

Government Orders

There is one other thing I want to mention. I do not have to refer to the individual cases, the Duarte case, the Wong case, the Garifoli case and so on. The hon. member for Cape Breton—The Sydneys did that. I want to put the rather unusual position, which was put very well in an article in the *Globe and Mail* on November 17, 1992, by Peter Moon who was writing about this issue.

He said: "Ottawa wrestles with changes to electronic surveillance law, amendments made necessary by recent court rulings". He pointed this out: "While the court has barred police and other agents of the state from using the techniques (the electronic surveillance and so on) there is apparently little to stop private investigators, journalists or anyone else, even criminals, from using them. These techniques include secretly recording a conversation where one person involved in the conversation gives permission, clandestine use of video cameras and installation of tracking devices to follow and locate vehicles".

He quotes a policeman as saying: "This is a curious world. We are really frustrated because people who are not police, ordinary people, can use these devices now whereas the police cannot". It seems to me there is something wrong with the law and that is why we have to address it. Either they all can use it, or better still as should be properly put into law, the devices can be used by certain people under certain standards to make sure that it is not abused. That is what the law attempts to do.

I want to flag a couple of matters in the provisions. The electronic surveillance amendments boil down to the following: one, they allow police and others in potentially dangerous situations to have their conversations secretly monitored. Who are the others? What are the potentially dangerous situations? What does that mean? How dangerous does it have to be? What is the nature of the potential? It raises a lot of questions which I hope we can address in committee. Two, allow judges to grant authority based on reasonable grounds for police and others to intercept communications with the consent of a participant in a conversation in order to gather evidence or information relevant to criminal activity. I should ask the hon. member for Regina West this. He and I are familiar with electronic devices used at leader-

ship conventions. I thought maybe you would have him speak on this but I will not mention that. Perhaps the Tory leadership candidates should think twice before they are asked to put a microphone in their pocket. I will stay away from that. That gets a little naughty and self-incriminating.

• (1455)

An hon. member: You can be a witness.

Mr. Waddell: Yes, you can call me as a witness before the committee.

Again, what are others as defined here? What kind of consent needs to be given and what are the reasonable grounds? Is it like regular wire-tap evidence or is it different?

Three, allow judges and justices of the peace to grant authority for police and others to use video and other surveillance technology such as electronic tracking devices. Again, some similar questions arise.

What is surveillance technology? We might want to hear in the committee about the future of surveillance technology. If we are going to give the police this power, how much power will there be? Does it mean a police car can park outside your house and with new devices hear every conversation inside? We have to balance this.

I am not saying the police do not need some of this and I do not want the House to get me wrong. When I think of the new gang activity in my city of Vancouver and other big cities I think of the drug matters. I want the policeman who is going under cover to be protected, to have a lifeline back to his colleagues, the other policemen. We want to make sure that happens. We want to try and get a balance and we want it defined properly in this bill otherwise some smart lawyer will come to court and get it thrown out again.

The next one is to allow judges the authority to issue warrants and orders to engage in activities or obtain information or co-operation which would otherwise constitute an unreasonable search and seizure. Again, we get to the problem of some of the definitions. What is an unreasonable search and seizure?