

Protection of Privacy

under the law we would not have confidence in the privacy extended generally to citizens by the other provisions.

There is also a change which is important and somewhat novel in the provision of damages of up to \$5,000.00 against the user of unlawful wiretapping in favour of the person whose privacy has been invaded. I am delighted that we seem to be in agreement in respect of most of these provisions. I agree with the remarks to the effect that this House and the committee have worked very hard and very thoroughly to sort out the details of this bill. This work has taken place over the course of four years, and I am sure this work has resulted in important improvements in the provisions of this bill.

I am also delighted that members of parliament who have worked in this way today agreed to a rule which will be much more satisfactory to the 10 provincial attorneys general in this country. They are the people who are politically responsible for the administration of the bulk of our criminal law, and I am sure they will be delighted that we have come to this conclusion. I am sure they will be delighted that we have adopted the amendment to allow indirect evidence being accepted. I continue to have some reservations about the practicality and workability of some clauses, but I do not attach as much importance to those provisions as to the two I referred to earlier. I look forward to having conversations with Attorneys General in the near future in respect of some of these problems. I expect they will outline the difficulties they see in terms of their practicality and of the difficulty they create in the investigative process.

An hon. Member: I am sure there will be many.

Mr. Lang: I do not accept the suggestion of the hon. member across the way. It is our intention that we should arrive at some reasonable balance in respect of the acceptability of direct and indirect evidence, and we think we have arrived at such a balance in this bill.

The basic principle that a judge should be involved in the process of granting permission to use electronic devices was something I grew more and more convinced about as the debate proceeded. This was something about which there was a great deal of discussion among Canadians who have outstanding understanding and experience in the law and jurisprudence in Canada. They felt it would be better to give this power to the politically responsible officers; namely, the Attorneys General. I think the experience of other countries has sharpened our understanding of the dangers and the advantages of involving a judge in this process. As hon. members know, we wanted to allow exceptions to this general rule under circumstances of emergency in order that law enforcement officers could move quickly, particularly when a judge might not be available.

I am delighted that in the process of considering this whole matter, we were able to extend the principle, to which I am becoming more and more attached, of involving the judge in this process even in emergencies. I give great credit in this respect to my colleague, but much more to that distinguished fellow from Saskatchewan, the right hon. member for Prince Albert who did a great deal toward the advancement of this bill when he eloquently expressed his views to the House. If he sometimes went a

[Mr. Lang.]

little further than I thought right, I recognized the political talent he has so often shown during the time he has spent in this House and the experience gained during the many years he has been here.

● (1720)

In the course of the committee debate, and again here, the hon. member for St. Paul's (Mr. Atkey) raised the question of privacy beyond the ambit of this bill. I assured hon. members in the committee, and I am glad to say again, that I consider this merely part of the over-all fabric of protection for privacy in this country which we must erect quickly. I do not particularly follow, or think in terms of following, the suggestion that the matter be referred to the Law Reform Commission, partly because of the other extremely important work that body has before it which must be disposed of before any new work is taken on. But I do anticipate us coming forward with additional measures, both in relation to computers and in other ways, to further protect individual privacy in this country. Privacy after all is a matter which perhaps was so much easier to protect in respect of individual rights before the days of the many mechanical devices, transportation and communication techniques which so easily invade the privacy of and interfere with individual citizens. In those days the law did not create a fabric of protection for privacy, partly because privacy was rather more easily taken for granted than it is today.

We must move to meet these advances and techniques in our time. We are doing so at this particular time in respect of the devices for intrusion related to the conversations of individuals. We will do so step by step and without delay with regard to other areas. It was for this reason that we commissioned the study on privacy and computers, and followed it up with action inside the government to determine how we could most effectively carry out the recommendations or suggestions which are implicit in the work which went on in producing that report. The House will before long see the fruits of some of that labour, and with that we will continue to do what we are doing in respect of this bill in protection of privacy.

With those few words, I commend to hon. members the third reading of this bill so that it may, in this particular session after these four years of hard work, become an important part of the law of the land.

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, it is with a great sense of reluctance I stand up to say I will support this bill on third reading. This is not because of the result of the votes today or the amendments made with regard to the section dealing with the use by police of wiretapping. It is only because the necessary protection of privacy from private interception is still included in this bill, and I consider this a significant and important step in the direction of the protection of privacy. I think in terms of the kind of industrial espionage which goes on across this country and is carried on, for instance, by companies against unions and by unions against companies. These are significant areas. But I am reluctant because I think we have done very little in terms of limiting the kind of governmental intrusion on privacy about which one reads so much.