

Protection of Privacy

for the invasion of privacy by the state, an invasion that under certain circumstances may have to be accepted in order to protect society. None the less, it is scarcely a bill that protects privacy.

We have to be all the more mindful—and I gather from his statement that the minister is mindful of this—of the need to go further than this bill will take us. We have to think of ways in which the individual's right to protection is not adequately safeguarded by this legislation, for example in the use of cameras which have become a major device or instrument used by businesses and other organizations. We have really no provision in this bill to protect the privacy of the individual against the use of computers. Because of these two exceptions we have even more reason to question the validity of the title of the bill. That question should be raised not simply because of the words used but because the bill is making a pretence that it cannot support. The bill is intended to protect the privacy of the individual, but at the same time it leaves that privacy wide open to invasion by the government or by any private organization using the kind of instruments to which I have referred. In passing this bill we are taking one step toward protecting the privacy of the individual, but it is a very short step and we ought to be mindful of the many steps that remain to be taken by government and by parliament.

Finally, Mr. Speaker, under the general heading of the inadequacy of the bill, I would point out that it is still possible under this legislation for anyone to do that for which so many criticized the President of the United States. We were shocked when the President of the United States revealed that he taped conversations of people who visited his office, without telling them even though his motive for so doing was to record for all eternity the important words uttered by visitors and by the President.

Under this legislation, any one of us is legally free to record any conversation that is held in his office, his home or anywhere else provided he consents to the recording of the conversation. Since we were shocked at the blatant disregard of the rights of individuals entering the office of the American President, I think we should become more aware that we are permitting individuals in Canada to do same thing. It is for such reasons that if we give our support to this bill tonight, we give it without enthusiasm. We cannot really feel much enthusiasm for a bill that makes so little progress in an area where one had hoped much progress could have been achieved by now.

The minister has reminded us that this bill has been before parliament previously. We realize that the complexities of the question make it difficult for legislation to cover every possible problem that could arise with respect to privacy. But, surely, after all this time and after all this work, it should have been possible for the government to come forward with a bill that would live up to its name. We have to conclude that this bill is simply making a pretence of protecting the privacy of individuals but that in fact it leaves that privacy wide open to all kinds of invasion.

We will have to return to this task in the future. In the meantime, I commend the minister and the government for the little they have done. But if they were living up to

[Mr. Stackhouse.]

the responsibilities of their mandate, they would surely have gone much further.

Mr. John Harney (Scarborough West): Mr. Speaker, it is not every day that I can stand up and exhibit the fact that the borough of Scarborough has solidarity in its representation in this House. I do not always find myself in agreement with the hon. member for Scarborough East (Mr. Stackhouse), but I am considerably in agreement with what he has just said. I think I know what he is driving at. I think I understand the dilemma in which the hon. member for New Westminster (Mr. Leggatt) finds himself; and I must say I am going to do something which is quite unusual for a member of this House, and that is to confess at this stage, right here and now, that I do not know which way I shall vote on third reading of the bill.

Very obviously, like the hon. member for New Westminster, one cannot help but feel that this bill does do something in that it provides sanctions against wiretapping and electronic eavesdropping undertaken by individuals, by private corporations, by private associations, clubs, unions, and so on. Therefore, I have to respect the view of those in this House who say, as enthusiastic as they may be, that they feel they have to vote for this bill because it at least does this much.

• (1740)

I very much share the view of the hon. member for Scarborough East that the title of the bill is a horrible distortion of the English language. I think he knows as well as I do the very famous essay by George Orwell entitled "Politics and the English Language". That is one of the most significant pieces of writing on politics that has occurred in this century. In the essay, Orwell lays the philosophical grounds for the horrifying imagery which he was to lay out for us later in a work that we all know, entitled "1984". In that work, as we know, falsity became truth, and so on.

I think Orwell was absolutely right when he said that one of the first signs of deterioration in the politics of a nation is the degradation of the language it uses to talk about politics. The examples in his essay are manifold. Rather than talk about invasions or war, we talk about "readjustment of borders". Rather than talk about the elimination of people, we talk about "rationalization of topography"—and so on. In this case, rather than talk about a bill which should be entitled "An act relating to unfortunate but necessary intrusions into private life," we call the bill, by an unbelievable pirouette of logic and knowledge, "the protection of privacy act".

There is a point that I raised on second reading of the bill, Mr. Speaker, which has not been answered to my satisfaction. It appears on page 2, section 178.11(2), and refers to subsection (1) which is the subsection providing for supervision of electronic eavesdropping. It provides:

Subsection (1) does not apply to

(a) 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—

Since this subsection (2) is in the bill, it means that in most cases the provisions further along that provide for some protection of privacy, that provide for some limita-