

*Protection of Privacy Bill*

could die of pernicious anaemia." That is true. When a country becomes complacent and indifferent to the liberties it enjoys, it is only a matter of time before it loses them.

Like many other members of this House, I have been in countries where hotel rooms were bugged and conference rooms were fitted with electronic devices enabling others to listen to our conversations. I know, as do other hon. members, how in such surroundings fear corrodes human relationships so that men no longer possess the vitality and the outgoing spirit which characterizes a free people. It is because I fear we may take a step in this direction that I intervene in the debate tonight.

I express the hope that the Standing Committee on Justice and Legal Affairs will examine this legislation very carefully. They will have the support of all members of the House in every party, I am sure, in promoting the principle of protecting the Canadian people against all invasions of their privacy by electronic means. But I plead with members of that committee to look very carefully at the sweeping powers which the government proposes to give to certain ministers, with a view to determining how those powers can be restrained and the freedom of Canadians safeguarded. If the committee members do this, they will earn our gratitude. If they fail to do so, Mr. Speaker, Bill C-6 will encounter a stormy passage when it returns to the House of Commons.

**Mr. Douglas A. Hogarth (Parliamentary Secretary to Solicitor General):** Mr. Speaker, like the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) I did not originally intend to speak in the debate tonight. May I say, though, with the greatest respect, that I believe he has, in a way, distorted what the bill before us is seeking to accomplish.

• (2100)

As I understand the present law, the fact is that anybody at any time may use an electronic eavesdropping device for the purpose of interfering with the very private and proper communications of other people. In the vein of the hon. member's speech, he suggests that this bill restricts our civil liberties. With the greatest respect, with some of the reservations used this bill does more to entrench them and to make sure that privacy of communication, to the extent allowed by the bill, is permitted to exist. I think it ill behooves the hon. member to suggest that this is an infringement of liberties. It is an entrenchment of liberties, not an encroachment upon them. In short, we are determining that the unlawful interception of private communications shall no longer be tolerated except as permitted by this measure.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** It is the exceptions to which I object.

**Mr. Hogarth:** The hon. member has said that he is concerned about the exceptions, and I agree. I will deal with that matter right now. This question came before the justice committee some two years ago. I do not think I disclose any private conversations or communications which have been intercepted by electronic devices when I say that we have discussed this matter extensively. Many of us on this side of the House are deeply concerned about

[Mr. Douglas.]

the reservations given in this bill to the solicitor general and the attorneys general of the province in matters of national security and emergencies.

I wish to assure the hon. member of my certainty that the justice committee, which has always acted in very much a non-partisan manner, would be most open to any suggestion he might put forward to correct the provisions of this bill and, hopefully, appreciate all the problems involved—and believe me, they do not all appear quite as superficially or as black and white civil liberties or tyranny as the hon. member has put it.

We are in a sense faced with this problem. We have in this nation and in every nation in the world advanced means of communication. We have laser beams, satellites and telephone systems that can get us instantly in touch with any part of the nation. As much as these have been used and are being used for the great benefit of mankind in 99.9 per cent of the cases, they are also being used to the detriment of mankind. For instance, they are being used by the purveyors of narcotic drugs. The hon. member should have been before the justice committee this afternoon and heard the appalling evidence of the commissioner of the RCMP who advised us of the increase in the number of heroin addicts in Canada. We know that purveyors of heroin are involved in a syndicated process of selling the drug, unfortunately mostly to our youth, and they use the telephone more than any other means of communication.

In the interests of the enforcement of law and the destruction of this nefarious activity, we must be allowed to use all modern scientific techniques to intercept these communications and use them in courts of law. With great respect, I think that the provisions for applying to a judge in the instances provided, where there is a long-term investigation, just as one applies for a search warrant today and has for centuries, are perfectly reasonable. These principles will apply for the purpose of using these modern techniques in the interests of enforcing the law.

There is always an eternal balance between what society requires for law enforcement and what should be the rights of the individual to preserve his privacy. The answer to that problem depends upon the times in which we live and the activities taking place in our society. I do not believe that this bill, in so far as the normal police application to a judge for a warrant to proceed to intercept communications is concerned, goes beyond that which is necessary in our society today.

Having regard to emergency provisions—it is in this respect that the hon. member was so concerned—there is a reservation in this bill, in section 171.15. If the hon. member really thinks this matter through, I am sure he will recognize that there are circumstances in which you cannot make an application to a judge because there is not time. The evidence is coming immediately; the knowledge of the officers is such that they must move immediately. I would ask the hon. member to come before the justice committee and give us solutions to that problem.

I think this provision in the main will be used more by the attorneys general of the provinces than by the Solicitor General. I would ask the hon. member to give the justice committee the solution to an emergency situation where there is not time to prepare the affidavit which is