

Government Orders

tion but merely the existence of the cellular phone call. That is an indictable offence.

If I were a phone employee now I do not think I would want to send out a bill and say "Mr. Customer, you made a cellular phone call on March 24", because wittingly or unwittingly this section appears to make that an indictable offence. However, that is a minor flaw. We will see how that evolves in the fullness of time.

The government has taken an approach here in dealing with cellular telephone calls that does not prohibit the interception of cellular phone calls. It does not prohibit the interception. The government decided that it would only prohibit interception where there was malice, where it was made for gain or where the interception was made of a cellular communication that had been encrypted. In those three instances the government decided that would be an offence. I am sure most members agree that those should be offences.

What the government has not done is proscribed and prohibited all interceptions of all cellular telephone calls. My colleagues here today have made reference to that. One of the reasons why the government says it did not want to do that is because, and I think I have got the answer right, there are too many scanners, that is the equipment that intercepts these phone calls. There are too many potential offences, too many potential interceptions, therefore we should not prohibit them. I dispute that logic. I think it would have been most appropriate to prohibit the interception. That is the act we are all targeting here. That is the act we do not want to see.

• (1610)

If the government's logic holds true, which is there are too many interceptions so there would be too many offences taking place, why does it not use the same logic in relation to theft? I am sure there are many thefts going on in society: big thefts, little thefts, thefts of cigarettes, thefts of pencils, thefts of automobiles, thousands of thefts.

If the government says there are too many of these offences out there so it will not bother prohibiting them then why do we not get rid of the offence that is known as theft under \$1,000. Why do we not just write it off the books if there are too many out there that we cannot keep up with them all and let them all go? That is not logical.

The government should not have been prepared to abandon all cellular telephone users to fate. I would remind the House of what has been known as the Wilhelmy affair in which a bureaucrat within the Quebec government had her cellular telephone conversation intercepted and disclosed. What would have happened if either the existing law before this amendment had been interpreted to include cellular phone calls or if there had been a law in place that said people may not ever intercept or disclose a cellular phone call?

If those laws had been in place in that fashion we would never have known about that particular phone conversation because whoever intercepted it would not have made it available to the media. If he or she had made it available to the media illegally the media would not have published it because the existing law says it is an offence to disclose and make public the contents of a private communication.

All the government really had to do here was to prohibit the simple interception of a radio-based or cellular telephone conversation or amend the law, as the private member's bill which I introduced into the House and which was spoken to on Friday proposed, so that we would simply treat cellular telephone conversations the same as regular telephone calls. Ordinary telephone line-based communication is protected and we simply had to do the same thing with the cellular telephone call.

In any event the government chose not to do that. It chose as well not to follow the route chosen by our neighbour to the south in the United States. It has banned at a date in the near future, I think it is 1994, the import or manufacture of all scanning equipment that is capable of intercepting cellular telephone calls.

Presumably the effect of that would not be to outlaw existing equipment which could continue to be used on into the future but over time existing equipment would become outmoded by changes in technology. Therefore the U.S. Congress avoided what would have been confiscation of the existing scanning equipment from its owners.

It has chosen a date in the future to ban the import or manufacture in the United States of all such equipment. Ultimately reality would catch up to the law, technology would overtake the existing equipment's ability to intercept, and it would have achieved its purpose.