

*Protection of Privacy Bill*

the hon. member for Broadview (Mr. Gilbert), the hon. member for Hamilton West (Mr. Alexander) and the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas). However, I wish to express the few concerns I have regarding this legislation.

Those of us who are from the country have had for a long time our own system of wiretapping, although it is not as serious as that being discussed this evening. This is called the party line. What we are discussing tonight reaches the fundamental freedoms and fundamental liberties of this nation. In this country, as in other countries, there has been a long history of trying to reach a balance, as the hon. member for New Westminster (Mr. Hogarth) mentioned, in terms of civil liberties of the individual as against any kind of subversive activity.

The hon. member for New Westminster pointed out a number of matters. He said that under the present law anyone can wiretap. May I point out to him that if this is so, surely in changing the law as we are now by amendment we should ensure that the actions of the government involving a kind of wiretapping do not infringe on the civil liberties of citizens. We should be extremely careful of the manner in which—this is the opinion I wish to express to the Standing Committee on Justice and Legal Affairs—we word any kind of legislation pertaining to such devices as wiretapping.

The hon. member said that as society moves along there must be some kind of eternal balance in terms of questions concerning civil liberties. I might point out that all societies have changed. Can one say, for example, that there was a balance in terms of the actions of men such as Robespierre? I feel that there should be serious consideration given by the hon. member to the part of the legislation which deals with the Official Secrets Act. This provision appears in clause 16(2):

The Solicitor General of Canada may issue a warrant authorizing the interception or seizure of any communication if he is satisfied by evidence on oath that

- (a) the purpose of such interception or seizure is related to the prevention or detection of espionage, sabotage or any other subversive activity directed against Canada or detrimental to the security of Canada; and
- (b) such interception or seizure is necessary in the public interest.

The concept of public interest has been considered throughout the century regardless of the type of government and who sits in power. The judgment of what is in the public interest is very important in terms of what is suggested here. I would hope that the members of the Committee on Justice and Legal Affairs will seriously examine this part of the legislation. The bill goes on to provide:

- A warrant issued pursuant to subsection (2) shall specify
  - (a) the type of communication to be intercepted or seized;
  - (b) the person or persons who may make the interception or seizure; and
  - (c) the length of time for which the warrant is in force.

The Commissioner of the Royal Canadian Mounted Police shall from time to time make a report to the Solicitor General of Canada with respect to each warrant issued pursuant to subsection (2) setting forth particulars of the manner in which the warrant was used and the results, if any, obtained from such use.

[Mr. Knight.]

• (2120)

There are some real questions as to what is a subversive activity directed against Canada or detrimental to the security of Canada. I assume that members across the way believe as we do in the protection of civil liberties, but who defines that grey area of subversiveness? Who defines the activities of people who discuss politics or form political groups? Who defines what is a subversive activity and what is against the public interest? Can we interpret as subversive certain comments or actions of such groups as Action Canada? I suggest that this government would undoubtedly not allow itself to use such powers—at least I hope not—but this kind of legislation lays itself open to the interpretation of others who may sit on the government benches.

I recall, when I was a university student, the actions and the writings in student newspapers concerning the role of the RCMP in terms of investigation. Just who did they investigate? Did they investigate anyone who they felt had radical ideas? To that age group, sometimes what are considered radical ideas are really conservative ideas. The hon. member for New Westminster spoke about keeping the right balance. One wonders whether, under this legislation, what is out of balance with the thoughts of our society is subversive. That is the key. This might apply not only to people on the left but to those on the right in the interpretation of governments. So we must be careful in our interpretation.

I remember the time when a young mountie taking a training course in Regina showed me a history book which they used to teach new recruits the history of the development of the RCMP. He referred to the comments in the history book regarding the Regina riot in the 1930s during the great depression, and the riot in Estevan during the 1930s when three coal miners were shot and killed. The history book gave a simplistic judgment of the causes and effects of those riots and stated that they were the result of communist activity. It was a complete whitewash.

I submit that this is the kind of attitude in our society that can lead to the misuse of power under this kind of legislation. I call on the Committee on Justice and Legal Affairs, and on my good friend the hon. member for Hamilton West, to examine this legislation carefully.

**Mr. Alexander:** Why are you friendly to me tonight?

**Mr. Knight:** Other aspects of the legislation are good, but this particular aspect calls for serious examination of its implications, especially with regard to how political radicalism is defined. I remember that when I was younger I used to listen to the debates in the House of Commons.

**Mr. Alexander:** How old are you now, sir?

**Mr. Knight:** I remember, also, reading the statements of the Minister of Agriculture (Mr. Olson) when he was expounding the theories of the Social Credit party. At that time this was the kind of radicalism that developed in Alberta. Thank goodness it did not spread further. That is the kind of thing we have to watch and be aware of in the