

their newspapers—that this bill has a lot of inherent danger.

Bill C-109 is an act to amend the Criminal Code, the Crown Liability and Proceedings Act and the Radiocommunication Act.

• (1630)

My colleague, the member for Mount Royal, introduced amendments to the bill that would enhance the security of using cellular phones. The general intent of those amendments was to remove the Criminal Code offences and the radio telecommunications act offences because we believe they are the wrong instruments for dealing with cellular privacy.

The point is that the government is using a cannon to kill a gnat. One of our first amendments was to strike out the Criminal Code section, making it an indictable offence with a five-year prison term for anyone convicted of maliciously or for gain intercepting a radio-based telephone communication.

On our side of the House, in our party, we agree with the Privacy Commissioner who said that he would have preferred a more technical means of dealing with cellular privacy. We too believe we should try this approach before charging and ultimately convicting people who overhear a cellular phone conversation.

It seems so simple. Why? I ask this question with the greatest of respect to those drafting the bill on the government side of the House. Why not ban the scanners? Is this difficult? Is this hard to figure out? Is there something we are missing over here?

We have asked this question in committee. We have asked this question in the House. We have asked this question of any number of people on the government side and we have yet to receive any kind of answer, not even an audible one. The question remains, why not ban the scanners?

There is need for the government to take this technological approach to the matter. The Federal Communications Commission in the United States has rules requiring that scanner receivers be incapable of tuning or readily being altered to tune within the bands allocated to the domestic public cellular radio telecommunication services.

Government Orders

This seems relatively simple. This seems relatively sensible. This seems to be the kind of response that you would want to have in this particular situation. Why would you want to bring the full weight of the Criminal Code to bear on this relatively inconsequential situation?

This is interesting. I have just come from a briefing by officials of the Department of Justice on some other legislation. We talked about the fact that the legislation, again amendments to the Criminal Code, was what we call an electable offence. It was one of those offences where the Crown can decide whether to go by way of a summary or an indictable offence.

When I questioned why not go by way of an indictable offence in this area, one of the things that the justice officials reminded me of, and I think is an important thing to be taken into consideration here, with an indictable offence with a five-year penalty, is the added cost to the provinces of pressing an indictable offence charge.

First of all, you must have a preliminary hearing with its attendant cost, the bringing in of witnesses, the Crown prosecutors and possibly the police officers and expert witnesses. If a magistrate decides there is enough evidence to warrant binding over for trial, then you go back and do the whole thing over again at even more cost to the public purse to go through the trial.

How much simpler it would be to ban the scanners. I am really asking. I do not understand this.

The rules and regulations will prevent and prohibit frequency converters being used in conjunction with scanners that receive or can easily be modified to receive cellular transmission and require scanners be incapable of converting digital cellular transmission to voice audio. I do not see the problem with passing this kind of law rather than using, as I said before, a cannon to kill a gnat.

Canada should follow. In so many cases, we blindly follow the Americans. We blindly follow the Americans in policy. We blindly follow them into the OSS. We blindly follow them on this, that and the other thing. Why, for a wonder, when they have done the right thing through their Federal Communications Commission do we not follow their experience and use the proper technological legislative response as opposed to using the Criminal Code? In this respect the government is simply putting the cart before the horse. It is telling Canadians they can have the equipment but they cannot use it. The government also proposes that persons be