

*Canadian Human Rights*

information is accurate and that it does not exceed the needs for which it is being compiled.

A second thing strikes me: the ease with which the information can be spread around: that is found mainly in clause 52(3) where it is stipulated that the consent of the citizen is taken for granted when he fails to reply to a letter requesting his authorization; then, his consent may be presumed to have been given. Here is once again another example of a situation that I find unacceptable.

Similarly, clause 53 states that a minister may always refuse to divulge information if that is detrimental to federal-provincial relations. Similarly, clause 56 states that federal information banks must wherever possible, and I quote, those are the words used in clause 56, operate in compliance with the law. Mr. Speaker, from a technical point of view, I have rarely seen more laxism because it states that the law must be complied with wherever possible. What is that if not giving an arbitrary and discretionary power to the various federal agencies collecting information?

Furthermore, clause 59. (1)(b) empowers the minister who has received a recommendation from the Privacy Commissioner recognizing that a citizen's complaint is founded, not to take any action on the recommendation of the Privacy Commissioner. What difference is there with the American 1974 Privacy Act system where the administration must, as it should, obey the recommendation of the privacy commission, otherwise it will be liable to be sued for damages. In this instance, if a department does not comply with the law and the Privacy Commissioner serves notice to that effect and recommends to the government that it take action on the founded complaint of a citizen, a minister may always ignore that recommendation and throw it to the garbage.

Once again, though an improvement, and I agree it is, this bill contains a lot of gaps, and it seems reasonable to me that we should hope that it would give people the same protection as in the United States. Certainly we cannot through one law ensure that men's and women's rights, individuals' rights to privacy will be as protected as in the United States since over there part of their individuals' rights are protected by the Constitution; unfortunately, the rights that the federal government also wanted to protect in the Constitution through amendments did not go through at the time the Victoria Charter was put forward, but we could at least hope that this bill, insofar as it involves citizen privacy, include similar safeguards as in the act passed by our American counterparts.

As I said the principle embodied in clause 2(b) of the bill is the recognition that:

(b) the privacy of individuals should be protected to the greatest extent consistent with public order and well-being.

In view of the loopholes included in Part V it is my contention, Mr. Speaker, that such a basic and commendable goal has not been reached, and I shall take the opportunity at the committee stage to put forward amendments which hopefully should be considered favourably, both by the Minister of Justice and the Solicitor General.

As far as Part I is concerned, that is the part dealing with discrimination, it is an improvement over the first legislation that was introduced some months ago, especially since it includes a new ground of discrimination, the one involved with physical handicaps. But the list included in clauses 2(a) and 3 are far from complete in my view. I would refer for instance to the proposed prohibited grounds of discrimination which are race, national or ethnic origin, colour, religion, age, sex, marital status, convictions for which a pardon has been granted and, in matters related to employment, physical handicap.

Mr. Speaker, I submit the list is faulty in many respects. First, the terminology should be changed. For instance, I feel that "religious persuasion", or better still "religious liberty" would be much preferable to "religion". Second, certain recognized grounds of discrimination are not covered, such as political opinions, social circumstances, sexual orientation or illegitimacy, which is a lifelong stigma.

Similarly, when referring to a conviction for which a pardon has been granted, there is reason for concern at the outset because, if I do not misinterpret the legislation, it is forbidden to reveal that a person has already been granted a pardon since the very objective of the Criminal Records Act we passed in parliament is to alleviate the burden of a mistake which has already been made and regretted, and from which a person has been rehabilitated. Similarly, Mr. Speaker, how long can we discriminate against a person who has not been granted a pardon but who has been rehabilitated and who paid his or her debt to society? I recognized that there was great progress as far as employment for the physically handicapped is concerned. Even epileptics are mentioned in this legislation. Could we not extend this further to include those handicapped who suffer from mental weakness but who have not lost all their faculties?

Mr. Speaker, I also have a few amendments to put forward, just as some members of the committee have, I am sure. They relate to clause 3, which is the fundamental clause of the bill.

I see that it is six o'clock, Mr. Speaker.

● (1750)

[English]

At six o'clock the House adjourned, without question put, pursuant to Standing Order.