

Protection of Privacy

ans and to obtain some feedback. That is exactly what happened with this bill. It took a while for the Canadian public to get alarmed. They did get alarmed. The government, to its credit, heard about the alarm and made some amendments.

I am particularly glad parliament has decided to reinstate the provision of the committee with regard to notice. I do not think the minister should be worried about this. He could have had his own provision but he did not see fit to do that. I think it will be very salutary that a citizen will have an opportunity to know that if no charges are laid he has in fact been subjected to an intrusion of his privacy. I am sure Attorneys General will be glad to co-operate with the minister in establishing whatever formula he devises so that this notice can be given.

I share the concern of the hon. member for New Westminster and others about the national security issue. I suppose, as others have said, this clause has given all of us concern because of events in the United States. I am going to repeat something that a very wise public servant told me when I had written a little article on the excessive secrecy of government. Usually it is based on national security. He was kind enough to comment on my article. He said it is not the security of the state that governments worry about; it is the security of the government. I hope this government takes a very broad view. Perhaps it should be the other way around, that national security will be very narrowly defined.

I am particularly glad the minister was forthcoming about amendments on the whole matter of sedition, espionage and subversive activity. This is a better bill because the minister heeded the committee's request in this regard. The problem with the President of the United States is that that gentleman mixed up the security of the state with the security of himself and his government. I hope this is a warning and that this government will not try to do the same. If so, I hope there will be ample warnings, reports to parliament, questions, and so on. I will conclude by quoting a very interesting Canadian, Morley Callaghan. He said national security means—

—the protection of someone who has a big job and finds someone else breathing down his neck.

The minister has a big job. The government has a big job. However, I hope that the provisions of national security are so tightly drawn, and the jurisprudence so carefully enunciated by the courts, that this country will not have to go through anything as grubby as we have been witnessing in Washington during the past few months.

Mr. Erik Nielsen (Yukon): Mr. Speaker, I want to say how fearful I am that this legislation is nearing passage. The reason my votes went the way they did today, and the reason I will be supporting the bill on third reading, is that there is far more good in the bill than there is bad. It makes wiretapping a crime. It makes provision for substantial penalties for those who would invade the privacy of others by electronic surveillance devices. That part of the bill is something we cannot do without, regardless of how much the remainder of it is distasteful. That is why it will get my support on third reading.

I want to sound a warning about what could very well happen when this bill becomes law. We know from evi-

dence given in the standing committee that there have been a substantial number of electronic intrusions on the telephones of private citizens in this country, surreptitiously placed there by law enforcement agencies and without the knowledge of the telephone user. I might point out that in this bill we are not confined to the telephone. As I have said before in this debate, electronic intrusion devices today are highly sophisticated. One example I did not cite is the development of a laser device that is capable of being directed against the window or wall of a room and will transmit sounds from within that room to an unscrambler. A conversation is capable of being detected over a distance of several miles. I did cite the example of the instrument being capable of being converted into a listening device with the receiver remaining on the hook.

We heard some very disquieting examples of what could happen. We heard the example of the offices of two barristers in the province of Quebec being bugged at the behest of the police commission there. At the time this arose, I asked the Solicitor General (Mr. Allmand) whether there was any agency in the province of Quebec operating under the provincial government which conducted activities of this kind directed toward national security matters. He was kind enough to assure me in private that there is an organization with a similar name but which has no federal connection.

A year ago last fall there was the example of the affairs of the CNTU in the province of Quebec being made the subject of an army intelligence report. Many members and others think all we are concerned with in the application of this bill in terms of surveillance and electronic intrusion has to do with law enforcement agencies in the country. How wrong they are. The armed forces of this country have a very active and, I must say, having some knowledge of the functioning of this service, very capable security and intelligence organization. That organization has every capability of engaging in the kind of surveillance activities that this bill will make law. So when we are speaking of the application of the bill, let us not forget the activities of other agencies in the country.

• (2120)

I want to sound, too, a warning as to certain possibilities. If electronic eavesdropping has been occurring—and it has been occurring, according to the evidence given by the law enforcement agencies before the Standing Committee on Justice and Legal Affairs—this bill is no assurance that it will not continue to occur illegally. From a practical point of view, the main thrust of the bill being directed at the investigatory function rather than the evidentiary function, what the overzealous law enforcer will do is tap anyway or intrude electronically in any event. It can be done without danger of detection for a great length of time. Then, should anything come up in the course of this kind of surveillance, it is a simple matter to obtain an order legalizing the portion of the evidence he wishes to introduce in court.

I was happy about the extent to which we convinced the government that judicial controls should be placed upon the application of this legislation. At least in the case of what I might call ordinary crime in his country it will be obligatory for any person intending to intrude upon the private life of anyone else to go before a judge and satisfy