

be at all worried if the minister goes out from this place when the bill receives royal assent and calls it a great addition to the law, or whatever expression he likes to use, because as a result of the time spent debating it and, if I may say so, the amendments the standing committee made, a standing committee whose main objective was to improve the law and not take partisan advantage, it will be a better law.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, in reviewing the amendments to this bill, my hon. colleague who has just spoken dealt with the importance of the bill in the general scheme of things. He mentioned this was one piece of legislation, perhaps the only piece of legislation, that we will deal with this session that affects the liberty of the subject and the rights of Canadians to privacy. The bill will affect even communications between Canadians and their members of parliament or their professional advisers in other capacities.

Since this bill is one of the most significant advances made in this branch of the law, it seems to me it is the most important and fundamental piece of legislation with which we, as representatives of the Canadian people, will deal in this session, and indeed it may well be for some sessions to come. This bill will permit the interception of conversations that pass between one subject and another without their knowledge. Certainly they do not have the opportunity of giving their consent to such interceptions, and in this sense the bill is a great leap forward in our criminal law. On the one hand, it makes lawful for the first time that which can only be described as an invasion of privacy. At the same time it gives to law enforcement agencies the right to take advantage of the latest electronic gadgetry in pursuing their work, namely, the protection of the public. So, as I say, certainly it is a great addition to the law.

However, improperly used the practice of wiretapping can be one of the most harmful and fear provoking mechanisms that one can imagine. There is nothing more important to us in days of invasions of our privacy than the maintenance of some element of individuality. Like the hon. member who has just spoken, I believe that the police forces of the country should have at their disposal the most up to date methods for detecting crime. Be that as it may, there is no reason—at least no reason I can think of—for police forces not complying with the law.

A law that will permit this kind of intrusion ought not to be one that the police forces need not comply with. I had the honour to be at one time a Crown counsel in this city. During that period of time I worked with the police force in this city as well as the provincial force, and I hold them in the highest respect. I also hold many others in very high respect. But this respect does not give me the licence to say that police forces can do what they want, that there ought to be no sanction against the actions of police forces, that the end must always justify the means in the matter of police work.

In my respectful judgment, the rights of Canadians about which we are talking are of such importance that it is not too much to ask the respected agencies in our country which are charged with the protection of the public to obtain the consent of a judge before invading the privacy and personal rights which we in this country have

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and which, I suppose, make us different from those people who live in totalitarian states.

This afternoon the hon. member for Peace River (Mr. Baldwin), when speaking to this particular amendment indicated the extent to which this type of evidence can be used. Not only can it be used in regard to the offence that is being investigated; it can also be used in income tax cases, excise tax cases and in all cases where the Crown in the right of Canada may have an interest.

As the hon. member who has just spoken said, members of parliament have a duty to examine this legislation in light of submissions that are made to them, using their own qualities of reason and their own thoughts about what is right for the community. Members of parliament ought not to come to this House or to committees of the House carrying with them any particular bias or preference in regard to the views of any interested group in the community. I think this has happened in regard to this bill, a bill that creates a new right by creating an offence. It gives for the first time the right recognized in law for the police to interfere with privacy, and for the protection of the public it also creates an offence. I do not believe that police forces or individual groups in the community, because of their position, deserve a special status before the law.

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I welcome the legislation as a basic enhancement of the powers of the police which I think the police forces of this country require. I hope those who consider the legislation and its importance will recognize this as an enhancement and an improvement of the powers of the police, and will agree that as we tread for the first time into invasion of the privacy of Canadians we should tread softly and carefully and should not succumb to what a previous speaker referred to as the passion of law and order. We should make sure not to adopt the fallacy that law and order and the maintenance of civil rights should be considered as exclusive of the rights of the public.

When we are dealing with law and order we are dealing with civil rights, not just the apprehension of criminals. We are also dealing with the protection of the public. Perhaps one fallacy that exists when we deal with these matters is that we think in terms of law and order as it applies to someone else. We should think of law and order as it applies to each of us, so that while we are giving the police forces of this country this new power, we should move forward slowly, with consideration of the consequences and with our minds always open in respect of the protection of the public as well as the enhancement of the powers of our police forces and law enforcement agencies.

As I look at the law as presented by the Minister of Justice to this House, I see it as an advancement. But without the amendment with which we are now dealing, and the amendments advanced by members of this and other parties which we will deal with later, it will not be the best law this parliament can produce at this time. It ought to be the object of us all to produce the best law, even if it takes a bit of time; and it ought to be the best in terms of balancing the needed powers of the state and the rights of the subject. In my respectful submission, without the amendments which are before this House to be dealt