

Government Orders

wrong we believe has been done to all members of the House of Commons.

[Translation]

The Acting Speaker (Mr. DeBlois): This is just to say that I checked and found out that the report has not been tabled in the House. The Speaker will surely be interested to read the remarks of the Hon. House Leader of the Opposition.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

MEASURE TO AMEND

The House resumed consideration of the motion of Mr. Blais that Bill C-109, an act to amend the Criminal Code, the Crown Liability and Proceedings Act and the Radiocommunication Act, be read the third time and passed.

Mrs. Sheila Finestone (Mount Royal): Mr. Speaker, I am pleased to rise to speak once again on Bill C-109. This bill was tabled by the Minister of Justice and includes Criminal Code amendments as well as changes to the Crown Liability and Proceedings Act and the Radiocommunication Act.

My colleague from Cape Breton—The Sydneys has dealt rather extensively with the wire-tap provisions in the bill, surveillance by electronic methods. I understand from listening to him and hearing his concerns there are some problems with that aspect of the bill.

I understand they relate quite specifically to police rights to tap telephones with no accountability and very little criteria. I also understand the burden of proof within our own system has always been on the perpetrator. This time it is sort of a reverse onus and the police must prove the bona fides of what they have gone ahead and done. I presume it is lawful. They presume the police have been right unless there is a defence that can prove otherwise. That is contrary to the normal procedure. The police must satisfy a judge in present circumstances, the way the Criminal Code reads, that the wire-tapping has been necessary or is necessary.

Now the police can move ahead and do the wire-tapping if they believe or have just cause to believe—and I would presume they would do this with a great deal of care—according to their own subjective standards they will prevent a crime by their interference. I certainly would not want to stop the police from this kind of activity. However, as long as this can be justified even after the fact, it would seem there is no formal accounting procedure in here. I would say it is somewhat worrisome to give the police this much latitude. It is fine but there should be some kind of accountability.

As I am not the major critic in this field, I have just highlighted it. I call on those who have an interest in this matter to read the remarks of the justice critic, the member for Cape Breton—The Sydneys. He points out they can now be even more invasive than they were in the drunken driving bill where one could presume the driver was drunk and therefore call for a breathalyser test.

• (1535)

I was a participant in that bill on the opposition benches and I supported the government in that undertaking. As a matter of fact it was the same time we were trying to bring in the amendments that led to the Deschênes commission and the seeking out of war criminals. It was quite an interesting broad stroke.

However, the police will now be able to take blood samples and a lie detector test before they even lay a charge. That is quite invasive. I wonder if there is not enough reason there to revisit the bill to tighten up the criteria found within it.

I would particularly like to focus on the cellular communications and the privacy aspect of the bill. Let me say at the outset Liberals believe we need to achieve greater privacy in communications. I believe we need a number of concerns addressed. The fight continues against the so-called nuisance junk phone calls and others that bother seniors and families at home and often interrupt their privacy. We must find a way to stop the nuisance and the junk fax messages that are now causing trouble for businesses and frankly are quite costly. We finally got telephone companies to agree to block caller identification services which the phone companies at first resisted. Fortunately they have now relaxed their opposition to it.