

People are being led to believe that this legislation is going to protect them. It is almost a legislative entrapment to put this forward in its present state. I think we are going to have to really examine this and make some changes.

I want to quote what the minister said: "We found that the majority of Canadians feel they have less privacy today than they had a decade ago. There is a sense that personal privacy is under greater pressure today than used to be the case". I could not agree more.

He also said: "Briefly, the principles are as follows: Recognition: privacy is a right, respect it; informed choice: users must be aware of privacy implications and services they are offered. The truth is the cellular phone is not a telephone at all. Every conversation is a radio broadcast transmitted into the air on radio waves and is very public indeed". He is reiterating what he said at first reading, that these are not telephones, they are radios and we are utilizing the radio airwaves which are open to everyone.

• (1435)

It is a radio but it is not a radio because the government says it is not a radio. It is like saying February in Ottawa is summer and it is not cold. You cannot just by legislation make reasonable designations that are going to be helpful to the Canadian public. I think we have to look at the reality and that is this is not going to work.

The minister also said: "I have asked my department to work on a media campaign which will help to transmit our message". I have a problem here in that the message that the government wants to transmit is not the correct message. It is going to say that you are not allowed to listen to a person's conversation and if you do, you can be charged both criminally and in civil court for unlimited damages. If you pass it along to somebody else you can be charged civilly for unlimited damages.

That is not the point. The real message here is that cellular phone conversations are not safe and nothing in this bill is going to make them safe. That is what Canadians need to know.

If it wants to pass on other messages, fine, that can be an ancillary message, a footnote or a matter of opinion,

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but that is all it can be, a matter of opinion. We are not acting in the best interests of the Canadian public by spending millions of dollars to tell Canadians about their rights on cellular phone conversations which are not effective.

The minister then went on to say: "This brings me to the third critical element of our strategy which is prosecution. There is nothing particularly damaging about listening to someone else's conversations. However, when a third party uses that information or passes it to another party, irreparable damage can take place. Canadians need to have legislative tools to defend themselves against invasions of their privacy. Give them these tools. The Minister of Justice and I are proposing complementary amendments to the Criminal Code and the Radiocommunications Act. First of all these amendments will deem all encrypted radio based communications to be private and protected by the full strength of the law. Second, the proposed changes to the Criminal Code will prohibit malicious and profit-motivated interception of any radio-based telephone communication. Anyone who deliberately intercepts communications with the intention of harm or any other motive of securing a financial advantage should be subject to prosecution".

It is not satisfactory to tell people that they are going to be prosecuted for something that is not going to secure their rights in the first place. It is awfully difficult to tell somebody they violated a law when everybody else who wants to do it, or 90 per cent or 80 per cent of those who want to do it, are getting away with it. Because they blabbed, because they could not stand that no one knew that they had committed the first perfect crime and had to tell people, they are charged.

We may get some transgressors but we are not dealing with the problem. We have to ban the scanners. We have to garble the message somehow. You have to at least be able to know when someone is intercepting your call and you have to tell people that this means that communication is not safe, at least not yet.

This is a very unsettling portion of the legislation with which I have some problems.