

### *Protection of Privacy*

I go on to say that we are looking, then, at a set of circumstances which may arise where evidence gathered as the result of an illegal interception of a private communication may be used under circumstances for which it was never intended, not under circumstances in connection with the investigation as a result of which that information was made available but used in another case entirely. There is nothing in this bill to suggest that the interception made illegally in connection with one investigation, as a result of which evidence is obtained, must be taken to mean that that evidence can only be used in that same case. It could be used in any case at all, including a civil action involving an expropriation proceedings, or a quasi-civil action involving the Income Tax Act or the Competition Act, or any one of a thousand instances where a federal statute is involved.

**Mr. Paproski:** The Elections Act.

**Mr. Baldwin:** I think that if I used the Elections Act as an example it would make some of my hon. friends opposite shudder. I shall continue to read from the book "Private Lives and Public Surveillance" at page 351 as follows:

● (2150)

Caution in this regard is hardly without precedent in other contexts. Many societies limit access to dangerous drugs, poisons and armaments on the principle that these things are potentially too destructive. Thus even people of unquestioned character and goodwill may be forbidden to possess automatic weapons. Similarly, most governments are at least theoretically restricted in the application of police powers, for example, in the arrests of private persons. The implicit assumption is simply that unlimited power of arrest, for example without warrant or accountability, places dangerously excessive power in the hands of the state. The same sort of argument, it seems to me, is applicable to the use of mass surveillance and control. The "bureaucratic weaponry" represented by these systems is simply so formidable as to require limitation, even in the absence of obvious repressive inclination on the part of any specific regime.

I repeat that, Mr. Speaker, because it is the basis upon which my hon. friend moved his motion in committee and the basis on which he is opposing the motion now brought forward by the Minister of Justice. The last sentence reads, again:

The "bureaucratic weaponry" represented by these systems is simply so formidable as to require limitation, even in the absence of obvious repressive inclination on the part of any specific regime.

Some of my hon. friends, like me, have sat in this House for many years. We have seen slowly, stealthily taken away from members of this House the opportunities and weapons which they should be able to employ, representing the people as they do, to make that representation adequate. It did not come overnight when hon. members came here in 1957 and 1958 and found a system which was working. An hon. member of this House could make his potentially significant contribution in saying to a government, "You must stop". That power has virtually disappeared in certain aspects, particularly with regard to the estimates and granting of supply to this government or any government.

I say to hon. members opposite and all hon. members of this House that what is being suggested tonight by the amendment of the Minister of Justice is another milestone along that road. It should be opposed; it should be stopped.

[Mr. Baldwin.]

This government should be taught a lesson that it cannot and must not attempt, by amendments such as this offered by the minister, to further place restrictions upon the people of this country.

**Mr. Mark MacGuigan (Parliamentary Secretary to Minister of Manpower and Immigration):** Mr. Speaker, the hon. member for St. Paul's (Mr. Atkey) has already read into the record so many of my views this evening that I am not sure it is necessary for me to say anything more. However, I should like to restate a few things as I see them at this time.

In my view, Mr. Speaker, justice is not to be so narrowly construed as to be confined to what takes place in the courtroom. Justice, rather, refers broadly to rectitude in the whole legal process, ranging from the time of apprehension and arrest, through trial and conviction to final release from parole. The general rectitude of the legal system includes the good faith of those who administer and enforce the law. Above all, the public must always be consciously assured of the good faith of those who enforce the law, especially of the police forces in our country. It is for this reason that I supported in committee the amended form of the bill, and that is still the direction in which I wish to see the final form of the law move.

However, as a result of the enlightenment which we have received from many quarters it is apparent, as indeed the amendment by the hon. member for St. Paul's recognizes, that there are some variant cases which ought to be taken care of. His amendment is an attempt to take care of one particular case where there has been some defect in the authorization which might subsequently prove embarrassing and there are cases of this kind where there ought to be some means of allowing evidence to be presented. I think the general disposition of the House will be to arrive at a more flexible form of prohibition than exists in the proposed bill as we presently have it before us.

May I call it ten o'clock, Mr. Speaker?

## PROCEEDINGS ON ADJOURNMENT MOTION

[*English*]

A motion to adjourn the House under Standing Order 40 deemed to have been moved.

### HEALTH—AVAILABILITY OF DRUG, ISOPRENALINE, WITHOUT PRESCRIPTION

**Hon. W. G. Dinsdale (Brandon-Souris):** Mr. Speaker, on November 13 last I directed a question to the Minister of National Health and Welfare (Mr. Lalonde) with respect to the use of the drug Isoprenaline. This drug has long been regarded as a cause of death if not used properly. It has been demonstrated by competent medical authority that several deaths in Canada have resulted from heart irregularity and heart failure induced by the abuse of this drug which is used in treating asthmatic