

CHAPTER FOURTEEN

The Role of Parliament

14.1 Background

Parliament has played a minor role in monitoring and reviewing the activities of Canada's security and intelligence community. Even in what is arguably its most traditional of functions—the scrutiny of departmental estimates and the voting of funds—Parliament's involvement has been minimal in the area of security and intelligence. It has not been made privy to information on CSIS beyond the one-line entry in the Main Estimates.

This lack of involvement has developed for a variety of reasons. Perhaps of greatest importance has been the perception that matters of national security are by convention the prerogative of the Crown, not Parliament. This perspective has been enhanced by the view that intelligence agencies need a high level of secrecy to be effective and that making Parliament knowledgeable about such matters may not only politicize affairs, but may actually endanger the state by weakening the effectiveness of its defences.

The extended period of public scrutiny encompassed by the Keable and McDonald Commissions stimulated parliamentary activity in the area. After the adoption of the *CSIS Act* in 1984, the House of Commons Standing Committee on Justice and Solicitor General heard testimony on a fairly regular basis from the Solicitor General, the Director of the Service, SIRC, and the Inspector General. Between 1986 and 1989, the Senate conducted two important inquiries into terrorism and public safety. Parliament also replaced the *War Measures Act* by adopting the *Emergencies Act*.

14.2 Current Obligations

Parliament placed a number of statutory obligations on itself when it passed the *CSIS Act* and the *Security Offences Act*. The Solicitor General must now lay SIRC's annual report before each House of Parliament within fifteen sitting days of receiving it. This has drawn parliamentary and public attention to the security intelligence function.

Finally, section 56 of the *CSIS Act* and section 7 of the *Security Offences Act* required Parliament to establish a committee for the specific purpose of conducting "a comprehensive review of the provisions and operation" of the two Acts and to submit a report on that review to Parliament.