

*Security Intelligence Service*

and probable grounds for such warrants. The clause in the Bill presently reads only "reasonable grounds". We would like to change that clause. The words "and probable" tighten it up because the phrase "reasonable and probable" has been defined by many judges and courts across the land. There is plenty of law regarding the exact definition of that phrase. As well, the amendment would see that warrants for intrusive techniques should only be available for a maximum of 60 days rather than the one year that is presently provided for in the Bill. That change is consistent with the Criminal Code.

Motion No. 62 amends Clause 22. This clause as well applies to search warrants and warrants for intrusive surveillance. The purpose of our amendment would be to limit the maximum length of a renewal of 60 days, which is again consistent with our original position that the first warrant for intrusive surveillance should only last for 60 days, as is provided in the Criminal Code of Canada.

Motion No. 68 amends Clause 24. Again, this clause deals with warrants. The present wording of Clause 24 contained an awkward part which make it unclear as to what would happen to an innocent third party who was told to do something by a security service person operating under the authority of a warrant if it turned out that what the third party was asked to do was unlawful. As Bill C-9 presently stands, an innocent third person is expected to believe that the official person giving him the orders does in fact have a warrant. I must ask Your Honour to consider how often a janitor, a person working in a store or a taxi driver who is told to do something quickly by an official who says he is in the security service would cross-examine the official on the spot and ask whether he in fact has a warrant.

Motion No. 79 amends Clause 31. This clause deals with Cabinet documents. Our position is quite clear and it is that the Inspector General ought to be able to see Cabinet documents that relate to the work of the security service, because if he does not have that ability, he is clearly not in a position to know exactly what is going on.

Motion No. 94 amends Clause 38. This would have the effect of allowing the review committee which is established under this Bill to review and have oversight on other security and intelligence agencies or arrangements in Canada. Motion No. 123 amends Clause 56. This is the motion I have discussed at length which would establish a parliamentary oversight committee. Motion No. 130 amends Clause 61. The effect of our amendment would be to establish a positive duty on the Royal Canadian Mounted Police to consult with other police forces when investigating national security offences, even though the Royal Canadian Mounted Police would have primary responsibility.

I do not think it is necessary for me to argue the rationale behind those motions. That is our basic package, Your Honour. We think it would be hard to explain to the Canadian public why those amendments ought not to be put to this House at report stage. The substance of all of those amendments has been the subject of much debate in the committee and the subject of many briefs that were submitted to the

committee. The substance of those amendments has been spoken to by witnesses who have appeared before the committee at great expense.

I would urge that when considering your preliminary ruling, Mr. Speaker, you reconsider your view that some of these amendments are not in order. As well, I would urge you to interpret the rules as broadly as possible, as I know you will, so that the work that has been done in committee will actually be reflected in the amendments that are brought forward at report stage.

This Bill went through second reading, and at that time the Government indicated that when the Bill went to committee, it could be improved. It indicated that we were to bring forward our amendments at that time. The fact of the matter is that the Government has not accepted any significant amendments. One must ask oneself what this was all about. It is not that some very significant matters were not brought to the attention of the Government in committee because they were. However, the Government did not accept anything. There seems to be very little indication that the Government will accept anything now. One of these days, people will look back at this Parliament and say: "In view of what that committee was told by eminent Canadians on the question of civil rights, why did the Government not budge, why did it not adjust, why did it not pay attention to some of the matters that were brought before it?" Someone might say: "Well, there are only a few Government Members in committee and they do not reflect the entire government caucus".

I think it is important that these amendments be put to the House because we know that there are Government Members who think that there is considerable merit to a number of these amendments. They feel there is merit to the amendments on parliamentary oversight, on the review committee's right to have access to Cabinet documents that relate directly to the security service, on the definition clause which is Clause 2, Paragraphs (a), (b), (c) and (d), and on many other matters. We know that there are Members on the Government side who think that these amendments which we are trying to put before the House have merit. As a matter of fact, some of the amendments are being moved by a former Solicitor General of that Government.

If these amendments are blocked here, then one of these days someone is going to look back on this Parliament and ask: "What in the name of heaven went on?" Some of these Government Members will respond to that by saying: "Gosh, I did not realize that that was happening. I would have supported that adjustment to Paragraph (d). I do not think that Cabinet documents directly related to the security service should be kept from the Inspector General and the review committee. How could this have ever happened?" It will happen. They will be able to get away with that kind of faldral if these amendments are not put at report stage.

● (1210)

There is the question of process and procedure. There is also the question of the substance of these amendments fitting into