

Government Orders

One of the situations that occurred in the last number of years was that the courts decided that one aspect of that wire-tapping was no longer legal. That is the situation where an individual has agreed to allow his or her phone to be tapped because they were either being threatened by someone else or they were a co-conspirator with another party in terms of a criminal matter. In fact, it could be someone with knowledge of a criminal matter, such as a murder, who wanted to assist the police in terms of getting the appropriate evidence to take that person to court.

There is a specific incident in Thunder Bay where this happened.

• (1355)

A woman allowed her phone to be tapped in order to get proof from a male that he had in fact participated in a murder. Just before that was to go to trial the courts ruled on a separate matter that was no longer legal. Just because one person had given permission the police did not have the right. Therefore they could not use the evidence obtained in that way in the court case.

This bill puts that provision into the law. I think it is a good provision and will assist the police forces where they have been able to get a clear indication of someone's guilt but not the proof, where they find a party willing to have their phone communications intercepted, and they are able to convince the judge of all this information. Keep in mind the judge is the gatekeeper. The judge is the one who decides, not the police, the appropriateness of any of these search warrants, in effect, for telephone taps. That is a plus.

The other one that on balance is worth doing is the one that allows the police in fairly rare circumstances, as I understand the bill, to put in a wire-tap when they believe a serious crime is about to be committed. Again there is due process. They have to destroy any evidence gathered if the police are unable to find that a crime has really happened. They have to destroy any records, such as the transcripts and the tape recording, of that particular wire-tap.

There are some protections that will assist us as a society that do not unduly interfere with the rights of society while at the same time provide the ability to find out whether someone is about to commit a major crime, whether it be a crime of violence or a crime of property. It is an important tool that we need to give to our police forces.

If we look at some of the other legislation we have where the police have been given the right to forcibly enter a home if they believe that a weapon is about to be used in the committing of a crime. I certainly have not heard of widespread abuse, or any abuse for that matter, of that particular power. We have to recognize that our police forces have a sense of public duty and public responsibility. In matters like this we need to have faith that they will do it in the appropriate way and they will not abuse these kinds of powers and seek out individuals for vengeance or harassment by wire-tapping. There is again due process which people can rely on to ensure that no one abuses that particular right and abuses this particular legislation.

In the final minute before two o'clock may I say it is a bill that has had a reasonable amount of study. There are legitimate concerns that have been raised by witnesses. At this point it is clear the government feels that as constructed the bill is a balance. We will need to watch the rest of the debate today to see whether it goes on to the other place today or whether it remains in this House for a while longer.

Mrs. Sheila Finestone (Mount Royal): Mr. Speaker, in light of the fact that we have less than a minute to go I wonder if you wish to call it two o'clock. I would be pleased to resume the right and obligation to speak to this bill at such time.

[*Translation*]

The Acting Speaker (Mr. DeBlois): It being two o'clock, pursuant to Standing Order 30(5), the House will now proceed to Statements by Members pursuant to Standing Order 31.