

*Government Orders*

going to be punished and that is going to safeguard the information on the cellular phone.

I want to just go back again to the party line example where there was no alternative. With a cellular phone there is an alternative. If one has a phone in one's car or one is using a cellular phone in the home then chances are that one has a phone that is not a cellular phone that can be used. If not, then one is certainly not far away from a phone that is not a cellular phone where one can speak about things privately. It is a minor inconvenience certainly to have to change phones, but the fact is that it is possible.

If the scanners were banned as the technology increases, then the likelihood of that cellular phone conversation being intercepted would be decreased. First, the scanners necessary would have to be more sophisticated as the cellular phone technology became more sophisticated. Second, the fact is that few people would have the scanners that would be able to do it because most people do not buy scanners to intercept phone conversations. They buy scanners to listen to the ambulance calls or just to pick up ordinary things on the airwaves. This is a fact.

We are saying that cellular phones, which the Minister of Communications himself even agreed were radios, for the purposes of the law are not radios. They are ordinary phones and cannot be intercepted.

I think we are taking the wrong approach here. I do not think the government is concerned about privacy, certainly not with respect to the first part concerning the police use of electronic surveillance. I think it is concerned with the operations and the profitability of the cellular phone companies. That may be fine. It is important to have jobs and important to improve the business and the economy of this country but not to use the law to do it.

While there is a good deal in this bill which is good, I feel that there are some provisions that are not so good and should be changed.

**Mr. Iain Angus (Thunder Bay—Atikokan):** Mr. Speaker, I am pleased to rise today in debate of Bill C-109, an act to amend the Criminal Code, the Crown Liability and Proceedings Act and the Radiocommunication Act.

I do so having participated on the committee for part of the time. I spent a lot of time thinking about the bill and the issues it relates to and thinking about the role that electronic communication has in our society today. We tend to think of this as a cellular phone bill, but I want to remind members that there is more to radio-based telecommunications than cellular phones.

• (1345)

I suspect all of us have hands-free phones at home. The range is probably broader than we think in terms of people in the neighbourhood who can listen in to our phone conversations. We also forget about the new personal phone numbers that are coming with the new mobile phones. I forget the correct term but there are some experiments going on in Canada and some licences have been given for personalized phones. They are sort of like cellular phones but not quite. They are radio-based as well.

This is the point I am making on this aspect. Cellular phones can be scrambled or digitalized or what have you to make it impossible to intercept them at a price. However, it is unlikely that our hands-free phones at home, which can be intercepted by scanners and fixed frequency receivers and other phones that operate on the same frequency, or the new personal phones will have the ability, because of price, to provide the protection of privacy that people would like to think they have.

The dilemma for all of us is this: Do we own our own voices? When we choose to communicate over devices provided by our modern technology do we give up that right or is there some need to provide some additional protection?

It is fairly simple in law to deal with communications that go through what I call land lines. These are copper cables and now fibre optic cables that stretch from one end of this country to the other. Through an electromagnetic device called a telephone we send the signals down through those cables and it comes up at the other end.

We have protections in place to ensure that those communications cannot be legally intercepted unless due process has been adhered to. That due process requires a police authority, whether it is local, provincial or federal, to obtain the necessary authority from a judge under the provisions of the appropriate act and only for a certain period of time and only under certain circumstances.