

Mr. Robinson (Burnaby): Dial a judge, as my colleague suggests. Certainly that is totally inadequate as a safeguard.

The Pitfield committee recommended that before any warrant is issued for the use of intrusive powers, a federal court judge should be required to balance the invasion of privacy, on the one hand, against the information which might be obtained through the use of intrusive powers, on the other. That important recommendation was rejected out of hand by the Government in Bill C-9.

The requirement for some safeguards in the placement of informers, which is surely one of the most chilling and intrusive techniques, is absent from the legislation.

The final major area of the Bill is the question of oversight and review. The Bill falls far short of what the minimal standards must be for proper oversight and accountability. There is an Inspector General and a Security Intelligence Review Committee, but both bodies are denied access to cabinet documents already in the possession of the security service itself.

As Professor Peter Russell said, the sheer arrogance of this provision is simply numbing. We must bear in mind that the Cabinet documents, with which we are saying we are not going to trust the Inspector General and the Security Intelligence Review Committee, are already in the possession of the security service. The people who we are being told are not trustworthy to deal with them are Privy Councillors appointed by the Government of the day. That makes a mockery of effective oversight.

The recommendation of the McDonald Commission for a parliamentary committee is essential if Canadians are to have confidence in the operation of a civilian security service, or any security service for that matter. Such a body has been proven to be effective in the United States and in West Germany. I suggest that a similar body is absolutely essential here. The McDonald Commission made it very clear in its report that in granting the sweeping powers it proposed—and I emphasize that the Bill goes far beyond the McDonald Commission and the powers it would propose—all of these parliamentary committees in the examples it used indicate a democratic desire to subject secret state intelligence activities to review by persons associated with the democratic critics of the Party in power. It is this fundamental recommendation that the Bill would totally ignore.

Another area must be addressed, Mr. Speaker, and that is the potential for abuse through the sharing of information obtained by the new security service with agencies in other countries. At one point the Solicitor General indicated that the present security service exchanges information with agencies in other countries. How can we possibly grant to a new security service the power to obtain sweeping access to information on the privacy of Canadians when we know that this information may end up in the hands of security agencies in other countries which are subject to no scrutiny whatsoever?

I mentioned the provisions of the legislation which would permit intrusive powers to be used against individuals who

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may have information which would assist in the conduct of the external affairs of Canada with no threat to national security whatsoever. A student group, an ethnic group, a foreign professor who may have information that is of assistance to the Department of External Affairs could have their mail opened, their telephones bugged and all other intrusive techniques used against them. In a democratic society surely a provision of that nature is completely unacceptable.

In three essential areas this Bill is completely deficient, that is, with respect to the potential mandate of the new security service, with respect to the enormous powers which might be used by the service, and with respect to the very question of oversight and parliamentary accountability.

It is most appropriate that the Bill is being debated in 1984, Mr. Speaker; it is most appropriate because it would be ironic if, in seeking to achieve the objective of guarding in Canada against totalitarian influences, we should adopt the very tools of those totalitarian governments themselves. Surely that would be the ultimate irony.

I suggest that the Bill in its present form constitutes a very serious threat to the civil liberties of all Canadians. It constitutes, in effect, an unwarranted invasion into the privacy of Canadians. We in this Party will do everything in our power to prevent the legislation, which constitutes such an affront to civil liberties, from being enacted.

• (1530)

[Translation]

Mr. Alain Tardif (Parliamentary Secretary to Solicitor General of Canada): Mr. Speaker, it is with great pleasure that I take part in the debate this afternoon. First, however, I would like to say that the Opposition has been making remarks, criticisms and comments which unfortunately, in my own humble opinion, are more specifically concerned with the former version of the Bill. I may remind the House, Mr. Speaker, that Bill C-9 is entirely different from the first version, known as Bill C-157. In fact, the objective of over forty amendments made to Bill C-157 was as follows: to restrict the mandate of the Security Service. We also wanted to strengthen ministerial control and ministerial responsibility for the actions of the Security Service. Conditions for the approval and use of investigation techniques were to be more stringent. Furthermore, the amendments confirmed clearly that Security Intelligence Service operations were to observe the law in every respect. Provisions concerning surveillance and the examination of third parties were to be clarified and reinforced. There was also to be a re-affirmation of the powers of provincial Attorneys General to prosecute security offenses, while leaving the federal authority sufficient powers to intervene in the interests of national security. Mr. Speaker, I would say that the new version we are discussing today in the House has achieved these objectives and, for all practical purposes, reflects all of the major criticisms which were reasonable, up to a point, since the Government took the trouble to table a new Bill, as Bill C-9.