

permitted to function, and Canadians feel secure and protected from activities that are against their interests and those of their country.

Much publicity has been given to the use of the mails for communications purposes by the Japanese Red Army Terrorist Toshio Omura in Toronto, and the RCM Police interception of the mail as a means of neutralizing the threat posed by this dangerous individual. Despite the inadequacies of some reporting of testimony given relating to this incident, I am convinced that thoughtful consideration of the record before the present commission of inquiry headed by Justice McDonald will indeed demonstrate the importance of mail interception in the resolution of this matter.

It is difficult for me to concede, Mr. Speaker, that Canadians as a whole would argue that the private communications of a man such as Omura should remain sacrosanct. Omura is one of the most infamous terrorists in the world today and his record of misdeeds makes appalling reading—hijackings in his country and other terrorist atrocities—world wide. The logic that men such as he, once having gained access to Canada, are free through first class mail communications to hatch plots for violence here or elsewhere escapes me completely.

The same is true in respect of other acts of subversion, especially espionage. I think there is little value in dwelling on the details of espionage techniques used by such agents. What is clear is that such techniques do indeed involve the use of the mails for safe passage of communications. The activities of espionage agents are inimical to our well being, to our national interest, to our national security, and I think there is no obligation on our part to facilitate or make easy their unacceptable behaviour in Canada. Indeed, I firmly believe that we would be seriously remiss in the discharge of our duty as parliamentarians if we failed to make life as difficult as possible for such persons. That is what the security provisions of this bill intend.

Finally, in respect of the security issue, I think it is important to realize that both the Franks Commission in the United Kingdom in 1957 and the Australian Royal Commission on Intelligence and Security in 1977 agreed on the need to allow their respective national security organizations to intercept and open mail under warrant. I believe we are on firm ground in this matter and that nothing we are proposing in this bill is inconsistent with democratic principles as we understand them in this country.

I would like now to turn to two other aspects related to Bill C-26: the procedure for the issuance of warrants both for the interception of mail in respect of narcotics trafficking and security related activities, and the reporting requirements to parliament embodied in the bill.

In respect of warrants to intercept the mails to prevent offences against the Narcotics and Food and Drugs Acts, the procedures are similar to those now in place respecting the interception of electronic communications. First, approval for seeking a mail intercept warrant must be obtained from the superiors of the peace officer or public officer involved in the investigation. Second, a peace officer or public officer then

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submits an application for a warrant in writing to the Solicitor General of Canada, or an agent specifically designated by the Solicitor General to receive and review such applications. Accompanying the application will be an affidavit containing information pertinent to the investigation. The peace officer will be required to swear to the authenticity of the information contained in the affidavit. Third, once the Solicitor General or his agent approves the application, it is presented to a judge of the superior court of criminal jurisdiction for the area. If the judge is satisfied that issuance of a warrant would be in the best interests of the administration of justice, and that other investigative procedures have been tried and have failed, the judge may then issue a warrant.

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In matters of national security, warrants authorizing the interception of first class mail will be issued only by the Solicitor General of Canada. Applications for a warrant will be presented to the Solicitor General by the director general of 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 nature of subversive activities is defined under section 16(2) of the Official Secrets Act. That definition is quite evident in itself and is quite wide in its application.

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.

### *[Translation]*

Mr. Speaker, I would like to repeat in French my remarks dealing with the procedure for the issuance of warrants. In respect of warrants to intercept the mails in order to prevent offences against the Narcotics and Food and Drugs Acts, the procedures are similar to those now in place respecting the interception of electronic communications. First, approval for seeking a mail intercept warrant must be obtained from the superiors of the peace officer or public officer involved in the investigation. Second, a peace officer or public officer then submits an application for a warrant in writing to the Solicitor General of Canada, or an agent specifically designated by the Solicitor General to receive and review such applications. Accompanying the application will be an affidavit containing information pertinent to the investigation. Third, once the Solicitor General or his agent, approves the application, it is presented to a judge of the Superior Court of Criminal Jurisdiction for the area. If the judge is satisfied that issuance of a warrant would be in the best interests of the administration of justice, and that other investigative procedures have been tried and have failed, the judge may then issue a warrant.

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