

kitchen or in their bedroom as they would with the cellular call.

Let us talk about what the minister is trying to do with this bill. I guess it was Joan Rivers who said: "Can we talk", and we are going to talk. We are going to talk about the government that has stood by this bill the way it is despite all the sensible amendments that were brought forward at report stage and prior to this in committee.

My colleague, the member for Mount Royal, put forward all these sensible amendments. We want Canadians to know what the minister is doing with this bill. The Criminal Code, as we have been told by this bill, is being amended to make it illegal to intercept a radio-based communication or cellular call.

The principle behind this action is supported by this side of the House, members of my party and myself. But the problem is that this bill is making anyone who does so guilty of an indictable offence, which is anything over two years in prison and liable to imprisonment for a period or term not exceeding five years. Over two years and under five years is a very strong measure to take, to say the least. Have we tried some other more common sense approaches, maybe a little simpler? Does it go too far? Personally, yes, I think it does go too far. An indictable offence? Does it hit with too big a hammer? Probably in the first instance, yes I think it does.

In our view, after the committee study and the report stage, we have to say this is the wrong step. We gave the government the suggestions on this particular aspect of this bill.

• (1655)

On this issue we concur in fact with the Privacy Commissioner who said at the legislative committee: "I favour a technical answer if one can be found". A technical answer is not such a difficult concept. We can put a person on the moon but we cannot figure out a way to scramble a message off a cellular phone.

If the minister opposite is in his car or I am in my car and we want to call home or we have an important call to make that may have to be private for one reason or another, there must be some technical way of scrambling that signal. There has to be a way and I am sure we could find it. We pride ourselves as Canadians as being

advanced in this area. I think we could find an answer to that.

The Privacy Commissioner went on to say: "If limitations on the manufacture and distribution of scanning equipment were the answer I would favour that too". There is an interesting concept, limitations on the manufacture and distribution of scanning equipment.

What if we sat back and asked are we going to put into the court process all these individuals who are listening on their scanners and then jump in on them at home or wherever they are listening on their scanners and charge them with an indictable offence, something over two years, fine them maybe to boot, take up the court's time, fill up our jails? Or, we could say: "Wait a minute let us put the brakes on that for a second. Maybe an easy way of doing this would be to ban the scanner".

You are sitting in your livingroom with a device that listens in on private conversations between two or more individuals. That seems rather odd. Because you have an inquiring mind and you like to have some fun or you enjoy listening in on a scanner, you decide you are going to sit at home and listen in on the cellular telephone conversation between myself and my wife or myself and a minister on behalf of a constituent with a legitimate concern.

Why do we not prohibit the use of that scanner? In other words why go through this process of going through the court system, jamming something else in there and filling our jails with people who are eavesdroppers? Let's ban the device that allows them to eavesdrop. In other words, like the Privacy Commissioner, we are not convinced by those who said a technical approach would not work. I think we have to try it first. After all it has not been tried so let us give it a shot. Should we not try that balanced approach that makes sense before this hasty move into the Criminal Code? It makes a lot of sense to us.

Clause 12 was another interesting section that would create an indictable offence for wilfully disclosing the existence or contents of intercepted radio-based telephone communications without the express or implied consent of the originator or intended recipient of the communication.

A very weighty move by Parliament, to decide that using or disclosing the knowledge of a cellular phone caller is also an indictable offence. After serious consideration we still have serious problems with the