

*Protection of Privacy*

one or the other. Under this bill, with the existence of clause 178.15 there is a split responsibility which makes a mockery of the general principle which is intended.

I urge all members to consider the necessity, or lack thereof, of retaining section 178.15 in the bill. To use the argument advanced by the hon. member for Sarnia-Lambton, if the police find themselves unduly hampered in their activities, unable to find a judge when they need one and unable to act quickly under the normal sections under which one gets an authorization, let the Minister of Justice come back to parliament with the evidence and an amendment, and we will consider it then. Until that time we must not deprive the people of Canada of the fundamental protection which they deserve, the fundamental protection of a judicial authorization which is the controlling and principal mechanism of this bill.

**Mr. Mark MacGuigan (Parliamentary Secretary to Minister of Manpower and Immigration):** Mr. Speaker, after listening to the discussion which has taken place today on these amendments, it is a little difficult at this stage to know to which amendment one ought to direct his remarks. We have been discussing several amendments this afternoon. I am afraid too many members have chosen to emulate the unfortunate example of the right hon. member for Prince Albert (Mr. Diefenbaker) who, in introducing his amendment this morning, ranged over not only the whole of this bill and its amendments but also, unfortunately, over the whole history of civil liberties and the Bill of Rights. I say "unfortunately" because of the selective character of the references which he used.

Let us turn to one of the problems which he raised, namely the serious accusation that the minister and the government generally are trying to bulldoze the committees. What are the facts in this case? The facts are that on most committees, and certainly on this committee, the largest single group of members is composed of members of the official opposition. This is because members of the government party have to use one of their number for chairman. He votes only in the case of a tie. As hon. members know, the chairmen also try to be impartial in all these matters in committee. In this case, the form of the bill before us was carried not only with the support of government members but members of the official opposition.

Let me just recall the statements which several of those members made in committee. On September 18, the hon. member for Northumberland-Durham (Mr. Lawrence), formerly the attorney general for the province of Ontario, had this to say at page 22:

Just to agree with the minister for a change... there is no question that there are occasions when there have to be emergency measures taken by law enforcement agencies in a matter such as this.

On page 24 of the same day's hearings, the hon. member for Hamilton West (Mr. Alexander) said:

It seems to me that there should be, and I know there will be, occasions where emergency permits will have to be sought.

The hon. member for St. Paul's (Mr. Atkey) has confessed his own ambiguity on this question. I do not recall how he voted on this in committee, but the fact is this

[Mr. Atkey.]

form of bill was carried at committee stage only with the support of many members of the official opposition.

**Mr. Atkey:** Mr. Speaker, I rise on a question of privilege. The hon. member has referred to me confessing my own ambiguity on the question. I do not know where he finds that reference or how he makes that assertion. I find his comment infringes my privileges and it is a misstatement of my position. The hon. member knows that I voted in favour of the amendment in committee.

**Mr. MacGuigan:** Mr. Speaker, obviously that is no question of privilege. Whether the hon. member has been ambiguous is a question of interpretation. I am talking about the various positions he has advanced on this point. The point I was making is that this kind of accusation by the right hon. member for Prince Albert is sheer hypocrisy. He suggested the Minister of Justice (Mr. Lang) has no right to attempt to overrule what the committee has done in one case, and then he himself, with respect to this very amendment, is proposing to amend what a majority of the committee—a majority which included members of his own party—recommended.

**Some hon. Members:** Hear, hear!

**Mr. MacGuigan:** Unfortunately, this is not the end of the hypocrisy of the right hon. member for Prince Albert. He is guilty of double hypocrisy. We know that in discussing the cases under the Canadian Bill of Rights he waxed eloquent on the Drybones case and made some comments about the role of the Minister of Justice with respect to that. I noticed that he did not say anything about the Lavell case. He said he would deal with that on another occasion. Many members will be interested in that "other occasion" because it was that case which revealed the apparent bankruptcy of the Bill of Rights which the right hon. member for Prince Albert passed into law in this House some years ago.

Not only is the Bill of Rights inadequate with respect to the provinces but, as the Lavell case shows, it does not even apply to federal legislation so as to allow the courts to strike down such legislation. It is because of these deficiencies that this government for the past number of years has consistently been trying to persuade the provinces to agree there should be a constitutional Bill of Rights. Perhaps there are not enough provincial Liberal governments! The right hon. member for Prince Albert is guilty of twofold hypocrisy in coming before us to speak on this bill. Those who live in glass houses should not throw stones. The glass of his house has been shattered today by his own stones.

● (1550)

The basic question in this case is whether we ought to recognize emergency cases and whether there should be a mechanism to deal with them. Many members of the House, in all parties, if one takes into account all the statements which have been made on this bill, have admitted that such situations arise and that a provision such as this is necessary. That is the basic question with which we are confronted. The Minister of Justice (Mr. Lang) has persuasively argued that in the absence of a provision of this type the police forces of the country would be on