

*Government Orders*

This is a serious matter and I anticipate some very lively debate. I hope that the Canadian Association of Journalists comes before the committee.

To summarize what the bill does in the second part, it is that the Criminal Code will be amended to enhance communications privacy over radio-based, that is cellular, telephones. In other words, it is going to treat the cellular phone like the regular telephone as a private communication. Second, it will prohibit the interception of radio-based telephone communications which are carried out maliciously or for gain. What is maliciously or for gain? They are pretty debatable words. They seem to be rather strange words to be put in legislation.

Third, it will prohibit the disclosure or other use of information obtained for the interception of communications between any remote unit primarily used for radio-based telephone communications and a base station. I gather that is the cordless phones and so on. It is indeed a problem. It is something that we will have to deal with.

I would like to deal now in some detail with the first part of the bill, which is the more difficult part. It seems less understandable to the average person. The second part is easier. It talks about cellular phones and people are instinctively interested because they know what is at stake.

This other one is important too. Let me try to put it in layman's language. Part one is responding to some court decisions. For example, the police hid a video camera to record illegal gambling in a hotel room. The court ruled that radio surveillance by agents of the state, that is by the police, without a judge's warrant or authorization violates section 8 of the Charter of Rights. The courts said that the police just could not do that. They needed to get a warrant in order to do it.

The bill permits electronic surveillance by the police where police and others are in potentially dangerous situations. It provides judges with the authority to authorize electronic surveillance where there is the consent of one of the participants and in other cases for serious crimes. It gives the power of the judiciary to issue a warrant in other circumstances where it is clearly indicated the request meets the test of the charter.

It changes the Criminal Code in a manner that streamlines and rationalize procedures necessary to admit in court evidence obtained from electronic surveillance. The bill deals with some of these cases.

Here is another case where the court instructed us to act. The police followed a man suspected of multiple murders. For several months, with the aid of an electronic tracking device hidden in his car, the police said that they used the device to gather evidence. They could hear what was going on in the car, and tried to prevent another killing. That is very important because there is a serial killer on the loose. You have a suspect, you put an electronic bug in the car and you might be able in that way to stop another killing.

• (1450 )

The courts said yes, you could do that, but you had to get a judge's authorization. If you did not, that is an unreasonable search. While the courts want to allow the police to use the video camera, the electronic bugging and so on, they want to make sure that the police just do not do these things every time or any time they feel like it or with anybody they feel like. They want some control. That is why the police have to get a judge's authorization. They have to show to the judge reasonable and probable grounds why they should be allowed to do that. That in our society is the right balance; to balance someone's right to not be unreasonably searched, not to be spied upon, to have privacy, versus the right of the state and the police to catch crooks, to do what they are supposed to do, to enforce the law.

That is the balance we are looking for and that is why I believe we have to pass these provisions of the bill. I want to hear in committee from the Canadian Bar Association, defence lawyers and people who have day-to-day experience in courts and in the streets with electronic bugging and with wire-tap evidence. I think we need that information before this House can fully agree to this bill. That is why today, or whenever we have the vote on second reading, my party will let the bill go through on division to the committee where we will consider it clause by clause and we will consider these issues.