

Government Orders

this so-called agency had no relationship to government except as a sort of ear to the minister. I would not call that a very effective way to protect people's privacy.

This so-called agency has never been heard of since. It is supposed to be a voluntary agency run by the same industry that is generating many of the complaints about nuisance telemarketing. The worst part is that until the minister took the podium to announce its creation, the industry apparently knew nothing about it. That is like putting the fox in with the hens and the eggs. It is ridiculous.

There was no consultation. There is certainly going to be duplication if the minister ever puts this into action. It was a total waste of time. The minister's action in this case seems more of an attempted display at leadership than the substantive response that true leadership really requires.

The problem we are here to discuss is one that recent events in our country have focused public attention on. We had the case in Quebec during the referendum campaign, for example, of cellular privacy. I remind you what *The Gazette* had to say in an editorial on December 12. It said:

Had those conversations (of Diane Wilhelmy and Bud Smith) taken place over conventional phone lines, any unauthorized person who divulged the contents by tape, transcript or even orally would have been liable to charges. Users of cellular or cordless phones have no such legal protection of privacy, and that is what the federal legislation aims to fix. Clearly, strong measures are needed to discourage scanners from divulging information, blackmail, industrial espionage, credit card fraud or any number of illicit acts.

That is not totally accurate because it is still not going to be fully protected.

A January essay in *The New York Times* described the legislation changes proposed by this bill. It concluded:

That libertarian attitude up north is what we should adopt here. Never has personal privacy been so vital a component of human liberty. We have been losing to the computer, the recorder and the eavesdropper by default; (it's) time to fight back.

I would suggest it is time to fight back. There is a serious personal privacy evasion going on and we need to do something about it.

Let us look at the problem which is new because Canadians have traditionally been able to use the telephone system in the comfort of knowing that calls over the normal wired system were really quite private.

Cellular phones have changed that. They have changed all the rules and for some very specific reasons. The main reason is that cellular telephones, instead of using a wired system, use a series of cells that are directed by dishes on roof-tops around and between cities, which pass calls in the open air. The call goes from cell to cell.

You can intercept whatever goes over the open air. It is public. Millions of Canadians who use cellular phones must realize they are not, strictly speaking, making telephone calls but radio calls. People have to remember that their cellular calls are transmitted on our public airwaves.

This introduces some serious difficulties in applying the normal expectation of privacy on cell calls. To combat this action people need to do two things. They must use caution and other steps will have to be explored.

Mr. Speaker, you tell me that I only have a couple of minutes left. That brings us to Bill C-109 which is an attempt albeit too late to strengthen the privacy of cellular communications. I say to you that using the Criminal Code with its amendment with indictable offences to the extent of imprisonment for a term not exceeding five years is a very strong measure. It really has to be examined. If we cannot stop the cellular phone call then I think we have to understand whether or not we can stop the right to freedom of speech. This is a very serious question. Should it also be a summary offence rather than an indictable offence?

• (1740)

The question has been raised by journalists whether or not this bill is fair, whether or not it can be perceived to be acceptable in the eyes of the public and whether or not someone can be charged for saying he or she heard something from someone. It is just not well-founded. I think it needs very careful analysis. With the intercepted radio-based telecommunication or the cellular phone call, have you given the right or implied consent when you say you have received a phone call?

There are many serious issues that need to be examined in the course of this bill when it goes to a legislative committee. I hope this House and the legisla-