

Some hon. Members: Hear, hear!

Mr. Lang: It is even more unusual when taken with the fact that almost all members who spoke on both sides of the House have made clear their support for finally moving into a position of removing corporal punishment.

Mr. Knowles (Winnipeg North Centre): Especially his own colleagues.

Mr. Lang: I should make one further clarification, Mr. Speaker. There was a reference made to some slightly ambiguous words which I used in connection with there perhaps being a case for corporal punishment. I did make it clear in my words, as did the Solicitor General (Mr. Goyer), that this does not apply in the penal system in general. I was simply reserving the position for the head of a family and his role in this regard where the atmosphere is rather different from that in a penal institution. That is precisely the contrast I would draw—if corporal punishment may be imposed in the atmosphere of the family, presumably with love, I might take a different view of it in other settings.

Mr. Knowles (Winnipeg North Centre): There is no right of appeal there!

Mr. Lang: Mr. Speaker, I could not end the debate without commenting on the many things said by the right hon. member for Prince Albert (Mr. Diefenbaker), who spoke against both corporal punishment and capital punishment and surveyed the general need in our law to impose order through effective enforcement and also the need for general flexibility and the movement of the law toward a reasonable stance. I think these remarks completely fit in with the distinguished legal career of the right hon. gentleman, and I should like to applaud them at this time.

In the course of subsequent remarks there was some confusion concerning the clause dealing with common assault. To some extent the Parliamentary Secretary to the Solicitor General (Mr. Hogarth) has corrected one impression in this regard, namely that we are now indeed increasing the penalty in regard to common assault and turning it into a summary conviction offence. There is a further point which should be clarified in regard to increasing penalties. For assault causing bodily harm, the option is given to the accused to choose the method of trial rather than being forced to go before a magistrate.

I should say one further thing when dealing with specific sections in relation to what the Parliamentary Secretary to the Solicitor General said. By previous amendments to section 589 of the Criminal Code, it is open to a court to sentence an accused to a lesser offence, even if that be a summary conviction offence and even when the accused is before the court on an indictable offence. I think I should say that simply to set the record straight.

Many of the other subjects to which hon. members referred are under serious study both by the Law Reform Commission and by the department as we seek the material for the next omnibus Criminal Code amendments. As I have said, Mr. Speaker, I think it is important for us to continue to proceed quickly in response to clearly forming opinion about the changes needed in our crimi-

Protection of Privacy Bill

nal law to make it ever more responsive to generally understood and reasonable approaches to the law. We must always seek additional ways to ensure that the law treats all persons as fairly as possible, rich and poor alike. That means removal of discrimination whether it be in the letter of the law itself or in the attitude of judges and others who operate within the legal system.

These are the objectives we must pursue. We must not assume that they are easy to attain, but by keeping them in sight we might hope to make progress toward them.

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the said motion?

Some hon. Members: Agreed.

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and Legal Affairs.

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PROTECTION OF PRIVACY BILL

AMENDMENTS TO CRIMINAL CODE, CROWN LIABILITY ACT AND OFFICIAL SECRETS ACT

Hon. Otto E. Lang (Minister of Justice) moved that Bill C-6, to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

• (1540)

He said: Mr. Speaker, the legislation before the House proposes the addition of a new part to the Criminal Code, specifically, Part IV.1 "Invasion of Privacy". The form of the legislative is prohibitory; that is, certain conduct is prohibited and described as criminal, its purpose being to protect rights of privacy against invasion.

The particular right of privacy which is recognized and protected is the right of individuals to communicate with each other where the circumstances are such that it is reasonable for them to expect that the communication will not be intercepted by others. The only kind of interception which is prohibited is that done wilfully by means of an electromagnetic, acoustic, mechanical or other device.

Over the last few years there has been an increasing body of evidence of the technological advances made in surveillance techniques. It has become possible for almost anyone to penetrate the privacy of offices and homes, to watch and listen to people in public places and to listen in on their communications by telephone, telegraph and radio. All of these things can be done without detection, without evidence that the invasion has taken place; and it can be accomplished through the use of electronic gadgetry which is not too expensive and which is becoming increasingly available.

Privacy must mean the right to be let alone, to live one's own life with a minimum degree of interference. The extent to which an individual gives up that privacy by communicating with others or associating with others in society must remain a matter in respect of which he has freedom of choice. Of course, it is not an absolute right,