

Government Orders

point that there is a technical solution. It is there and we should try to take advantage of it.

Let us not forget the United States has gone down this road. Why do we not do the same? One other thing that my esteemed colleague from Mount Royal said was this: "There are already some prohibitions in the Radiocommunications Act." It is possible if we are intent on criminalizing, fining or sending people to jail. Maybe it can be done already under the Radiocommunications Act.

I wanted to put those remarks on record. I hope that the government will take them into account.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, here at this third reading of Bill C-109, it is a useful point in time for me to perhaps reflect on our role in opposition in this place.

We have a bill that addresses several pressing concerns in the public interest. There are elements of the bill that we in opposition have some difficulty with. There are other parts of the bill with which we do not. Therefore one has to address the issue of how one would deal with the entire package at third reading.

I am rather inclined to support the bill at third reading, notwithstanding some of the deficiencies which I would like to note now.

Over the last three or four years there has been a series of decisions emanating from the Supreme Court of Canada which in effect have called upon the state to regularize and create a framework within which the police and agents of the state carry on their work of law enforcement.

In the initial instance, those decisions were interpreted as being a real negative toward our law enforcement officials. One of the either intended or unintended effects of those decisions which were known as Wong, Duarte and Garifoli was the prohibition by the Supreme Court of Canada on our policemen wearing what has been called the electronic lifeline.

This would be a body pack, a transmitter, a recorder that enables the police officer to be in touch on an audio basis with his or her command. That electronic lifeline was used frequently and most notably in undercover operations when a policeman or police woman would be inserted into a crime situation where one can understand

there is danger. The support crew for that undercover officer would be able to hear what was going on.

In the event there was a problem, those people could respond appropriately without having to wait for the 25-cent phone call, which would never come in some of these cases. The Supreme Court said that was illegal, even though that was not otherwise prohibited in Canadian law. Even though this House, this Parliament had never said it could not be done by the police, the court said it may not be done.

• (1605)

While I have reservations about the way we arrived at these conclusions I accept that the court has a role in interpreting our charter and in giving direction to Parliament and Canada's provincial legislatures. We now have a provision in this bill which regularizes and creates a framework for the use of that electronic lifeline.

Canada's police forces have been operating without that lifeline for approximately two to three years. I am not aware of any unfortunate implications of it for police forces. It may be that investigations or certain investigative techniques had been abandoned temporarily but in any event we now authorize within a framework the use of that electronic lifeline.

There are other minor portions of the bill that one could question. One that I had noted earlier and I would bring to the attention of the House now for the record is the prohibition section in section 193.1 which purports to prohibit a number of things including the wilful disclosure of the radio-based cellular phone call data. Not only does it prohibit the disclosure of the contents of the phone call, but it also very expressly prohibits the wilful disclosure of the existence of the phone call. It was my sense that that may be going a little bit too far from a practical point of view.

There are a number of people who would in the ordinary course of their work become aware of simply the existence of a cellular phone call, including the people who make up the cellular telephone bills. With regard to this section, wittingly or unwittingly, because really notwithstanding the fact that I attended the committee hearings, I did not hear a good explanation. I will just paraphrase the material words here: "Every person who wilfully discloses the existence of such a communication is guilty of an indictable offence", the communication being not the content of the communica-