

*Government Orders*

that we have brought forward move in the same direction as the prohibitions being introduced into the Criminal Code. Clause 24 would prohibit making use of or divulging radio-based cellular communications unless the originator or the intended receiver consented to the disclosure. The term, making use of, might be interpreted as divulging the existence of a communication without divulging its contents. Section 25 sets out penalties for those contravening the previous section. Section 26 creates a right of civil action for an injunction or damages against persons or corporations who divulge or make use of these cellular communications.

The spirit of the Radiocommunications Act changes is in keeping with the Criminal Code changes proposed by the minister, possibly sending people to jail for even divulging the knowledge that a cellular call has occurred. Again I think this is too harsh a step.

Given the level of concern expressed over this bill, the Official Opposition proposed amendments at report stage. Our amendments which the government rejected reflected the concern we have about this approach. In our view our approach was very balanced and reasonable. While we agree there is a problem there is a way to go about this and the government took the wrong approach.

Our amendment would have removed the provisions for jailing people, at great cost, who intercept cellular phone calls. We did not say, however, to do nothing. We proposed as the most important and fundamental first step the banning of the use, manufacture, importation, distribution, leasing or offering for sale of scanners capable of receiving transmissions in the cellular frequencies.

• (1550)

Mr. Speaker, this is a fundamental and important matter. I know you were in the Chair when we had this discussion and I know you said it was outside the purview of the bill. In my view this should never have been in the bill. There is disinformation about 900,000 scanners being out there. It is an unfounded reality if we are talking about cellular telephones and the ability to unscramble in that area. The minister had the option of banning scanners. He should have brought in a bill to that effect, very much like the Americans have done in the United States. They are removing the right to have a scanner.

The privacy commissioner has made it very clear that he does not prefer this kind of approach. He has said he

favours a technical answer if one can be found. If limitations on the manufacture and distribution of scanning equipment is the answer he favours that too.

We are not convinced by those in the Department of Communications who said that a technical approach would not work. I think we have to try it first and it has not been tried. I suggest it would be best to ban the scanners, remove this act from the Criminal Code and remember there are provisions already in the radio act if people misuse telephones.

In conclusion I believe the communications aspect of this bill leaves too many questions for us to have any comfort level. There is serious concern that the heavy hand of the Criminal Code being brought in at this time to improve the cellular telephone privacy is inappropriate. However, we must find answers to the whole serious question of invasion of privacy in all aspects of our daily lives.

I question whether it is even enforceable. I hope the government will give serious consideration to voting against its own bill.

**Mr. John Harvard (Winnipeg—St. James):** Mr. Speaker, it was not my intention to take part in this debate at this particular time but after listening to the comments of my colleague from Mount Royal I was rather stimulated and feel I should put a few thoughts on the record.

I want to say first of all that when the so-called Wilhelmy affair cropped up last fall during the debate on the Charlottetown accord I was really offended. I was offended as a politician, as a citizen of the country and also as one who spent 30 years of my life in journalism. Most of those years were with the CBC.

A story like the Wilhelmy affair is very titillating. I can understand why reporters got very excited when they heard certain comments that were going to be embarrassing to the premier of Quebec, the Prime Minister of Canada or any particular group of people. I can understand how the reporters jumped on the story with alacrity and enthusiasm and felt they were doing something for the country.

I was offended, maybe because it really was an invasion of privacy. A senior Quebec civil servant was talking to another senior Quebec civil servant. They both believed their conversation was private. They believed as most people do that cellular phones are telephones and not sophisticated CB radios. They are telephones. We find out later and they find out, much to their chagrin and