

Security Intelligence Service

There was a storm of public controversy over the clause of the Bill that would have provided security service agents with a *carte blanche* to break the law. In response, the Senate proposed that agents have no more protection in this regard than is granted peace officers under the Criminal Code. That *carte blanche* provision that I have referred to may have caused a great storm of public controversy, but I suggest that it was not the most dangerous clause in a Bill filled with potentially dangerous provisions. That distinction goes to Clause 6 of the Bill which, if enacted, would remove one of the linchpins from our parliamentary system. This deals with ministerial responsibility and the concept of ministerial responsibility. I want to deal with that in relation to the new Bill as well because I am not satisfied with that element in connection with this legislation. We must give serious consideration to the element of ministerial responsibility because ministerial responsibility is absolutely fundamental to our system of parliamentary government. It is one of the bedrocks of our democratic system in Canada.

A Minister must be responsible to the House for his actions and the actions of the Government. The original proposal was to remove that particular fundamental principle, which would have allowed an appointed official, the Director of the service, to prevail over the Minister. The Solicitor General would have then been at arm's length from any of the activities of this service. When one sees this legislation as it was proposed, one does not have to wonder too much about why it was received with such universal disdain. If this provision had been enacted, the Solicitor General would have ceased to be responsible for his actions to the elected representatives of the people in the House of Commons. There can be no justification for attempting to include such a provision in any piece of legislation, let alone one this important.

Mr. Kaplan: It has been removed.

Mr. Hnatyshyn: The Senate committee recommended a 180-degree turn in this area. In the words of the report, the agency should be an open book to the Minister. There is absolutely no question that that is how it must be. The Minister must have full political responsibility. Accountability must be absolute.

I want to deal with one final item of the proposals that were brought forward by the Minister before I deal with the current revised legislation. According to the original Bill, the Inspector General would review the ongoing operations of the force. In effect, he would be the eyes and ears of the Ministry. As with every other section of the Bill, this provision too was fatally flawed. The individual charged with a review of the day to day operations would not have access to relevant Cabinet documents. The service might have control of such documents and they may well base their operational decisions on them, yet this review mechanism could not see them. It could be, for all intents and purposes, hamstrung. The Senate committee recommended full access to Cabinet documents.

The Solicitor General, in the current incarnation of the legislation, has chosen not to accept this most important of the Senate recommendations, in my estimation.

• (1440)

This, then, is the gist of the recommendations made by the Senate. The Senate considered them carefully and in some detail. In so doing, the depth of general opposition could be fathomed. Whenever I see the Deputy Leader of the Senate on the government side, Senator Royce Frith, arm in arm, shoulder to shoulder with opposition critics, and when I see Liberal Senators castigating the Solicitor General and the Prime Minister with respect to this legislation, I know we have a problem. You do not have to take it from me, Mr. Speaker, even if you regard me as being partisan; when I see Liberals concerned with respect to the thrusts and the initiatives that have been taken, I know there must be something rotten in the state of Denmark, Canada. Everyone from Senator Pitfield on down were opposed to the legislation. It is impossible to find anyone except the Solicitor General and the Prime Minister who will say anything good about it. As a matter of fact, it is becoming more and more obvious that this must be the personal project of these two individuals. There is no one else sitting on that side of the House who will come close to admitting that they support the Bill.

Mr. Pepin: I do.

Mr. Hnatyshyn: The Minister promised then to deal with the matter in an urgent and expeditious manner as soon as he received the report. We had first heard it was going to be December 1, 1983; then it was moved over until just before Christmas, and subsequently we now have the Bill before us today. I said in response on behalf of my Party that there are a number of items that have caused us the most serious of concerns. We in this Party are not able to support the legislation in its present form.

I want to give you some ideas, Mr. Speaker, because it is a complex piece of legislation and a complex Bill. I want to deal with some of the general themes that run through the Bill and some of the principles that I think should be contained in this legislation. I have alluded to some of them already in the course of my remarks today.

I want to say to the Solicitor General that we regard this legislation as important. We take our responsibilities seriously. We want to give this matter proper and responsible attention. In at least three critical areas, that is mandate, powers and accountability, there remain serious deficiencies in this legislation.

Let me begin with the first of those areas, the problem of how the force's mandate should be defined. Surely this is a key area, one that should have been given the utmost consideration. If we grant such enormous powers to an agency that operates outside the normal channels of public scrutiny, we must be clear, precise and unambiguous in setting forth what they are to do. This Bill fails to do that. Instead of resolving the problems surrounding this issue, it falls short of the mark