

Government Orders

In this country the government has chosen to do a fancy foot dance in an attempt to address its perception of the difficulties. It is not the route I would have chosen as a legislator. It is the one that has been put before the House and we will simply have to live with it the way it is.

• (1615)

The defence bar, the body of lawyers across Canada who usually are retained for the defence of those charged with criminal offences, has given evidence to the justice committee and to the legislative committee that reviewed this bill. It has concerns about some provisions in this bill.

Its concern is with reference to provisions that make it easier for the Crown to convict those charged with offences, that make it easier for the Crown to collect and introduce evidence into criminal cases. To be fair to the defence bar it also has a very real concern for the rights and liberties of the subject. The rights and liberties of someone charged with a criminal offence are the same rights and liberties that we all have and the bar has concerns about those.

Throughout all of our history there has been a continuing movement of the line between what our rights and freedoms are, what our obligations are as citizens, and what our crimes are. That line is moving every year around here. It moves back and forth, assisted very ably by the Supreme Court of Canada and the Charter of Rights and Freedoms. The defence bar has brought these matters to our attention. I for one am cognizant of them.

The provisions of this bill that would authorize certain testing of individuals, all with a judge's order, and authorize the collection and use of evidence, all within a statutory framework, perhaps make it easier for the state to carry on its functions of prosecuting, apprehending, investigating and seeing to the due application of the Criminal Code. However I do note, as do other colleagues in the House, the concerns that have been raised. Hopefully we will not have to look back at this and see that we have made a mistake.

I will close with one item that should be on the record. I have not heard it articulated yet in this debate. In this legislation we are in a sense sending the pendulum back a little bit from the direction it was perceived to have been going in over the last decade or two. That has been in favour of individual rights and liberties and away from

some of the collective liberties, some of the collective rights that we had established for ourselves in this country.

As that pendulum now swings back toward the collective rights we place certain authorities and powers in the hands of our police forces, in the hands of our agents of the government. What I wanted to note was that as we do that this House will have to continue to be vigilant on how the state, the police, and agents of the state use those powers. If the authorities granted under this statute are to be used and used properly then we as Canadians will not have difficulty. If there is somewhere out there one agent of the state, one policeman, who unwittingly, foolishly makes a mistake I cannot forgive him or her in advance. They will pay whatever price is appropriate.

I would register for the benefit of the House and for the benefit of the record my concern on the issue and my hope that these powers, these authorities, these mechanisms, these legal devices, the framework which the Supreme Court of Canada has called for and which we are now legislating, which will be put back into the hands of the police for the due enforcement of our code, will be respected in the letter and in the spirit and we will not have cause to reconsider them in the future.

• (1620)

Mr. Dennis Mills (Broadview—Greenwood): Mr. Speaker, I want to begin by reassuring you that I am going to stick to this bill and I am not going to talk about the funeral in Toronto last week at the Scarborough van plant where 3,500 people lost their jobs, direct jobs, which was a direct result of this government's policy over the last four years.

What concerns me about this bill is with regard to the small business person. About eight or nine years ago when the cellular system became very popular many small business people contracted with a cellular company to take up the cellular phone system. There was never any question at that time that the discussions they were having were anything other than private discussions.

For most small business people who use the cellular phone system today it is no different than the regular phone. People actually operate their entire businesses from their cars with the use of their cellular system. Quite often there will be situations in which sales forces