

*Security Intelligence Service*

motion is to clarify the nature and terms of the review that is to be undertaken by the review committee established by the Bill. I think that this is an important point: Motion No. 94 merely clarifies the functions of the review committee which is created by Clause 34 of Bill C-9.

As indicated in Clause 38, the primary object or function of the Review Committee is to "review generally the performance by the service of its duties and functions". However, Mr. Speaker, Clause 38(a) outlines in detail certain of these functions. These subclauses, while falling squarely within the general object of the review committee, do not permit the review committee to fulfil its entire mandate of undertaking a general review of the duties and functions of the service.

For example, although Clause 38(a) contains references to the specific powers outlined in certain clauses of the Bill, it does not give the review committee the authority to review the service's role in providing security assessments to departments pursuant to Clause 13(1), or its role in providing advice to all Ministers pursuant to Clause 14. Thus, the specific objects of the review committee fall far short of the general function or objects of the review committee. I suggest with all deference, Mr. Speaker, that Motion No. 94 would correct this oversight.

The general review of the performance of the service cannot take place in a vacuum. Clause 12 of the Bill empowers the service to collect, analyze and retain information relating to threats to the security of Canada and to keep itself informed through public sources of information about the "political, economic and social environment within Canada and matters affecting that environment". Since the service is given such a broad mandate, is it reasonable to assume that a general review of the performance of the service could be any less wide-ranging?

With respect to the specific powers of the service for which no review is provided under Clause 38, it is interesting to note that Clause 13 of the Bill permits the service to provide security assessments to all departments of the Government of Canada. The definition of the word "department" is that contained in the interpretation clause of the Bill and reads as follows:

- (a) any portion of a department of the Government of Canada or of the province, and
- (b) any Ministry of State, institution or other body of the Government of Canada or of the province or any portion thereof;

As well, the service is empowered under Clause 14 to:

—advise any Minister of the Crown on matters relating to the security of Canada that are relevant to the exercise of any power or the performance of any duty or function by that Minister under the Citizenship Act or the Immigration Act, 1976.

Thus, it can be seen that the powers of the service cut across all departments and agencies of the Government of Canada. It is also evident, however, that the review Committee that is to be established under Clause 34 of the Bill does not have the authority to review all of the activities, functions and duties of the service. The motion of my colleague would serve to correct this deficiency in the Bill.

Surely, Mr. Speaker, an important aspect of any review of the performance of the service must include a general review of the effectiveness of Canada's security and intelligence functions and arrangements. Only by conducting such a general review of the measures that are in place can a rational evaluation of the security service's role and performance be made. In other words, if it is done in a vacuum, not having regard to the other important elements in terms of the security intelligence gathering functions of government, then the review which takes place by the review committee will be ineffectual and inadequate for the purpose for which it was established. It stands to reason that, even in light of the broad mandate of the service, if other agencies of government are involved in intelligence gathering, then there must be some failure on the part of the service to fulfil its mandate. That information is of importance to any review that might be undertaken by the review committee. Furthermore, such a review is necessary when placed in the context of the service's advisory role to other departments and Ministers.

Thus, Mr. Speaker, it can be seen that the effect of Motion No. 94 would be to bring the powers of the review committee into line with the broad general powers of the service as outlined in Clause 12, and would provide the review committee with sufficient authority to undertake a review of the service's studies under Clause 13(1) and Clause 14. Having regard to what I hope I have established as being the relevance of this amendment with respect to the powers contained in the legislation, and the existing powers which were passed and approved at second reading stage, it seems to me that there is a solid and rational basis upon which Your Honour could come to the conclusion that it is in fact germane and within the scope of the legislation as presented and passed at second reading.

The difficulty which I see if we do not allow a reasonable interpretation in terms of legislation of this nature is this. It is fair to say that you, Mr. Speaker, can take notice of the fact that there is a considerable amount of public interest and concern shown when we are entering into the passage of legislation which deals with the national security of our country. The legislation deals with the establishment of an agency which will have the scope and power to investigate and, to use the colloquial term, spy upon people, residents and citizens of Canada. Procedural observations should be equitable and brought forward on the basis of a fair and rational debate in a free and democratic Parliament.

● (1520)

I do not want to sound maudlin, Mr. Speaker, but I believe there are important principles of freedom involved in this legislation which would dictate that you, as the first commoner, would opt for a reasonable interpretation of this legislation, allowing a debate on the ability and capacity of the review committee to investigate the capacity of the security service to operate in the context of other security intelligence gathering agencies in Canada. That is the essence of it. I believe it is based upon fair and reasonable procedural considerations. I believe I have been able to demonstrate with respect to this