

Government Orders

• (1835)

My sense of it is that the legislation attempts to balance the privacy rights of all Canadians. That means me and everyone out there who uses telephones, who are out on the streets unknowingly with criminals. The police have all of the technology in the world at their disposal. It is an attempt to balance our privacy against the needs for an effective police investigation and surveillance when the law has been broken.

The law continues the regime of placing a judge's decision between the issuance and the request for the warrant. Under all of the conditions that exist in our modern democracies, that is the best system I think we have come up with.

The bill also goes a long measure to protecting the needs of individual police as they carry out their work on our behalf.

I am pleased to see the bill. I have raised two or three questions that I want to see taken up at committee. Until they are dealt with it is difficult to indicate the support for all elements of the bill, but I do see the bill being dealt with as quickly as possible.

Mr. Iain Angus (Thunder Bay—Atikokan): Mr. Speaker, I am pleased to participate in the debate on Bill C-109 tonight. In part it is because I am one of those one million cellular phone users. It is also because I have an understanding of the issues involved in terms of the question of privacy, the question of public need and the protection and support of our police forces as they use modern technology in order to obtain the appropriate evidence to put those in violation of the Criminal Code in their rightful place.

Let me start my remarks by repeating the words that are on labels on the telephones probably in most Department of National Defence installations throughout Canada, if not the world and I would suspect in external affairs offices as well. The sticker states: "This line is not secure". That is a warning for the user of a land line that someone may be listening out there.

This bill talks about cellular phones. I think many people forget that a lot of the calls which are either sent to or received by a cellular phone are land lines. Those are the phones in our offices, homes or cottages. It is not just cellular phone conversations that have been listened to by those people who have scanners or those people

whose passion in life, shall we say, is listening in on other people's conversations or who for purposes of making a living, through the print or electronic media, are looking for ways to get information for stories.

I have always worked on the assumption that whether I am on my cellular phone or a land line someone somewhere is listening to me. I am not suggesting that someone is tapping my line, but we know the technology is there for governments to be able to scan the other, to scan microwaves, to pick up the symbiotic emissions from land lines from copper and to detect what is being said as people talk to one another.

Let me take it back a little bit. What we are talking about is how to deal with a conversation between two individuals. We have laws in place that protect an individual's privacy in his or her own home speaking to somebody else within the same dwelling. Only through certain procedures can a government agency, that is, a police department or a security service, intercept and record that communication and then use the words that were said and duly recorded in a court of law.

• (1840)

We also established the ability of those same agencies to intercept a communication made over a telephone wire. The courts have recently ruled that those communications, as I understand it, in their entirety must require a court order before they can be used in a court of law.

Up until a couple of years ago one party to a conversation had the right to give permission to the police department to have those conversations monitored and used in a court of law to prove that a violation of the Criminal Code had occurred. Regretfully the court struck down that law.

In my own community we had a case where an individual, according to all the evidence obtained through this wire intercept, was as guilty as one could be. However, because permission had been given by one participant in that phone conversation and because a court order had not been obtained that evidence was no longer admissible and the severe charges were thrown out of court.

This bill returns the ability of our police departments when an individual consents to their conversation, whether it is one that they originate or one that they