

Security Intelligence Service

The Acting Speaker (Mr. Guilbault): For debate, the Hon. Member for Burnaby (Mr. Robinson).

Mr. Robinson (Burnaby): Mr. Speaker, the purpose of this group of amendments is to deal with the question of the appointment of the Director of the proposed civilian security service. A number of questions were raised in that connection, including the proposed term of office of the Director, as well as the consultation which should be mandatory on the appointment of such an important individual and the powers which the Director of the service will hold.

I listened with considerable interest to the remarks of the Hon. Member for Vancouver South (Mr. Fraser) with respect to the previous motion. I only wish that his fire and brimstone had been applied equally vigorously in committee. This legislation might not have seen the light of day in its present form had his colleagues in caucus been a little more vigorous in their opposition to this legislation instead of co-operating with the Government in expediting its passage.

The first motion is Motion No. 12 which would delete Clause 4. However, I should like to talk for a moment or two about Motion No. 14 in particular. That motion would require that the Minister appoint the Director of the service only following consultation by the Prime Minister with the Leader of the Opposition in the House of Commons, as well as with the Leader of each Party having at least 12 Members in the House. This was one of the essential recommendations of the McDonald Commission, that in the appointment of such an important official whose powers are so sweeping under the terms of the legislation, there should at least be consultation if not a requirement for ratification of that appointment. Indeed, I believe a requirement for ratification would be preferable, but at least there should be consultation before appointment to such an important position.

What is the history on this question? Shortly after the report of the McDonald Commission was tabled, the Government announced that it intended to create a new civilian security service. The Solicitor General (Mr. Kaplan) went on to name the man he decided was to head the service. At that point it was Mr. Fred Gibson. There was no consultation whatsoever with either of the Opposition Parties, the Government having ignored that recommendation. Some time later Mr. Gibson was appointed to the position of Deputy Minister and yet another individual was named to be Director of the new civilian security service whenever it was created, Mr. Ted Finn from the Privy Council Office, a former crony of Michael Pitfield. There was no consultation whatsoever with the Opposition on the appointment of Mr. Finn, the new Director, despite the very clear direction on the part of the McDonald Commission that there should be consultation with the Opposition before the appointment of such an individual. The purpose of Motion No. 14 is simply to include in the Bill the requirement for that consultation. I cannot imagine how the Government could oppose such a reasonable suggestion.

I am sure we will hear from the Hon. Member for Vancouver South with respect to Motion No. 13 since that motion was moved in his name. However, with respect to Motion No. 12,

the motion to delete Clause 4, I would note that it is one which deals with the question of the Director of the service and the powers of this new service. Those powers which will be granted to the new Director are sweeping and unprecedented in any democratic society. For the first time in Canadian history the Director of the new service will have the power to go before a court and seek a warrant to break into anyone's home, to remove anything—this is what some have called legalized theft—to break into an office or any other place, to instal bugs and to take away anything it wants to take away. In effect, we are seeing here the legalizing of what was documented as illegal by the McDonald Commission. If the security service breaks into the offices of the APLQ and steals documents, under this Bill that is now legal. If the security service breaks into the offices of the Parti Québécois, a legal party, and steals computer tapes with its membership records—and the McDonald Commission said that that was illegal—under the provisions of the Bill that is now legal.

The McDonald Commission documented a series of breaches of federal and provincial law. In virtually every instance the response of the Government has been to change the law to make what was illegal then legal now. Surely in a democratic society that cannot be acceptable.

The Director appointed under the provisions of Clause 4 will have the power to appear before a Federal Court judge and seek a judicial warrant, after having consulted with the Minister, to break into any place, to remove any thing or to open first-class mail. That power has never before been granted for any purpose to any police agency in the history of the country. The Government comes before Parliament and says that it is a power which it needs, despite the fact that the McDonald Commission clearly argued against extending the power to open first-class mail of Canadians suspected of so-called domestic subversion. The Director can seek the power to open the first-class mail of all Canadians. The Director can go before the courts and seek a warrant to invade the confidential medical records and confidential psychiatric records of Canadians, a power which is not in existence at the present time.

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For the first time in the history of our country, the Director of the service will be able to go before the courts of this land and seek a warrant to access confidential income tax records which, once again, have never in the history of this country been made legally accessible to any police force or security service. The McDonald Commission documented the fact that the security service illegally had access to income tax records. The response of this Government is that while it may have been illegal then, we are telling Parliament that we are going to make it legal today. That is the power that is contained in this Bill and which is conferred on the Director under Clause 4. It is for that reason that we are seeking the deletion of Clause 4. Nowhere, in no other western other country in the world, whether it be the United States, West Germany, the United Kingdom, New Zealand or Australia, are the kinds of powers being sought in this legislation conferred.