

Protection of Privacy

his client to consult in confidence. If that right is attacked and removed, then we will have witnessed one of the most serious attacks on principle that could take place in this country. The hon. member for Louis-Hebert can shrug her shoulders and say we have to have law and order. Such practices do not fall within the ambit of law and order in the civilized sense that most of with western traditions have been brought up to know and understand. That kind of thing cannot be permitted to continue.

I want to quote one of the more important remarks made by the Quebec Minister of Justice concerning a question he was asked in the House, as reported in the *Montreal Gazette*. When he was asked about bugging, his answer was—

Mr. Deputy Speaker: The hon. member for Louis-Hébert is rising on a question of privilege.

● (1600)

[*Translation*]

Mrs. Morin: Mr. Speaker, according to the hon. member, I said in my speech that lawyers' offices in Montreal had been wiretapped by the police. I do not remember at all saying that in my speech and I would like the hon. member to withdraw his comments.

[*English*]

Mr. Leggatt: It was made during an interjection, and not during a speech. I do not think it is any less valid to say that the information given to the House was quite incorrect. It is recorded in *Hansard* as the hon. member would see if she would check the remarks made during that day's debate. However, I would certainly accept the point she has made.

I should like to quote the minister of justice of Quebec in reference to the bugging of these law offices. This was his answer: "I cannot control all these systems; I cannot control every police investigation in Quebec, that would be impossible." Now, if the Minister of Justice cannot control the police, if he cannot control investigations in the Province of Quebec, we are in a sad state. This bill needs to be passed. It needs to be tight, because the statement I have just cited is one of the most damaging admissions which any minister of justice could make. I am not singling out Mr. Choquette because he happens to be the minister of justice in Quebec; the same statement could well be made by attorneys General in other provinces throughout the country, since the law is the same in the Province of Quebec as it is in any other province.

When the minister of justice says he cannot control every police investigation in the Province of Quebec it becomes even more pertinent that I remind hon. members of the presence on the order paper of an amendment which attempts to remove the use of the agency procedure for which provision is presently made in the bill. If we pass the bill in its present form so as to allow the use of designated, authorized agents, I submit that the same lack of control about which the minister of justice complained in the Province of Quebec will not be remedied, and on this and other grounds I urge support for that particular amendment.

[Mr. Leggatt.]

Hon. Otto E. Lang (Minister of Justice): In the course of debate on this bill an important point was made by myself and by other members of the House, namely that the inclusion of a judge in the process provided an added degree of protection. In addition to the political responsibility of the Attorney General and the required designation of persons to exercise that responsibility on his behalf, additional protection would be afforded. This approach is, I think, made even more valid by the events of which we have lately learned and gives added reason for the inclusion of a judge in the process. The hon. member for New Westminster (Mr. Leggatt) does not seem to have been, on the whole, an ardent supporter of the arrangement of the inclusion of the judge, but no doubt he now appreciates that there was a good deal of wisdom in that proposal.

I am pleased indeed that the right hon. member for Prince Albert (Mr. Diefenbaker), my fellow member from Saskatchewan, finds that the amendment now before the House is acceptable. It is well known throughout the country that the right hon. gentleman is outstanding in a number of respects. I may say on the one hand, without hesitation, that he is recognized as one of the most eloquent spokesmen for the cause of civil liberty and freedom in this country.

Some hon. Members: Hear, hear!

Mr. Lang: Without pretending to copy his style, may I say, he is well recognized, too, as one of the foremost tilters at windmills in Canadian history.

Mr. Diefenbaker: I have had lots of opportunities, looking at the government. Tilting at windbags, also.

Some hon. Members: Oh, oh!

Mr. Lang: In the political process it is sometimes difficult to know whether he is speaking eloquently for civil liberties or tilting at another windmill. I did make a suggestion earlier that the eloquence he used in the initial stages of this bill was more a tilting at windmills than a defence of liberty because of the protection included in the bill and because of the basic need on occasion to enable swift action to be taken. However, we have managed to bring together the cause of liberty and the attraction of the windmill, and we have been able to find a solution which includes the judge in the process in circumstances where electronic intrusion is required in an urgent situation in the cause of justice, and in the course of law enforcement and investigation.

I appreciate the attitude taken by hon. members in trying to find solutions of this sort in the course of the development of this law. The bill stands, I must say again, as an extremely important measure designed for the protection of privacy in our country. We are creating, for the first time, offences in respect of intrusion into that privacy while at the same time trying to keep a balance which allows for the proper use of electronic devices by law enforcement officers. I am pleased, indeed, that the House is agreeing to the amendment put forward by my parliamentary secretary.