

Protection of Privacy

the Official Secrets Act contained in the bill before us. Hon. members will recall that on second reading attention was drawn to a real problem with respect to this provision in the bill. The term "subversive activity" was not defined, and a number of hon. members pointed this out to the Minister of Justice. The provision was there merely to be defined by the Solicitor General and the RCMP acting in concert.

Another problem was also pointed out. While the Solicitor General was authorized to grant unilaterally power to the RCMP to engage in certain types of interception, to engage in certain activities of electronic surveillance pursuant to alleged or suspected espionage, sabotage or subversive activity, there was no political accountability on the part of the Solicitor General as to the number of times that this sort of device could be used, or as to the length of time for which warrants were to be in force, or as to a description of the methods of interception or seizure which were used, or in regard to any assessment of this particular type of emergency device.

To his credit, the minister brought in an amendment in committee which, for the first time in our history I think, provided a definition of subversive activity. This is good. I can also say that after considerable pressure from both opposition parties he required the Solicitor General to provide as soon as possible at the end of each year a report indicating the number of warrants issued under the section, the length of time that the warrants were in force, a description of the methods of interception, and a general assessment of the importance of warrants of this sort. The Solicitor General will now be required to lay that type of report before parliament forthwith upon completion thereof, or if parliament is not sitting, on any of the first 15 days next thereafter that parliament is sitting.

I think this an important protection. But let me warn the Minister of Justice and the Solicitor General, whom I am glad to see in the House today, that there is one dangerous section in the definition of subversive activity of which all Canadians should be aware. I refer to subsection (3)(c) which is the section that contains part of the definition of subversive activity and allows the Solicitor General to grant a secret warrant pursuant to activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means.

The main purport of the section of the Official Secrets Act is to deal with threats to Canada from outside. In other words, it is meant to deal with external threats to Canada and to Canadians. Subsection 3(c) is part of the definition of subversive activity related to internal threats to the government of Canada. I am particularly concerned that these secret warrants could be used by the Solicitor General unilaterally to grant authority to the RCMP to engage in legalized wiretapping or eavesdropping where there was a suspected attempt to achieve governmental change by criminal means. Indeed, if there were any suggestion of a bribe being offered to a politician in the course of an election campaign—election campaigns, many people would argue, are intended to achieve governmental change—then surely that particular allegation of a bribe could be made the subject of a secret warrant issued by the Solicitor General.

[Mr. Atkey.]

I am concerned about that, Mr. Speaker, because subsection (c) uses the words that are to be found in the very carefully defined term "sedition" which is an offence under the Criminal Code. I would have thought it would be better for the Minister of Justice to have excluded subsection (c), since this is dealt with as a criminal offence under the code and could be subject of a normal judicial authorization under section 178.13. At this point, I merely throw out the warning that there are dangers to the civil liberties of Canadians if this particular section is ever misused.

To a certain extent the House of Commons, by approving the section as it now stands, is putting a great deal of faith in the honesty and integrity of the Solicitor General. I certainly hope there will always be a vigilant opposition which will peruse the annual report of the Solicitor General when it is tabled in the House, and will closely examine the Solicitor General in committee and during the question period, about the sort of information that he will require by law to provide to all hon. members and to the Canadian public generally.

Let me conclude my remarks by saying that we need this bill. There have been victories and there have been some defeats on both sides, but I think in large measure this has been a non-partisan debate. It has been a healthy debate. I think all hon. members, and indeed all Canadians, are much more aware of what the substantive right of privacy means for them and what it means for their fundamental freedoms.

● (1710)

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

Mr. Deputy Speaker: Before recognizing the Minister of Justice (Mr. Lang), it is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Winnipeg North Centre (Mr. Knowles)—Veterans Affairs—Land Act regulations respecting acquisition of small holdings; the hon. member for Humber-St. George's-St. Barbe (Mr. Marshall)—Veterans Affairs—request that deadline for applications under Land Act be extended; the hon. member for Winnipeg South Centre (Mr. McKenzie)—health—possible toxicity of blood imported from United States.