

Criminal Code

the security service who will be required to swear to the authenticity of the evidence provided. If the Solicitor General is satisfied by the evidence that an interception is necessary for the prevention or detection of subversive activity directed against Canada, he may then issue the warrant. The reporting procedures on the use of the provisions of this legislation are identical to those laid out in the Protection of Privacy Act and section 16 of the Official Secrets Act.

In conclusion, Mr. Speaker, I think it is fair to say that all the facts that justify the introduction of such a legislation have been submitted to Parliament. I hope therefore that all members will give to this matter their close attention and will pass this bill without delay.

[English]

The subject matter of this legislation has received wide publicity and public consideration to date. I am very interested in hearing comments by hon. members opposite, as well as members from my own party, in terms of their own views with reference to this legislation. Simply, I wish to reiterate my conviction that the facts I have recited, and those which have been made public, justify the introduction and swift passage of this legislation. I know hon. members are interested in providing that swift passage. Indeed, to date there has been a great deal of public debate on this issue. We are ready now to proceed to action.

Hon. members are well aware that committee deliberations are really the forum in which these measures can be more fundamentally debated. Second reading can be expedited through promptly dealing with the major issues, after the necessary partisanship which accompanies these debates. In my address I have steered clear of partisan debate. We are dealing with a fundamental piece of legislation which is required now. Initially I suggested that it is of limited duration. Clause 17 of the bill provides that the effect of this legislation ceases to apply one year after the McDonald Commission has made its report and recommendations.

I am sure this debate will be a very interesting one. It will be non-partisan in nature, knowing the hon. members opposite who have indicated an interest in participating. I followed this bill with a great deal of interest first as postmaster general and now as the responsible minister. I assure hon. members that considerable care has been provided in the drafting of its provisions. I can vouch for the fact that the Attorney General of Canada has used nothing but the most expert draftsmanship in preparing this legislation.

Some hon. Members: Oh, oh!

Mr. Blais: Undoubtedly the provisions of this bill will meet with the approval of hon. members opposite. This bill has been tabled for some time now. First reading was given on February 7, which was more than a month ago. To date I have not received any indication from the opposition parties as to any objection they have to any of the provisions contained in this bill. Although there have been a number of public comments made generally, I have not seen anything which attacks any of

[Mr. Blais.]

the fundamental provisions presented in this bill. I am looking forward to this debate and the great deal of co-operation which will be forthcoming from hon. members opposite.

Some hon. Members: Hear, hear!

Mr. Bill Jarvis (Perth-Wilmot): Mr. Speaker, we are dealing with Bill C-26 which is legislation that would make legal the interception and opening of mail in two general areas. The first of these is the criminal area, in which the bill purports to assist in the battle against drug traffic. The second area relates to national security, wherein the bill purports to assist in the prevention or detection of subversive activities.

● (2032)

This second reading debate upon which we embark tonight is generally regarded as a debate in principle, and I think it is incumbent upon me at the outset of my remarks to make very clear the principle which we as the Official Opposition support. We support in principle the legal interception of mail in special specified circumstances, given adequate safeguards and given the situation where the more normal, acceptable and traditional methods of law enforcement have proven ineffective. Therefore, we support Bill C-26 in principle. In our view it meets most of these requirements. We do not anticipate a prolonged second reading debate, but I think contributions might be made from all corners of the House.

I agree with the Solicitor General (Mr. Blais) that it is important this legislation reach its proper forum which, in my view, is the Standing Committee on Justice and Legal Affairs.

In enunciating the principle contained in the legislation I referred to the legal interception of mail. There is nothing much that is new about that. Indeed, I am informed that most countries in the western world have legislation of this nature. In England, for example, the legal interception of mail was recorded as long ago as 1663. In the same country we can find statutes permitting this interception that are over 200 years old, and those statutes relate to interception as a means of attacking serious crime and as a means for the preservation of the safety of the state.

In talking about the principle of the bill, I also referred to special and specified circumstances and to the necessary, proper safeguards. The interception of mail or of any form of communication is inherently objectionable—surely few of us will disagree with that—and it is objectionable for three reasons. The first is that the power to intercept is in the hands of the state and its officials and it is exercised secretly; the extent and the purpose of the use of the power is not publicly known. Second, the uncontrolled use of this power by the government might be an unnecessary interference with the private rights of a country's citizens. Third, the powers can be exercised without an opportunity for protest or objection. Therefore, the power to intercept a communication must never be a general power. It must be carefully restricted, it must be applicable to well defined circumstances, it must be the subject of special safeguards.