

undoubtedly participated with his colleague, the Minister of Justice (Mr. Lang), in determining the philosophy of this bill.

[English]

Remember, Mr. Speaker, I am attempting to rationalize the invasion of the freedom of the privacy of my person which is incorporated in this law. This permits an invasion—

**Mr. Goyer:** No.

**Mr. Lambert (Edmonton West):** Oh, yes. This permits an invasion of the privacy of my person, under controlled conditions. I will admit that I think in some ways this may prove better, and that is why it would have my support. But there are many details of this bill that I, as a lawyer, consider to be terribly bad law. I have already indicated a terrible lacuna, that there is no privacy of persons from viewing and spying. Only acoustical spying is covered by this bill.

To those who had objections to the bill, and as far as the police are concerned, I would say that it must be remembered that prior to passage of this bill electronic bugging is illegal. Now, under certain controlled conditions, it becomes legal and to that extent there is that much more assistance, I think, to the police forces of the country.

I do not think there is going to be any great difficulty about getting permission from a judge, etc. I do not like the amendment that the Minister of Justice (Mr. Lang) insisted upon, because I think that knocks the props from under the bill. I am glad to see the Minister of Justice back in the House, Mr. Speaker. He will undoubtedly have read the same arguments that I have in many a learned article in legal journals on the philosophy of the admission of indirect evidence following illegal confession, illegal bugging—that in effect it is a matter of judicial revenge upon the accused. He is able to refute the burden of the so-called innocent confession and the confession is thrown out, but in many ways then the law turns around and clobbers him by admitting the very evidence to which he confessed. It almost says, “Yes, you beat us on one thing but we will get you on the other.” This in effect is the same thing.

I am sorry to see the amendment of the Minister of Justice. At one time I thought I could support it, but when I look at it in the light of recognition of a wide power of the police forces and security forces to engage in electronic and acoustical bugging, I find it rather strange that the minister would insist that indirect evidence obtained as a result of illegal bugging shall be admissible in a court of law. Why go through the formalities of getting permission to carry out a legal bugging if the indirect evidence or the evidence flowing from the eavesdropping is going to be admissible in any sense? The amendment was illogical nonsense.

**Mr. Railton:** Question.

**Mr. Lambert (Edmonton West):** Mr. Speaker, I would suggest to the hon. member, the distinguished member of the medical profession, that on the next occasion there is a medical subject under discussion which he finds of inter-

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est, perhaps if I were to call out “nonsense” to him, as he has done now—

**An hon. Member:** He did not say that.

**The Acting Speaker (Mr. Boulanger):** Does the hon. member rise on a point of order?

**Mr. Railton:** Yes, Mr. Speaker. I should like to correct the hon. member. I did not say “nonsense”. I was just getting a little weary of the repetition of things and I called out “Question”. The other point that I request permission to speak on is this. The hon. member says if he were a member of the medical profession, he would have more right to speak on it. He is not speaking as a lawyer tonight, I hope; he is speaking as a citizen of Canada—and everybody should have an opinion.

I did not intend to speak on this bill because it has taken such a great deal of legal argument, which to this point I think has been very well done. However, from my experience I feel it is about time we stuck to the question and did not get into legal argument. The question is, are we invading privacy? I do not believe we are.

**Mr. Lambert (Edmonton West):** Mr. Speaker, I apologize to the hon. member. If he did not say “Nonsense” but said “Question,” the word “nonsense” was implicit in what he said. I will, hopefully, listen to him when he wants to make a point.

**Mr. Railton:** It was probably your conscience that was speaking. It must have been nonsense.

**Mr. Lambert (Edmonton West):** Well, since it is the first time I have spoken on this bill, I thank the hon. member for the extreme narrowness of his closed mind. There is one final point that I should like to make, Mr. Speaker. Yesterday we had considerable discussion about amendments to the Parole Act. We felt there were far too many people in prison. We felt there should be much greater facilities for the Parole Board. At that time I indicated that far too many laws in Canada provided for imprisonment. I would draw to the attention of the Minister of Justice and, if we were here, of the Solicitor General (Mr. Allmand), that this act provides that the improper use of an electronic device for acoustical interception or listening shall be an offence punishable by imprisonment of up to five years. There is no option of a fine under this law. Illegal wiretapping means imprisonment. And illegal wiretapping can be an offence of a very technical nature.

● (2100)

I see the parliamentary secretary nodding his head in affirmation. Does this not follow up my assertion of yesterday, that we in Canada say, “Obey the law or you go to jail?” We love to send people to jail; then we complain about our jail system, our prison system, our system of parole, etc. People complain about far too many people being in jail; of course they do. Yet we have acts like this one which say that jail shall be the only sanction and that there shall not be any fine.

I note that some people are impatient; they think this bill is God-given, that it is their birthright, that there is nothing wrong with it. I hesitate to think that some day