

Let me give some examples. We read recently about the abuse of privacy through interception, and I wonder whether this bill would have afforded any protection in those cases. Let us look at what the *Montreal Gazette* has to say about the wiretapping situation in respect of the lawyer's offices in Montreal. I shall read into the record part of the report:

Electronic bugs found in the offices of two Montreal lawyers last week were planted there by police officers, Justice Minister Jerome Choquette admitted yesterday.

Choquette told the National Assembly that members of Quebec's special organized crime squad had spied on the lawyers' offices for more than two weeks last February.

The minister admitted there was a possible violation of professional secrecy but pleaded he hadn't been informed of the operation until much later.

'I can't control all these systems, I can't control every police investigation in Quebec. That would be impossible,' . . .

Under the aegis of the legislation this House is about to pass, we still could not control what occurred in Quebec. Therefore, in terms of the usefulness of the bill in restricting governmental invasion of privacy, it is very clear to me the bill has not gone nearly far enough. One might think again in terms of the kind of surveillance that has occurred. One example was the electronic interception in respect of the St. Jean Baptiste Society in Quebec. There is no provision in this bill that would prevent such activities. All that would be required would be for the police to make an allegation of sedition to a judge who could authorize a wiretap and electronic surveillance within the terms of this legislation. I shall support the bill on third reading because of the restriction in respect of private electronic interception, but I am most disappointed about the section which would allow governmental electronic interception.

May I make one last point about the effectiveness of this bill? One will recall the report of the RCMP in which it was shown that 663 wiretaps were used and that convictions were obtained in only 129 of those cases. These figures do not indicate this practice is very effective when one considers the amount of wiretapping that is being done by governmental agencies. As I say, I support the bill because it moves into a private area, but where we are going in the public area I think is well described by Maxwell Cohen, the noted law professor in an article which appeared some months ago in the *Montreal Gazette*. He had this to say:

How shall we view the police, perhaps the most immediate symbol of order, yet, in North America at least, unable to project themselves, very often if at all, as a symbol of justice. Not to recognize that 'the policeman's lot is not a happy one' is to be naive. Equally not to understand how close to the edge of the abuse of power his role places him is to shut eyes to the sense of disquiet shared not only by civil libertarians but often by wise policemen themselves.

The guts, the important and significant thing about this bill is that we must defend the rule of law. This bill has gone too far in the direction of opening the door to unlimited governmental and police wiretapping, because in a sense one cannot fight fire with fire in law enforcement. That is a tremendous error. It is an error every totalitarian state makes to cure its problems by cutting a few corners and getting at people. It does not work. The proposition that this House should have accepted, and I am sorry it did not, is that the rule of law is founded on the proposition

that governments can protect their people without acting unfairly and immorally themselves in any respect.

The use of a wiretapping device is immoral. We cannot have lawful society unless people have respect for the law, and respect for those who enforce the law and, most important to this issue, respect for the means by which the law is enforced. That has to be a fundamental proposition of the rule of law and enforcement of the rule of law. To use this dirty method to protect citizens in this country is to erode the rule of law and respect for law and order. However, as I say, I agree with the minister that this is a significant move in the direction of controlling private electronic interception. I can therefore support the bill, but I do not really think the minister should be taking too many bows for his labours when one examines closely the provisions of this legislation.

• (1730)

Mr. Reg Stackhouse (Scarborough East): Mr. Speaker, among the many reactions which I find, after attending meetings of the committee concerned with this question and listening to debates in this chamber, is apprehension about what might have happened if the government had a majority in this House. It is very clear that the bill originally introduced by the minister was improved under the pressure of committee study and discussion, a committee study that was given great strength, not only by the quality of the criticism offered by various members, but also by the fact that always there was a majority of members of the other parties on the committee. We see here one of the reasons why we can welcome the fact that over a year ago the government did not gain a majority, because in this instance it brought legislation into the House that needed great improvement under the criticism and study of opposition parties.

There are two points that have been made and that need to be repeated in this debate, even at third reading. One is the need for recognizing the primacy of the judiciary in protecting the rights of people. That is a primacy that was not adequately recognized by the government in the way in which it introduced this legislation and carried much of it forward. For example, we have seen in the government's attitude to capital punishment its willingness to commute sentences passed by the courts, and how it wants to establish itself as a court. We have seen in the attitude of the government to this legislation that the government has not the full confidence in the judiciary that one would expect it to have. We welcome the way in which the minister has accepted a good amendment introduced from this side of the House. We welcome the return to some confidence in the judiciary, a confidence that recognizes that the rights of private citizens must be protected fundamentally by the courts.

I want to give the greatest emphasis in my remarks to the way in which this legislation disappoints so many of us because of its inadequacies. We have to recognize at the outset that privacy is not only a right that most of us think we should claim, but it is also a right that we find difficult to define. This legislation really does not add much to the definition of privacy which we can enjoy under the law. For that reason it seems to me that the title of the bill is a shocking exaggeration. This bill really is not protecting privacy. Indeed, in many of its provisions it is providing