

without the provisions of section 29 even having to be mentioned. This raises the question why the penalty provisions are required at all. If the refusal rate is indeed so low, why is it necessary for the threat of prosecution to be used in order to coerce the small minority of Canadians who refuse, on grounds of principle, to reveal information which is in many cases of a highly personal nature? Why could not Statistics Canada simply substitute the reluctant householders with others who show no reluctance? And if the refusal rate is indeed so low, Mr. Speaker, how real is the danger of statistical distortion in the first place?

Another point I should like to raise is the extent to which section 29 is actually used as a threat. According to Statistics Canada the interviewers are not allowed to threaten the respondent with legal action. However, if they are asked they will indicate, and I am quoting directly a Statistics Canada official, "the Statistics Act provides a legal authority to collect the data." There are two difficulties with this statement. The first is that what Statistics Canada tells its surveyors may not be what they in fact do.

● (1710)

In a national survey, an undertaking of some magnitude, it is almost inevitable that a few of the surveyors chosen, no matter how selectively they are screened, will go about the performance of their duties in a manner which is heavy-handed and which would not be condoned by their superiors. The correspondence I have received from constituents and other concerned Canadians would certainly bear this out.

The second point is that the distinction between the threat of prosecution and merely having pointed out the legal authority by which Statistics Canada collects information is a very fine and subtle one. Most Canadians are law-abiding citizens who genuinely desire to fulfil their obligations under the law. Knowledge that they are breaking the law and are subject to prosecution is liable to be, for the ordinary citizen, as compelling a reason to comply with requests for information as an actual threat of prosecution itself. In fact, for many Canadians knowledge that they are breaking the law is a terrifying experience. The final point I would like to raise is that Statistics Canada indicates that prosecution of individuals pursuant to section 29 occurs very rarely and only after a great deal of deliberation by the agency. The last prosecutions arose out of the 1971 census and were ten in number.

Statistics Canada states that as a matter of policy prosecutions are laid only in regard to those refusals that relate to a census of population. If this is indeed the case and prosecutions are, as a matter of policy, brought only in regard to refusals which arise out of a population census, why ought not the law to be brought into line with the policy? Why ought we to retain in our laws extensive powers which officials say they do not use but which continue to exist nonetheless and could presumably be used, or abused, by them at some time in the future?

We must, in my view, be constantly on guard against provisions of this kind. We ought never to be content with the

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assurances of public officials that laws, though undesirable and unnecessary, will be administered by them in a prudent fashion. If laws contain provisions which are unused and superfluous, those provisions ought to be removed from the law once and for all.

I have no quarrel with the aims of the surveys undertaken by Statistics Canada. Indeed, I would hope and encourage Canadians to co-operate to the fullest extent with Statistics Canada in its collection of data. The surveys it undertakes provide a wealth of very valuable information which is useful in determining the social and economic policies that will be desirable for Canadians in the future. This information is of use not only to governments but also to a multitude of private individuals and institutions. However, at the same time we must have a corresponding respect for the freedom of the individual. It is necessary in this area, as in others, to strike a balance between the legitimate needs of society and the rights of the individuals that comprise it. Unfortunately, this balance has in recent years swung rather drastically in favour of the bureaucracy. The federal bureaucracy has, as we are all painfully aware, grown at an enormous pace and now involves itself in virtually every aspect of our daily lives.

We have before this House a bill, the human rights bill, which attempts to provide a certain degree of protection against the infringement of civil liberties. One of the most prized of civil liberties, and the one that is the subject of this bill, is the right to one's privacy, the right not to be compelled to reveal personal information against one's wishes. It is for this reason, Mr. Speaker, that I have introduced Bill C-123 to this House. I believe that private individuals ought to be able to withhold from Statistics Canada information about their personal lives which is not required for a population or agricultural census. To require otherwise is to pay lip-service to the concept of civil liberties. In the final analysis, Mr. Speaker, it boils down to a contest between statistics and individuals; and in my view statistics must never be permitted to become more important than individuals.

Some hon. Members: Hear, hear!

Mr. Hugh Poulin (Parliamentary Secretary to Minister of Industry, Trade and Commerce): Mr. Speaker, it is a pleasure to join in this debate on the bill presented by the hon. member for Kingston and the Islands (Miss MacDonald). I have served with her for some years on the Standing Committee on Justice and Legal Affairs and I know how sincerely she is a proponent of civil liberties. I agree with her in many of her efforts in that regard, and commend her for them. I was pleased to see the hon. member indicate early in her speech that she would bring an amendment to this bill when it reaches committee. The effect of the bill, therefore, would not be to exempt corporations from the reporting requirement that they are now subjected to in the Statistics Canada Act. If this bill reaches committee, we would certainly agree with that kind of proposal.

Canada's statistical system has for many years been based on two important corner-stones. On one hand there exists a