

Government Orders

Let us recap. What is the minister trying to do here? I am going to go into some detail about the specific provisions which the government has stood by. It has refused to listen in its narrow-minded and very unsympathetic thought to something that could be practical. The puffery here is what it was interested in. From the first reading until today even with the disinformation the Department of Communications managed to give the committee during the hearing stage, the government was not prepared to budge. We want the public to know what the minister is doing in this bill and what the disinformation is all about.

We are amending the Criminal Code to make it illegal to intercept maliciously or for gain a radio-based communication on a cellular phone which is really this radio phone. The principle behind the action is that we as a party, the Official Opposition, support the principle. It is very important.

The problem is that this bill makes anyone who overhears a telephone conversation by accident, not by design, guilty of an indictable offence, liable to imprisonment for a term not exceeding five years and a fine of \$25,000. I would say that is a very strong measure. Until we get to that point we have to look at what our options are. Is there any answer other than criminal sanctions with such a serious impact given this new and evolving technology? We all know how expensive it is to keep people in prison and how overcrowded the cells are.

Does this go too far? Does it hit with too big a hammer? In our view after committee study at report stage we still believe the answer to these questions is yes. The minister has taken the wrong step at the wrong time in a bill that is flawed.

This section would create the indictable offence in clause 12 for willfully disclosing the existence or the contents of intercepted radio-based telephone communications without the expressed or implied consent of the originator or the intended recipient of the communications. That is a very weighty move by Parliament. In other words people are used to the ordinary telephone and sometimes, as they are wont to do when they had a party line, they hear something which they might in all innocence pass along. When there were party lines they would have had to pick up the phone deliberately because they knew they were on a party line.

• (1545)

Here people can pick up their telephones and quite by accident because of a crossed wire they can listen to a cellular telephone call to someone else. Or they can be using a scanner which is a piece of equipment that can be used to decode and listen in. It is like those big muffs the television cameramen use to be able to hear what is being said more clearly.

People can use scanners and if they hear some information they are allowed to listen to it in this bill. They are allowed to have this scanner in this bill. If they repeat what they have heard then they are subject to a fine. They can repeat something in all innocence and it can be blown all out of proportion. It can be misunderstood and they can still be called before the criminal courts for a crime.

Without the express or implied consent of the originator or the intended recipient of the communication we get this move by Parliament that using or disclosing the knowledge of a cellular phone call is an indictable offence. Is that the best way? It is questionable.

After serious consideration we still have problems with this aspect of the government's approach. The basic question remains whether it can be reasonably enforced. Is this the most practical approach to solving the problem?

We conclude that the government has acted hastily, specifically following the Wilhelmy scandal. This was a visceral reaction to something that was really to be regretted from many points of view. I am not going to bring back all the history and issues behind this except to say there was not agreement and therefore it was malicious and had a very negative effect.

The government has gone to the Criminal Code rather than proceeding with a more technical means to solve the problem which we all think should be addressed. We know there are encryption methods. We know there are ways of protecting those phone calls. Ministers and senior members of the Crown certainly have access to these encrypters but they are very expensive. There was no reason in the Wilhelmy case for not using an encrypted telephone. I sometimes wonder if there was something more to this whole story than meets the eye.

If we look at the Radiocommunications Act amendments that are in this bill, in principle these amendments