

future. I hope the committee will examine this legislation very seriously.

I have been somewhat surprised and confused by the lack of statements from representatives of the Social Credit party. Today we have heard from them a speech concerning the Gray report and we have heard from them much talk about subversiveness. I wonder whether they feel that this legislation is either too weak or too strong. I think they should express their point of view on it.

Essentially we get back to a very simple issue. The purpose of the interpretation of seizure is related to the detection of espionage, sabotage or any other subversive activity directed against Canada or detrimental to the security of Canada. We must ask ourselves whether seizure is necessary in the public interest. I hope the committee will seriously re-examine that aspect of the legislation.

[Translation]

Mr. Yves Forest (Brome-Missisquoi): Mr. Speaker, I wish to participate briefly in this debate to indicate my support of Bill C-6 entitled "An Act to amend the Criminal Code, the Crown Liability Act and the Official Secrets Act" which is intended to respect and protect the privacy of individuals.

Even though this subject has been discussed on several occasions in recent years, through notices of motions or private bills, this is the first time that parliament is called upon to examine a bill concerning intrusion upon privacy with the help of electromagnetic, acoustic, mechanical or other devices. I think the government and the Minister of Justice (Mr. Lang) are to be congratulated for introducing a practical, concrete and realistic legislation which might remedy this situation in today's world.

Unfortunately Mr. Speaker, I was no longer a member, in 1968-69, of the Committee on Justice and Legal Affairs as private bills were then examined and experts were called upon on this subject. I had then other duties but I had been a member of this committee until 1968, to my deep satisfaction. I think the bill before us is taking into account most of the recommendations which had been made by the Committee on Justice and Legal Affairs in its report which was tabled in the House.

Nowadays, the right to privacy is a strict matter as we are living in an era of advanced electronics and technology and wiretapping has reached an unheard-of degree of sophistication about which we do not yet know every aspect.

The right to privacy had not yet been firmly entrenched as it is a new legal concept now being introduced as against those traditional rights of freedom of speech, religion, press, association and meeting. However, I still think it is a privilege which is closely related to fundamental rights and which must fulfil an increasing role in our society.

• (2130)

It runs contrary to our concept of justice and democracy that an individual should be spied upon by the state or by anybody without there being well-defined and controlled restrictions. And yet, such is the present situation where no legislation specifies under which circumstances and conditions wire-tapping can be used.

Protection of Privacy Bill

In order to protect individual freedom, this bill provides for three new criminal offences: first, the interception of private communications with a device or piece of equipment defined as an electromagnetic device, or others; second, the fact of disclosing private communications intercepted with a device as described in the bill; and third, the fact of possessing, selling or buying such devices. I think this list of offences covers just about any situation which can occur in the area of wire-tapping.

However, if the right of the individual to privacy is to be protected, society must also protect itself, for there is no doubt that those who want to attack this country, to endanger national security, or to sabotage our democratic institutions—i.e., criminals, gangsters, anarchists, and other people of that type—also have those devices available to them and do not hesitate to use them for illegal purposes in order to fulfill their ambitions or to work out their resentment.

It was also necessary, therefore, to allow police forces and police authorities to use modern refined electronic techniques in order to preserve national security, fight criminals and check the activities of subversive organizations.

I feel, Mr. Speaker, that this bill as presented reconciles the right to privacy, which cannot be absolute, with the need for society to ensure its own security.

In order that the police forces may not misuse the privilege they have to infringe upon the basic right of privacy, an application must be made to a judge of a superior court of criminal jurisdiction who, following the representations made to him by the officers designated by an authorized person, will be responsible to determining the conditions and the period of time, which may not exceed 30 days, under which the interception might be carried out. Such authorization could be renewed, but only for major reasons that must be again specified.

In urgent cases, an officer could use the same means, but he should subsequently obtain the authorization from a judge of a superior court.

I submit that it was right to defer to a superior court judge the decision to authorize or not the interceptions by means of wiretapping and not to rely, for instance, solely on the minister to take such a decision, without any control of a political or a judicial character, as customary elsewhere in certain countries including, I think, the United Kingdom.

The Committee on Justice and Legal Affairs has drawn a list of various major crimes and has suggested that this method could be authorized. But the bill does not reflect this suggestion and interception will be allowed in the case of an offence as defined in the act and I quote:

178.1 —"offence" means an offence created by an Act of the Parliament of Canada for which an offender may be prosecuted by indictment—

Finally, everything will at the judge's discretion.

But the act does not mention this control only. By amending the Crown Liability Act, a further control is established: the setting up of a compensation system for unlawful invasion of privacy by a Crown official. The damages, which may be compensated to a maximum of