

If the Clerks at the Table will look at Motion No. 3, they will notice that Motion No. 3 contains Paragraphs (a) to (i) inclusive. Paragraphs (a), (b), (c), (d) and (e) are paragraphs which are consequential, as are all of the motions to which I shall refer, to Motion No. 11, the motion directed toward retaining the security service under the aegis of the Royal Canadian Mounted Police.

Now that the Table has the documentation before it, I shall continue to list the motions which are consequential, and they are as follows: Motions Nos. 3, 13, 18, 21, 27, 29, 44, 49, 53 which is a motion which is part consequential and part substantive, 65, 74, 81, 83, 91 and 115. The motions which stand on their own are the following: part of Motion No. 3, as has already been explained, Motions Nos. 11, 32, 49, 53, 62, 68, 79, 94, 123 and 130.

I wanted to list those motions so that I could put this matter into some perspective.

Some Hon. Members: Oh, oh!

Mr. Deputy Speaker: Order, please. May we have order in the House, please. Will the Hon. Member for Willowdale (Mr. Peterson) resume his seat. Order in the House, please. The Hon. Member for Vancouver South has the floor.

Mr. Fraser: Thank you, Mr. Speaker. If you will allow me to continue, I would like to deal with the preliminary ruling made yesterday by the Speaker. I shall turn to page 2 of that ruling and to paragraph 2 thereon. I am not concerned with the reference therein to Motion No. 4, but I am concerned with the reference to Motion No. 3. That paragraph of the preliminary ruling reads as follows:

Motions numbered 3 and 4 propose to add new features to the Bill by means of a substantive amendment to the interpretation clause, which is out of order. I refer honourable Members to Beauchesne's 5th edition, Citation 773(10), which states:

"A substantive amendment may not be introduced by way of a modification to the interpretation clause of a bill. *Journals*, May 21, 1970, p. 835."

Let me put my proposition before you, Mr. Speaker, which deals with Motion No. 3, paragraphs (f), (g), (h) and (i).

Mr. Deputy Speaker: May I appeal to Hon. Members to resume their seats if they wish to have private conversations? The Hon. Member for Vancouver South was recognized.

Mr. Fraser: Thank you, Mr. Speaker. Motion No. 3 purports to amend Clause 2 of the Bill. Clause 2 of the Bill begins with the words "In this Act," and then sets out a number of words which are then defined. It is an interpretation clause. On page 2 of the Bill, still within Clause 2, the words "threats to the security of Canada" appear and then certain things are set out in paragraphs (a), (b), (c) and (d). Those paragraphs are very central to this piece of legislation. When I say central, I mean central because the Bill mandates rules of behaviour and guidelines for a security service. These paragraphs set out the kinds of things that can be investigated by the security force.

Security Intelligence Service

Paragraph (a) is fairly simple. It deals with espionage or sabotage that is against Canada or is detrimental to the interests of Canada, et cetera.

Paragraph (b) reads:

● (1750)

—foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada—

Paragraph (c):

—activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state—

Paragraph (d):

—activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada—

It is extremely important to this House that those four paragraphs were the subject of more comment and debate in committee than any other single part of the legislation. As you know, Mr. Speaker, a number of witnesses appeared before the committee and discussed those clauses. Their concern was that the wording was inadequate for two reasons. First, the wording was unclear in some cases. The consequence of unclear wording would be that those who must operate a security service would not know exactly what it was they were to investigate. They would not know what information to seek out. To the degree that it was unclear, they might go beyond the intended mandate.

The other criticism was that, whether the wording was clear or not, it gave too broad a mandate in some circumstances. I refer especially to Paragraph (d) which has been referred to over and over again as the paragraph which will have the effect of giving to the security service the right and power to have intrusive surveillance—wiretap, searches, et cetera—of Canadians operating in this country and operating in a way which is lawful.

Citation 773 of Beauchesne's Fifth Edition, paragraph 10, was cited by Mr. Speaker to indicate that the amendments which I have moved to the four paragraphs are substantive amendments to an interpretation clause. The citation provides:

A substantive amendment may not be introduced by way of a modification to the interpretation clause of a bill.

Beauchesne's goes on to cite *Journals* of May 21, 1970, page 835. Mr. Speaker will know that the citations in Beauchesne's are extremely helpful, but they are like the headnotes of a law report; they do not tell the whole story. As every law professor has told every law student, "Don't count on passing if all you can remember is the headnote".

I have taken the trouble to look at the ruling which is supposed to have been made on the basis of the citation from Beauchesne's. That is from *Journals* of May 21, 1970, page 835. If, Mr. Speaker, you look carefully at that ruling, you will find that that case dealt with the report stage of that Bill. It happened to be Bill C-144 on that day, which was to provide for the management of the water resources of Canada, including research, planning and the implementation of programs