

Protection of Privacy

a wiretap. Mr. Speaker, that frightens me. We all know the very clear connections that exist between the judicial power and the political power.

In my opinion, everybody will agree that it is not advisable to have such a link between political and legal circles. However, Mr. Speaker, the problem is extremely serious and I remember that the hon. member for Saint-Hyacinthe (Mr. Wagner) in one of his interventions at the Committee on Justice and Legal Affairs specifically raised, in connection with an amendment, the case of two members of the Société Saint-Jean-Baptiste who had been involved in such a problem.

I wonder, Mr. Speaker, how anyone acknowledging that the use of a wiretapping device and its principle for the protection of society and an efficient administration of justice are valid can go as far as to allow a political power to use a wiretapping device for political purposes.

Without suggesting that it was done for political purposes, I wish to point out that another case has been recently reported. Someone referred to the case of the Saint-Jean-Baptiste Society and the more recent one of the Quebec Free Press Agency. Bugging could be also used, as was experienced within the scope of the radio and television program for the caucus of the New Democratic Party. The same could happen to those of the Social Credit Party, the Progressive Conservative Party and the Liberal Party.

Mr. Speaker, I feel that this power is dangerous. It is the duty of political authorities to set up legal mechanisms which could really guarantee the protection of society and the safety of individuals instead of putting them in jeopardy, for this is a two-edged sword. This leads me to say that I concur with the principle of using bugging devices in the process of the administration of justice.

As for safeguarding freedom and respect for the human person, I think we must impose limitations; we must be very cautious and provide for some sort of guarantee concerning the use of these devices.

In Quebec, there has been discussion about the adoption of a code of ethics regarding the use of listening devices. It seems to me that we should consider this possibility; I do not pretend this code is either good or bad, but I think it is important to adopt a code of ethics, even at the national level, in order to determine what are the legal and practical possibilities as regards the use of wiretaps.

● (1620)

Mr. Speaker, I would like to close my remarks and come back later to the main principle of this bill. I want to say that the fight against organized crime is, in fact, the main objective of this bill, which intends to give policemen a means of fighting organized crime.

I would like to be ensured beforehand that all other means have been used; furthermore, I do not know if the Quebec police forces as well as others in the rest of Canada have in fact the technical, financial and manpower resources to really fight organized crime efficiently. In many municipalities, in many police forces, equipment as well as personnel and money is lacking to fight efficiently organized crime. And I do not think that the use of wiretaps will improve the fight against this scourge.

[Mr. Fortin.]

It is a means rather than that is now being abused right and left and that they want to legalize. In my opinion, wiretaps are a kind of prop or sore which we are trying to regulate legally by saying that they will be used in such or such set circumstances as established by the law. I agree in a way, but we will have to go much further. Everybody knows that, at the industrial level, a lot of spying is done from company to company. Therefore, private industry will have to be protected by assessing very high fines.

Mr. Speaker, concerning the motion of the hon. member for St. Paul's, it is not necessary to provide for all situations in the definition of the word offence, but rather to make a rational use of wiretaps while at the same time retaining and not limiting the powers of the law.

In concluding, I should like to mention one of the fundamental principles contained in this bill at clause 178.11 (2) (a), and I quote:

a person who has the consent to intercept, express or implied, of the originator of the private communication or of the person intended by the originator thereof to receive it;

In that case, Mr. Speaker, wiretapping is allowed, which seems in complete opposition to the objectives of this bill. I therefore hope that the House will keep an open mind about this bill, as we shall certainly advocate, because we must obviously provide our police forces with means to fight effectively against organized crime; but we do not believe that this will really solve the problem since our prisons in general teach crime and absolutely nothing is done to prevent juvenile delinquency and organized crime.

With this bill, we shall simply be legalizing a situation of which everyone is aware, that is wiretapping, which will not solve the problem. Rather we shall simply be legalizing a situation which everyone finds embarrassing.

I shall therefore continue to insist that this bill should not allow the political authorities to use wiretapping for political purposes. One day, we shall have to segregate completely the judicial and political powers. At that time, it may be possible to hold positive discussions about wiretapping without any fear that it may be used for political ends.

[English]

Mr. G. W. Baldwin (Peace River): Mr. Speaker, it is always a delight to listen to the hon. member for Lotbinière (Mr. Fortin). He speaks so eloquently that it makes me sad to see him so often on the wrong side of an argument, as he is this time. I say that with regret. I think he may change.

I am sorry the hon. member for Sudbury (Mr. Jerome) is not present in the chamber, although I understand he is within listening distance. He said he has acted as defence counsel. I only hope that when he practised law in his community he had a better client than the Minister of Justice (Mr. Lang), who is seeking to introduce some changes with respect to this bill. The best we can say of the Minister of Justice is that he is probably guilty, but can plead extenuating circumstances.

That reminds me of a story. Some years ago I was in Los Angeles and heard a story told by a judge of the superior court. Apparently he was standing outside the court house in Los Angeles, which we see so often on television, and met one of his lawyer friends rushing into court. He said,