

Security Intelligence Service

Is it not a simple amendment which attempts to clarify the law? Is that not why we are here, to clarify the law in order to be fair to those people who are charged under the law? All we are asking for is a simple clarification.

That Clause is enlarged by adding words which cannot be defined—"otherwise" and "it". That is supposed to be draftsmanship? Whoever drafted this should enlist the help of a few good school teachers. They could do better.

Mr. Kaplan: It was the Senate committee.

Mr. Taylor: It should read, "for purposes which are strictly necessary, and "for purposes of protecting the security of Canada". That is the proper enlargement of that phrase—not "it" and not "otherwise". We are talking about the protection of the security of Canada.

● (1340)

It is too bad, Mr. Speaker, that for some reason we are not hearing from Hon. Members opposite. I do not know whether the new Leader has told the Liberal Members not to talk. Perhaps he has put a zipper on their lips. Perhaps he feels the legislation is so bad he does not want them to talk about it, and now he is going to bring in closure so that even we cannot talk about it. As the Hon. Member for Vancouver South (Mr. Fraser) said, the press just looks at the Bill and does not even bother dealing with the inequities, the poor draftsmanship and what this will mean to the security of human lives later on. That is all we are asking the Hon. Members opposite to do, to think about what this is going to do perhaps to their sons, daughters or grandchildren. Imagine what the courts will do because of the way this legislation is worded and then you might be willing to accept an amendment which is sensible and sound.

Hon. Ray Hnatyshyn (Saskatoon West): Mr. Speaker, I was inspired by the comments of my colleague, the Hon. Member for Bow River (Mr. Taylor) who has a reputation in this House for telling it as it is. He speaks because he consults. He speaks because he represents his constituents with great distinction and because he is prepared to listen to what people are saying on the streets of this country. I commend that attitude to the Solicitor General (Mr. Kaplan) and to Hon. Members of the Liberal Party, because what we are dealing with now in this particular clause and the motion which has been put forward by my colleague, the Hon. Member for Vancouver South (Mr. Fraser), is a provision which would put some precision into the definition of the operations of the new security service.

What we have now is a very wide-ranging and vague mandate for this new security service. What we have now under the terms of Clause 12 is authority given to the service to go about this country and collect information on Canadian citizens, community groups, church groups, action committees and political groups as the service deems necessary.

I have never seen a better recipe than what is contained in this legislation, put into statute form, which would provide any

secret service agency with the ability to conduct witch-hunts, politically motivated investigations, and wide ranging irresponsible investigations into the affairs of the people of our country. What our Party has been trying to impress upon the Government is that when one deals with legislation of this sort, which in effect impacts negatively on the civil liberties of Canadians, and for purposes of security allows an agency to go about opening up files on Canadian citizens, to investigate their backgrounds, their social, business and other activities, which gives authority to this group to look at our income tax returns, which allows this service to go into our medical records, then one must say to oneself, "What about Canada which I always understood to be a country where freedoms and privacy are respected?"

So we said to the Solicitor General in committee that we think there should be some more precision in the wording of this Act, that the people of Canada would expect no less in a free and democratic society. We told him that if he is going to bring in legislation which is going to allow an agency of the Government to snoop into our affairs, there should be a very precise definition of those powers. I do not believe that is an unreasonable request to make of any government. I am not trying to be troublesome or controversial. I am simply saying to the Government, "Let us have common sense in this. Let us make sure there is a balance in the wording of this legislation". And that is what happened in the Standing Committee on Justice and Legal Affairs.

I will tell you, Mr. Speaker, how delicate the situation was. People did vote on Party lines, so the motion put forward by my colleague, the Hon. Member for Vancouver South, was defeated in the committee five votes to four. That was because the Liberals had the majority in the committee. As my colleague, the Hon. Member for Bow River, pointed out, the Chairman of the committee—who will admit it himself—is a partisan Liberal who sits on the Liberal benches. He was appointed by the Government and owes his position to government support. But I say to you, he has some common sense and some sensitivity with respect to matters of this import and has demonstrated himself to be a fair and competent chairman, and he has my respect. He was not required to break the tie. He was not required to cast the deciding vote because, I suppose, in that instance, the tradition required that he vote for the government position. However, he made what I consider a telling statement in committee. He said that he regretted that the Government did not see fit to accept this sensible amendment.

The amendment is exactly as was stated by my colleague, the Hon. Member for Vancouver South. It gives precision to the provision. It does not say that the agency shall not have the ability to obtain information by these various devices it deems necessary in its own discretion and opinion. We just suggested that there be some tangible criteria established within this Bill and within this clause under which it would be possible for an aggrieved citizen to go to a court of this land and say, "This is not within its mandate because it cannot establish that the investigation was in the interests of the security of Canada". It