

should not be given the right to use wiretapping methods and electronic surveillance of people whose only activity may be that of political radicalism.

For these reasons, having read clause 1 of the bill which declares that the bill is to be named the Protection of Privacy Act, it can only be described as a euphemism rather than a bill, one that tends to meet some of the problems we have been facing in this age of technological advance. This makes one realize how necessary it is to study the bill in depth and to bring to the attention of the Minister of Justice and the members of the Justice Committee the necessity for legislation that protects the rights and privacy of the individual, but does not permit the erosion of these rights by the intrusion of the state. I hope that when the bill gets to committee we will study these matters in depth and produce a bill that is worthy of acceptance and enforcement.

**Mr. David Orlikow (Winnipeg North):** Mr. Speaker, the fact that we have before us today a bill moved by the Minister of Justice (Mr. Lang) is proof that the system of parliamentary government that we have works and that the backbench member of parliament, both on the government and on the opposition side, can play an extremely useful role. When I came to the House ten years ago and joined with members of other parties in asking questions about wiretapping, my questions were met with indifference, or silence, disbelief, indeed with denials that such a form of surveillance in fact existed.

I am not going to take the time today to put on the record the questions that I have asked almost each year since I came here about the activities, particularly of the RCMP, in this field. However, I am sure that in years to come students of the question will do so; they will look through *Hansard* at the questions asked and statements made on wiretapping over the course of many years. They will discover that until very recently ministers of justice and solicitors general have either denied that such activities took place or replied to questions posed about specific cases, in connection with which there was a good deal of evidence, with the stock answer that one often gets from the government, namely that it is not in the public interest to reveal the information requested.

• (1650)

Since that time ten years ago, and particularly in the last five or six years, there have been repeated documented cases of wiretapping. I am not now talking about wiretapping by private individuals or by private investigators, about which the hon. member for Broadview (Mr. Gilbert) has spoken and which under the provisions of this act will be made an offence. The fact is that if wiretapping is carried on by the police, as has been done on an extensive scale and if there are no new laws prohibiting it, no regulations stating under what conditions it may be used if required and no penalties for misuse, then obviously, Mr. Speaker, not just the police will be involved in wiretapping but private individuals will be involved.

There is no doubt that we have a good deal of industrial espionage in Canada, though possibly on a smaller scale than it is known in the United States. This is carried on by companies which want to know what their competitors are doing, companies which want to get the jump on their

#### *Protection of Privacy Bill*

competitors. Wiretapping is one of the most efficient methods of industrial espionage. There is ample evidence that private investigators, many of whom have police experience, have been involved in wiretapping but there are no laws prohibiting it. My colleague, the hon. member for Broadview spoke of an incident in Toronto several years ago when two magistrates got into very serious trouble and, if my memory serves me correctly, were removed from office. I make no comment on whether they were involved in activities which could have led to their removal from office, but the fact is that there was a hearing as a result of evidence obtained through wiretapping. That wiretapping was initiated, not because of any question about the magistrates involved but as a result of police action, if I remember correctly, against people involved in an illegal betting operation. In the process, two magistrates who should have been above suspicion were dragged into the case.

Some years ago in British Columbia there was a case where the evidence led to the establishment of a Royal Commission. A room occupied by some union representatives had been rigged so that their conversations could be recorded by people interested in what they were discussing. Recently in Toronto a police officer was dismissed because he was found to have been co-operating with a company which specializes in union busting, by rigging the offices of the oil workers union and of a steel union. These are the kind of activities that take place.

Some years ago in the city of Saskatoon an alderman charged that the only telephone available to people held in the city jail had been so worked upon by the police that they could listen to any conversation. I am not a lawyer, Mr. Speaker, but just imagine the position in which those people found themselves. As I understand it, under our law a person is presumed innocent until proven guilty in a court of law. Surely, Mr. Speaker, if there is one type of conversation that ought to be completely private it is conversation between a person accused of a crime, not yet convicted, not yet tried, and his lawyer. Yet the Saskatoon police had so arranged matters that they could listen to the telephone conversations of anybody in the jail.

The fact is, Mr. Speaker, that wiretapping is a very common occurrence in this country. I cannot vouch from personal knowledge, but I have been told by someone very close to the investigations carried on by various government agencies, including the RCMP, into the Seafarers' International Union and Hal Banks that everybody involved or everybody who worked in any position of responsibility in that union had his telephone conversations monitored by the RCMP through wiretapping. In these circumstances, Mr. Speaker, with the former lack of knowledge, the former insistence on the part of ministers of justice, solicitors general and provincial attorneys general that wiretapping was not a common occurrence in Canada, if it occurred at all, it is not surprising that it became apparent to the people of Canada that regulations and legislation were necessary. I welcome the agreement of this government to bring forward legislation which, if it will not prohibit wiretapping, will at least regulate it.

The question which I intend to pursue later this evening is whether, in fact, this law meets the requirements of the problem.