

Protection of Privacy

some of those people may have to go to jail for some offence. I hope they will not rue the day when they muttered approval of the fact that this law provides for an alternative penalty to jail. It seems to me that this administration and others who are responsible for the administration of penal justice in this country should have started a long time ago reviewing all our acts to see why we should insist upon jail, why we cannot have a system of probation under laws like this, or fines as an alternative to jail. Too many are sentenced to jail without being given the alternative of paying a fine. Certainly, a sentence of restricted conduct for a lot of offences would be of far greater import than the sentences contemplated under this bill.

Hopefully, there will be an opportunity when I can debate this matter with the Attorney General so that I may get some notion of what is the philosophy of the government with regard to the sanction provision in this legislation. The Minister of Justice is no greater lover of law and order than I am. Certainly, many things that were said in connection with this bill on behalf of so-called civil liberties cannot stand the light of day. On the other hand, although in many ways this bill is full of inherited or imposed defects, I hope they will not prove too difficult in practice. I am a hopeful person. Before long there will be another day, with another administration and another minister of justice, and then the appropriate changes can be made to this act to make it more effective in protecting against the invasion of privacy of the person and to make it less objectionable from a logical point of view.

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, I think it is fair, in wrapping up this debate, to say a word or two about some hon. members who have been particularly helpful in improving this bill as it has progressed through the House. The Minister of Justice (Mr. Lang) spoke of its four-year history. The delay in bringing it forward is not the fault of parliament: there have been a few interruptions in that period. I am satisfied that the present bill is substantially better than the one brought forward a couple of years ago, and the one which was debated in May on second reading.

I remember the debate of 1960, I think it was, when the Bill of Rights was before the House. Some sneering references were made, rather unfortunately I think, to the right hon. gentleman from Prince Albert (Mr. Diefenbaker) and the efficacy of the Bill of Rights. At that time I was actively practising law and remember the debate in the Canadian Bar Association about the Bill of Rights. I remember that a very learned dean of law, who is now a member of the minister's law reform commission, said how important it was to have general public understanding of the Bill of Rights; that it was not some arcane little statute which was of interest only to lawyers. I think the right hon. gentleman from Prince Albert on that occasion popularized, if I may use that word, the concept of fundamental rights in our Canadian statute law.

I think what he did was very important. I had hoped that the Supreme Court of Canada, much before the occasion of the Drybones case, could have used the Bill of Rights in order to pass judgment on some statutes of this parliament. Be that as it may, the right hon. gentleman from Prince Albert was able to make a complicated legal

situation understandable to the general public. I am referring to the value of the right hon. gentleman's amendment to abolish the 36-hour notice provision. He made a greater impact on the public's mind than did the Minister of Justice. That in itself was an achievement.

I have repeated before now what Dr. Cory of Queen's University has said. I do not know Dr. Cory's politics; I presume he is a supporter of the Liberal government.

An hon. Member: He is from Saskatchewan.

Mr. Fairweather: He is a man of great capacity, as many Saskatchewan people seem to be.

An hon. Member: You are not narrow.

Mr. Fairweather: No, I am not as narrow as the hon. member for Louis-Hébert (Mrs. Morin). Dr. Cory said that he felt more comfortable when he knew that people like the right hon. member for Prince Albert were in parliament. I think that is a great tribute. Some people measure worth in dollars; others by the time spent on a speech. I have never felt that a man's worth is to be measured by the time he takes speaking in this House. I do think, however, that the right hon. gentleman was able to persuade the government to make a fundamental change in this bill. As well, of course, the hon. member for St. Paul's (Mr. Atkey) did a professional job on the bill, which is much better now because of his energetic work. He knew his subject thoroughly and he was able to articulate the issues and persuade many of his colleagues of the correctness of his views.

I should like to pay tribute to the conscience of the Prime Minister (Mr. Trudeau) and of the hon. member for Matane (Mr. De Bané). I like to see him and listen to him. He was the one who persuaded the Standing Committee on Justice and Legal Affairs that it would be valuable and useful to hear one of the greatest attorneys general of this century, Ramsey Clark, who rightly pointed out that during his period of administration he had not used wiretaps. Mr. Clark made a profound impression on the committee. I think we were all enlightened by his evidence. We must also consider our colleague for New Westminster (Mr. Leggatt).

Mr. Knowles (Winnipeg North Centre): Hear, hear!

• (2110)

Mr. Fairweather: If the hon. member for Winnipeg North Centre (Mr. Knowles) is calling "order", I will be glad to hear him on the point of order.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I said "Hear, hear".

Mr. Fairweather: I am just trying to pay a compliment or two. I think the hon. member for New Westminster made a real contribution. The minister said he was worried about the time spent on this bill. I do not share this view. I do not think the time was all that badly spent. Maybe one day we will reach some accommodation about allocation of time. But in a way, in this country it takes a little longer than it does in Britain. There is a national press in order that issues be clearly understood by Canadian