and handsome member on the government side for his interest and his concern in and his introduction of this bill. Let me also refer him to Bill No. C-273 which I introduced in the house. A reading of that bill might broaden his knowledge of the difficult problems surrounding this subject.

Some reference was made to my first knowledge of wire tapping. I gained my first knowledge of this matter in 1920 when the Western Federation of Miners of Silverton and Sandon were on strike. They discovered that the mine manager had the wires tapped