

*Government Orders*

members of Parliament this means passing laws which allow the police to do this.

My concern with the right of the police to just make this decision is that there is not the accountability as I have said from a judge, prosecutor or superior. We have no specifications as to what is to happen to this wire-tapped information if we do not proceed with it in court.

If we proceed to court with this information, there is certainly an accountability. It will then be determined whether the wire-tap information meets the criteria of the section I just read and if it can be admitted or not. But what happens if the wire-tapping takes place on the basis of the subjective decision of the police officer and that police officer or somebody in the police force decides they are not going to proceed with the matter for which the wire-tapping took place? What happens to that information?

Of course we can say it will be destroyed. There is also the accountability, which is not there, to provide some breach of the law if this information is not destroyed and is subsequently used. I think that is lacking and it is very important that there be some criteria to that effect.

This first part grants police something they never had before which is the ability to obtain a warrant forcing subjects of an investigation to give blood samples or to take lie detector tests, even before they are charged.

Now there is nothing wrong with requiring the police to charge somebody before taking a blood sample or giving him or her a lie detector test, but I am very concerned about abuses here. I am very concerned about the person's rights and that there will be abusive situations and a major increase in the taking of blood samples and lie detector tests which really are not warranted on the facts of the situations. We are giving the police a power here which I do not honestly feel is necessary or warranted.

• (1330)

I have concerns. I admit that most of the provisions dealing with the authorization of the police to gather information are quite satisfactory and will help them in their tasks. However, the three examples I have mentioned give me a considerable amount of concern.

I now want to leave the police use of electronic surveillance methods for a minute to go to the second part of this bill. It relates to protection of radio-based communications which are cellular phone conversations or conversations of wireless telephones which can also be tapped. The suggested amendment to section 184.5(1) that is to be introduced into the Criminal Code says that:

Every person who intercepts, by means of an electro-magnetic, acoustic mechanical or other device, maliciously or for gain, a radio-based telephone communication, if the originator of the communication or the person intended by the originator of the communication to receive it is in Canada, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

The government is saying it is permissible to listen in on a conversation, but it is not permissible to discuss it. We cannot discuss it with anyone. We cannot discuss it with the person standing next to us. If we happen to listen to this conversation we cannot discuss it with our wives or husbands. It is not a question of whether this information is used. It is a question of whether we discuss it with anyone.

It has always been the principle that the airwaves were free and open for any communication. If we wanted to shout to someone across a field or from an open window to the street below, the principle was that the information we yelled was public information.

It also extended to telephone party lines. If we were on a party line and someone listened in to our conversation, that was our fault. We just did not discuss personal matters over the telephone if we were on a party line. That was just the way it was. People who did and had their information received had themselves to blame.

A party line did not allow us an alternative. If we were on a party line we did not have another phone in another room that was not on a party line. Every phone we had was on a party line and probably the fellow in the house next door was on a party line and maybe even the same party line. He may have been the person listening in on our conversations. We had to drive a considerable distance to find a phone that was not on a party line to have a conversation we felt was secure.

Now we have a law which changes not only the principle of the openness of the airwaves, but also the fact that those who talk about a phone call they hear accidentally, intentionally or whatever or who listen in