

between the Minister of Justice (Mr. Lang) and myself yesterday at page 8266 of *Hansard*. The minister, after referring to me in rather generous words, mentioned something about tilting at windmills. I took the identification of the windmills to be ministers of the Crown in the present government. The minister said about me:

Without pretending to copy his style, may I say, he is well recognized, too, as one of the foremost tilters at windmills—

And I replied:

I have had lots of opportunities, looking at the government.

However, there is an additional sentence in *Hansard* which reads:

Tilting at windbags, also.

I never said that. I know the hon. member who did, and I just want it to be clear that that portion of the record did not come from me. The windmills referred to by the minister were identified by me as the ministers surrounding him.

Mr. Don Blenkarn (Peel South): Mr. Speaker, clause 6 of the bill, which the hon. member for New Westminster seeks to amend, was very thoroughly discussed in the committee. It would be hard to say if any other clause received more consideration. If you take a look at the bill as reported from the committee you will see that almost every part of clause 6 was amended. Espionage and sabotage activities by the agents of foreign countries within our nation, or similar activities by those who may not be employed by foreign countries, nevertheless are designed to destroy the democratic system in Canada, and need serious consideration.

When I spoke on second reading of the bill my feelings were very much those of the hon. member who proposed amending motion No. 22. This is an important bill, and essentially is designed to prevent people from snooping into the affairs of others. At that time I commended the minister for introducing the bill, and I commend him again for the work he has done, as well as the committee for the work it did on the bill. It is an essential bill. It is essential that individuals in this country not be allowed to pry by electronic means or otherwise into the affairs of other individuals, into the sanctity of their living rooms, their offices, whether through their telephone conversations or through many of the highly sophisticated devices that are being marketed throughout the country. It is essential that serious penalties be imposed for this offence. Perhaps even the penalties in this bill are not sufficient for those who pry and use electronic methods of surveillance of the private activities of individuals in Canada.

● (1220)

At the same time, we have to look at the rights of law enforcement agencies. I commend to you the position presented to the House by the right hon. member for Prince Albert (Mr. Diefenbaker). That gentleman has had the obligations of the highest office of this nation; he has had the concerns of running a government and he is a member of this House who has had a wide experience in the courts of this country. If there was ever a member of the House who has fought hard for the rights and privileges of individuals it is he. None the less there is some necessity

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for those involved in public order to have the right to find out what is going on in the country. It is even more essential that those involved in protecting our nation from people who would destroy it, whether they be from foreign countries or not, be kept in line. Certainly it is essential that the government know what is going on within the country.

Before getting into that subject, Mr. Speaker, I must make one thing clear. Other members have mentioned it, but I wish to make it clear also. This bill does give to the police and those in charge of law enforcement a power that they really never had before, and that is the right to introduce into a court information obtained by electronic means to be used as evidence. This is a new right; the right to introduce something that is not oral evidence which would be subject to cross-examination, but evidence obtained through some recording device. Listening to the playback from a recording device is not necessarily the same as listening to something said orally. I could very easily read a passage which could be recorded but when played back it would not sound the same as if I had said it on a witness stand and you had seen my expressions.

This whole matter of the use of tapes is an extension of the power of law enforcement agencies, and presumably of the government of this country to control espionage, sabotage and the rest, and of the right to introduce the resultant information as evidence. This is not the same as introducing a witness on the witness stand in a courtroom but is introducing a machine on the witness stand in a courtroom to repeat what that machine heard. Unfortunately, what is on a tape can sound differently to different people. A judge in a courtroom has the ability not only to listen but to see the witness, to watch his demeanour and to judge the veracity of the evidence. But when he hears the playback of a tape he does not hear or see the witness nor the witness's expression. In the privacy of my living room, I suppose I could say that it would be a good idea to get rid of the Prime Minister (Mr. Trudeau) and perhaps we could do it by putting strychnine in his coffee. If you heard me say that on the witness stand, you might deduce from my demeanour that I was just joking, but if you heard it as a result of playing back a tape you might take it seriously.

It is with a great deal of difficulty that I arrive at the decision. I cannot consent to this kind of thing, especially when the only protection is authorization by the Solicitor General (Mr. Allmand). I understand why it is necessary, and I think this House must understand and the people must understand, that we live in a sophisticated age with sophisticated crime and so it is necessary, especially in crimes involving damage and danger to the state, that there be something more than the direct evidence of witnesses on the witness stand. It is necessary that the Crown, in a prosecution to convict persons of this type of activity, have the right to introduce evidence that will indicate a conspiracy against the state.

It is with difficulty that I accept this use of taped evidence. I only accept it because there is a prior requirement on us, not just the requirement to protect individual liberty. I respect the opinion of the hon. member for New Westminster in that respect, but the necessity is for us to respect the integrity of our way of life. Without our