

*Government Orders*

on cellular phone conversations are now liable under the Criminal Code and the Radiocommunication Act as well.

That of course is a major change. Why have we made this major change? I think the government is really using the law for the wrong purpose. It is trying to sell cellular phones by using the Criminal Code.

• (1335)

That is exactly the sum and substance of this part of the legislation. The major communications companies that manufacture and sell cellular phones will be a source of millions of dollars a year in major licensing fees for the government. Also if the cellular phone companies make a profit they are able to pay taxes. Quite frankly, they have quite a bit of clout with the government. The government is telling people they cannot listen in on cellular phone conversations and relay anything that is said or they will be breaking the law and subject to imprisonment for a term not exceeding five years.

They are also subject under the Radiocommunications Act on pages 23 and 24 where it says:

Every person who contravenes subsection 9(1.1) or (2) is guilty of an offence punishable on summary conviction and liable

(a) in the case of an individual, to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both; and

(b) in the case of a person other than an individual, to a fine not exceeding \$75,000.

One may also sue the individual who has listened in on the conversation for an unlimited amount of damages.

Everybody would agree that people should not listen in on cellular phone conversations. The problem, however, is that scanners are in use today. The United States has prohibited the importation and manufacturing of scanners. It has not outlawed the scanners which are in use right now. I think there is a distinction between what the government is trying to do here and what has been done in the United States because the United States recognizes that people will not have privacy as long as there are scanners.

Calls can be intercepted now but with an increase and improvement in technological advances in cellular phones an increasingly sophisticated scanner will be needed to be able to pick up these conversations. The

scanner will have to be able to hone in on ever more remote frequencies.

We are told there are presently 900,000 scanners in the country. That is a ridiculous figure. There are not 900,000 scanners that can pick up cellular phone conversations without being doctored or modified. Very few scanners can do that. When we say there are 900,000 scanners we are talking about devices that can open garage doors. We are talking about radios that can pick up ambulance calls, police calls and things like that. The government is lumping these scanners together in this 900,000 figure, but they are not the ones to be concerned about. We are concerned about the scanners, as in the case of the United States, that are able to pick up calls even with improved technology.

The law should be there to handle people who willingly and knowingly break the law. It should not be used as a means of trying to improve the saleability of cellular phones. I think that is a vital distinction.

• (1340)

I think that as people become more aware that conversations on cellular phones are happening via public radio waves that the companies would be concerned and that this would reduce the marketability of these cellular phones. However, we really have to warn people that their phone conversations can be listened to.

Instead of making people aware of the fact that these phone calls can be intercepted and listened to, the government is moving the other way to try to delude the public into thinking that conversations are safe and that there is not going to be any danger. That is wrong. One can make all the law in the world but that is not going to change the technology. If someone listens in on a phone conversation with a scanner—and any scanners are going to be lawful in Canada—then one has to have knowledge of the fact that they willfully or maliciously told somebody about this conversation.

How many phone conversations do we think are going to be intercepted without any knowledge of the interception or where the information came from? There are going to be hundreds. However, the government is going to continue to make the Canadian people feel that they are safe by passing this law. It will make them feel that if someone breaks the law as stated, then that person is