

Government Orders

NAYS

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Riis	Samson
Simmons	Speller
Taylor	Vancielief—50

PAIRED MEMBERS

ni/aucun

The Acting Speaker (Mr. DeBlois): I declare the motion carried.

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[English]

CRIMINAL CODE

MEASURE TO AMEND

The House resumed from Friday, February 26, consideration of the motion of Mr. Blais that Bill C-109, an act to amend the Criminal Code, the Crown Liability and Proceedings Act and the Radiocommunications Act, be read the second time and referred to a legislative committee in the Departmental envelope.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I am pleased to rise to speak to second reading debate of Bill C-109, a bill to amend the Criminal Code, and to deal with a number of areas that are not necessarily all related. The bill purports to deal with a balance between the need for privacy and the need for effective policing. It also purports to deal with the need for privacy in telephone conversations.

The bill has been a long time coming. Some years ago, at least since the 1988 election, the Supreme Court of Canada in a number of decisions, notably the Duarte decision, the Wong decision and the Garifoli decision,

pointed out certain inadequacies in our current Criminal Code legislation dealing with police investigation, police surveillance, and the rules used in our courts of law, our criminal courts, to deal with exclusion of evidence and admission of evidence used in convicting criminals.

One of the first things noted was that when certain types of evidence was found by the court to be excluded and certain investigative techniques used by police—these techniques are not just used in Canada but are used all over the world—it in fact made investigations and individual policemen sometimes vulnerable.

I recall in metropolitan Toronto the reaction of the police community when it was found that the use of body packs, that is recorders and transmitters, by policemen working under cover was found to be illegal. In many cases those body packs were not used just to gather evidence but were used to protect policemen. They were used as electronic lifelines, so to speak, from the undercover officer through to those monitoring the investigation. Those undercover techniques, those body packs, those electronic lifelines, sometimes were indispensable in providing protection to policemen and informers who were working under cover.

I may be understating it a bit but I can say they were concerned. They were disturbed that our country's highest court had made so many of them potentially vulnerable to a criminal class that really did not give a damn about the protection of the police and in many cases would stop at little to achieve its ends.

• (1820)

In response to that there have been many requests in this House and from police departments, the Canadian Association of Chiefs of Police, and bodies representing policemen to rectify the situation to protect the police, all the while the courts operating to apparently provide protection to the criminals who were being convicted. This bill goes a long way to rebalancing and restructuring the playing field so that our policemen can operate in our best interests.

The first area the bill touches on deals with surveillance by the state as opposed to surveillance by individuals. It occurs from time to time that police will want to monitor by telephone or by camera with sound or other devices, movements and criminal acts of the criminal element. The common situation that we often see is the drug deal; we have seen enough of them reconstructed on television. There is the purchase and sale of stolen