

*Protection of Privacy Bill*

also be done to human beings. Finally, as we find out in this wonderland of electronic marvels and abilities to snoop and pry from one end of the universe to the other, there is a complete catalogue in which it is recorded that 10 reels containing 1,500 yards of tape punched by microscopic laser beam can store information on every man, woman and child, some two billion of them in the world. This is the world in which we live. Most of us are not aware of these ramifications, yet some people use these devices. In winding up on this point, I should simply refer hon. members to some of the evidence given to the Committee on Justice and Legal Affairs when it studied the subject-matter of this bill.

There is one aspect of Bill C-6 with which I disagree very strongly. It is to be found in the changes to the Official Secrets Act brought about by Bill C-6. One of the provisions permits the Solicitor General of Canada to issue a warrant authorizing the interception or seizure of any communication if he is satisfied by evidence on oath that 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 that such interception or seizure is necessary in the public interest. There is a further procedure outlined in respect of the use of the warrant which requires a report by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General, but that is all the safeguard there is.

We are left with the rather tremendous and delicate problem of deciding what is in the national interest of Canada, and how far people dealing with the security of the state should be required to go to account for their actions. I suggest the section goes too far, and that it should be possible to include some safeguards. Perhaps I could buttress my case for saying that the section goes too far by quoting the Solicitor General (Mr. Goyer) when he spoke to the Canadian Association of Chiefs of Police on September 2, 1971, in Calgary, Alberta. He stated:

The next point I want to make concerns the need for a much greater degree of open public discussion about police policy. Not only must you explain your role to the public, but the public must also let you know what it thinks the role of the police should be. I am not advocating that police operational activities be discussed in a public forum but, what I do believe where matters of policy are concerned, is that we must take a much more careful look at the expression: "It is not in the public interest to disclose this information", before we make use of it.

That philosophy is really opposed to the philosophy in the bill as it relates to the Official Secrets Act. We need much more than a simple report by the Commissioner of the RCMP to the Solicitor General regarding the responsibility for using communications interceptors, that is wiretaps, bugs and the like, to deal with possible injury to the state. I believe justification of the use of these electronic devices should not be left to the Royal Canadian Mounted Police and the Solicitor General's office. I believe there should be at least some responsible members of the public engaged in deciding if there has been any abuse of this method. The suggestion I make—and I am not firmly wedded to it but believe it is at least a point for discussion—is that the report of these activities should be made to a group of senior and responsible statesmen of this country who would be nominated by the Prime Minister, the Leader of the Opposition and the leaders of the other

[Mr. McCleave.]

political parties. I think of persons say of the calibre of M. J. Coldwell or Mr. St. Laurent, although perhaps his age would prohibit him taking part in this exercise. I have in mind people of that calibre, who are trusted and who are great Canadians, who would examine how the Royal Canadian Mounted Police and the Solicitor General have used the methods of bugging and wiretaps in connection with the defence of the realm and the protection of the public security.

• (1620)

Such a group could make its report on whether or not it is considered proper use has been made of these devices. I do not think it is sufficient to have files compiled in some room to which only a few people have access or have reports made in places where only a few people may ever have the courage to stand up and say to the police that these powers should not be used. I think that if powers are given and not checked, the likely result is that there will be a greater use of these powers rather than a limited or judicious use of these powers. That is why I suggest the Minister of Justice, when this bill reaches the committee, make some provision for safeguards along the lines I have suggested. If that were done, I believe I could very cheerfully welcome the utmost despatch in dealing with this measure, most of which is good. Most of it reflects the hard work of parliamentary committees and individual members of parliament who have been interested in this topic over the years. Now, we need the finishing touch so that we are not giving carte blanche in respect of the official secrets portion of the bill. If we do this, we will have come up with a pretty good measure in this age of communications.

**Mr. John Gilbert (Broadview):** Mr. Speaker, the problems of wiretapping and electronic surveillance have been surfacing in Canada for the past 15 years, but more especially in the last five years when we have seen a variety of sophisticated instruments and methods used to invade the privacy of individuals. The hon. member for Halifax-East Hants (Mr. McCleave) indicated some of the most sophisticated methods which are being used. I would remind you, Mr. Speaker, of three simple illustrations which bring home the importance of this matter. When you learn that car dealers are bugging conversations between a customer and a salesman you have an indication of how important this matter has become. When you learn that the bugging of the conversations of an individual with a criminal record in Toronto lead to an inquiry against two Toronto magistrates, this again stresses the importance. When you learn that the Redpath Sugar Company of Toronto employed a firm which is noted for its union bugging and that a member of the Toronto police force aided and abetted that firm in respect of bugging, this indicates we have reached a serious state.

In view of the fact there is now virtually no legislation limiting electronic surveillance, this legislation is an improvement over the present situation. Some legislation is better than none. Yet the bill presents serious problems which worry Canadians who believe in a free and open society based on democratic institutions and the rule of law. The law as it stood was totally inadequate. The federal act incorporating the Bell Telephone Company makes