

Security Intelligence Service

I should like to suggest in view of the Minister's comments that whatever is not specifically prohibited can be allowed; that clauses such as these should be specifically written into the Bill before it is passed into law. At page 1078, the report has some suggestions regarding by-product information that is found as a result of investigations looking for other material, that it should be closely monitored to ensure that investigations are not being misdirected for a purpose irrelevant to the security of Canada and that the use of by-product information has to be closely watched to make sure that it is not used for other purposes.

Recommendation No. 33 reads as follows:

We recommend that the legislation governing the security intelligence agency include a clause which expressly denies the agency any authority to carry out measures to enforce security.

I did not find a clause such as that in Bill C-9, Mr. Speaker. Recommendation No. 37 reads as follows:

We recommend that the security intelligence agency not be permitted to disseminate information or misinformation in order to disrupt or otherwise inflict damage on Canadian citizens or domestic political organizations.

I do not find anything in the Bill to prohibit that kind of activity.

Recommendations Nos 49 and 50 suggest that there should be guidelines for relations with foreign security agencies which, as you know, are tied into this legislation so that information collected about Canadians can be passed on to foreign security agencies. The McDonald Commission at least suggested that guidelines should be developed in that area. But there is nothing to that effect in the legislation, and given the Minister's statement that anything not specifically prohibited can be permitted, I think it should be written in.

On Friday, the Hon. Member for Burnaby (Mr. Robinson) tried to get an answer to this question from the Parliamentary Secretary. He asked if the Government was going to be making public the names of those agencies of other countries with which the security service will exchange information. The Parliamentary Secretary answered "I don't believe so, Mr. Speaker". We are not even going to know the names of the other agencies let alone the kind of information that is being passed on to them.

We have the same situation with regard to accountability. On page 1100 the McDonald report recommends a three-member advisory council whose appointment would have to be approved by Parliament. In other words, the Government would have to come before the House and the Senate with the names of the appointees and there could be a debate and question raised if some of those appointees were not suitable.

Clause 35 of Bill C-9 refers to a Security Intelligence Review Committee. The Leaders of the Opposition Parties would be consulted about the members of that committee but it would not be referred to Parliament. We all know how little such consultation can be in some circumstances. I feel we should at least be looking at the recommendation of the McDonald Commission that the names must come before Parliament for approval.

● (1140)

With respect to the powers of the two committees, the report of the McDonald Commission suggests that there should be full access to all documents. As has been pointed out, this Bill restricts access to Cabinet documents so that members of the security service could in fact have access to some Cabinet documents; but the Security Intelligence Review Committee, which is to oversee them, would not have access to those documents.

Section (g) of Recommendation 180 of the McDonald Commission report suggests that the advisory council should report to a joint parliamentary committee on security and intelligence at least annually on the following:

(i) the extent and prevalence of improper and illegal activities by members of the security and intelligence agency—

(ii) any direction given by the Government of Canada, to the security intelligence agency or any other federal organization collecting intelligence by covert means, which the Council regards as improper;

(iii) any serious problems in interpreting or administering the statute governing the security intelligence agency.

This recommendation ties in parliamentary accountability to a much greater extent than Bill C-9, in which Clause 53 simply requires a report by the advisory council to the Minister, who then tables that report in Parliament; and we do not know if Parliament has any right to discuss it.

Section 184 at page 1102 of the McDonald Commission report calls for the appointment of a joint parliamentary committee which would have the power to consider the estimates of the proposed security service. We do not have any of those powers in the present Bill, Mr. Speaker. When the McDonald Commission introduced its report, it said that all the recommendations were tied together. On page 405 of that report it is stated:

To accept the recommendation as to the kinds of activities about which the agency should be empowered to collect intelligence, without implementing the recommendations as to scrutiny and control by the Minister, Parliament, and the independent review body would be dangerous. To accept the recommendations about relationships between the agency and the agencies of foreign countries without the same régime of scrutiny or oversight would be dangerous.

We have a royal commission which cost the Canadian public \$15 million and which says that unless we have those built-in safeguards, we are getting into a dangerous situation. That is precisely what we have with Bill C-9.

The Tories say they are opposed to this Bill. I wonder how much they are opposed. In Brecht's play, *Mother Courage and Her Children*, one of the characters says: "It's unjust and I won't stand for it". Mother Courage replies: "How long won't you stand for it? An hour? A day? A week?" I would like to ask the Tories how long will they not stand for this Bill. How long will they oppose it? Will they put up one speaker to every New Democratic Party speaker or are they going to insist upon their full complement of three speakers to every New Democratic Party speaker? Let us see how strongly the Tories oppose it.

The Hon. Member for Lethbridge-Foothills (Mr. Thacker) spoke on the Bill on Friday. I was interested to read what he