

*Protection of Privacy*

**Mr. Lambert (Edmonton West):** Mr. Speaker, the hon. member for Winnipeg North Centre says I should write him a letter. I won't say it would not reach him but, since it concerns the rights and facilities of the hon. member, I believe it would be more important and a personal discussion would be the best way to decide its fate. I therefore hope we can continue the present debate.

I am taking part for the first time in the debate on Bill C-176 and I must say that, naturally, being a professional lawyer, despite the fact that I have not practiced with the public for a long time, I am concerned about the general interests of every citizen and certainly every lawyer.

[*English*]

Mr. Speaker, this bill is entitled "the protection of privacy act". Like my colleague from St. Paul's (Mr. Atkey), I find this an entire misnomer. The bill protects a person only from electronic, acoustical, mechanical or other devices in respect of hearing. I would think that perhaps our colleague from Villeneuve—

**Mr. Caouette (Témiscamingue):** Témiscamingue.

[*Translation*]

**Mr. Lambert (Edmonton West):** Témiscamingue. It was the former member for Villeneuve, a much better name.

[*English*]

He would also, as I am sure would all members here, like to see some protection of the person in respect of viewing. How is it that one can, with the types of cameras available today, visually spy upon any individual and the public without consent, and that the individual, minding his own business, seem to be the legitimate prey of any camera-hound who, for whatever interest—pecuniary, prurient, or what have you—may take a photograph and publish it? Frankly, the individual citizen today possesses but a mere residual of rights to his own personality.

● (2040)

This bill attempts to put some order in a certain sector. As my colleague from St. Paul's said, we would like to see far greater protection of the individual from all sorts of invasions of privacy. To me, what difference does it make whether my telephone is bugged, or whether my window, my garden or my automobile as I am travelling along is similarly bugged with a long-distance lens by an individual whose motives may be far different, far less honourable and far less justifiable than the individual who may put a bug or listening device on my telephone, in my house or in my hotel room? They are equally an invasion of the privacy of my person as a citizen. I insist that I, as a citizen, as an individual, still have certain inalienable rights, rights which I may place in jeopardy by wrongful actions against society and to that extent I agree in principle with this bill, but as an innocent, law-abiding citizen, why should I be subjected to this invasion of privacy, acoustically or visually?

In his gloating speech this afternoon the Minister of Justice said it was high time this subject was dealt with because it had been around for four years. Mr. Speaker, the bill that passed report stage this afternoon is certainly not the idea that was broached four years ago, nor is it the

[Mr. Knowles (Winnipeg North Centre).]

same bill. It has gone through a certain fire and a certain modification, and I think it was totally wrong for the hon. gentleman to say it was high time the House accepted the idea, just because it had been around for some time. There are many ideas that have been around for generations and are still rejected and will continue to be rejected for generations because they are not sound. The fact that they have been around for discussion means nothing except that the longer they are around and discussed, the less merit they may have.

The Minister of Justice attended the same law school as I did many years ago. Of course, his attendance came after mine but I am sure he was exposed to the same ideas. I find it rather amusing to see that he absorbed so little of the philosophy of that school with regard to the admissibility of indirect evidence. There is a lot to be said on both sides of that question. I remember arguing with my tutors because basically, I suppose, I am one of those who favour law and good government.

**An hon. Member:** That is what we have got.

**Mr. Lambert (Edmonton West):** Perhaps this may be a lesson for the young and honourable member who made that interjection. However, the longer one serves in this House, the more conscious one becomes of how the rights of the individual in today's society get nicked away, which is another way of saying that our essential freedoms are being lost, slice by salami slice. They can be cut very thin, but they are still being cut and restricted.

I say that in this instance there has now been a formalization into law of what you might call a restriction of a fundamental freedom. Of course, my views have changed, Mr. Speaker. There comes a point where the paramount interest of society may have to take precedence over the rights of the individual. I will accept this because I recognize that man is a social animal, that man is interdependent one with another, and that any right that I may have I must exercise in such a way so that I do not injure my fellow man, because if I claim fundamental freedom some people will call it a licence to act as I see fit heedless of the consequences to my fellow man. Then, if I am injured by my neighbour, I have very little cause for complaint because surely my neighbour is my equal.

If by reason of my conduct I use this licence to injure him, he equally has the right by his licence to act to injure me. As I say, we are socially interdependent animals and our relationship must be conducted with concern for others. Therefore, if here there is what we might call a fundamental right to freedom from the invasion of privacy, going one step further there comes a point where the public interest may demand that there be some curtailment of that right. I see the former solicitor general shaking his head. I do not know whether he had the same legal training that I had.

● (2050)

[*Translation*]

After all, he has studied civil law and I studied common law and in different schools to boot; so maybe it is quite another philosophy. But I would like to share the views of the Minister of Supplies and Services (Mr. Goyer), the former Solicitor General on that whole issue, for he