

in asking for these exceptional powers, to ask them of a judge without even telling the judge all the laws they intend to break?

Hon. Bob Kaplan (Solicitor General of Canada): Madam Speaker, on the first point, I believe the Hon. Member is referring to Clause 18, which has been pretty widely misunderstood. I would ask him to read it—

Mr. Broadbent: I have read it.

Mr. Kaplan:—because the purpose of Section 18 is to give authority to the agency, with the approval of a judge, to carry out certain intrusive operations.

Mr. Broadbent: Right. Including activities by foreign agents.

Mr Kaplan: I can assure the Hon. Member that that authority will not be given and cannot, under law, be given to anyone but an employee of the agency. Certainly, it cannot be given to some foreigner and there is no suggestion in the legislation that that power should be given to one.

REQUEST THAT MINISTER WITHDRAW LEGISLATION

Hon. Edward Broadbent (Oshawa): Madam Speaker, the agent applying for the authority has to be a Canadian. The Minister is right in that. However, the Minister also knows that another agent of a foreign country, acting with a Canadian agent, can do acts in this country which now would be illegal. That is the point of the question.

Considering that the Minister himself last week acknowledged that there are serious flaws in the Bill, considering that all of the provincial representatives, equivalent to his office at the provincial level, the Attorneys General of all the Provinces, are opposed to the Bill, and that the professors of law at the universities have spoken out against it, as well as the civil liberties groups, will the Minister admit that he has brought in a seriously flawed piece of legislation, and withdraw it completely?

Some Hon. Members: Hear, hear!

Hon. Bob Kaplan (Solicitor General of Canada): Madam Speaker, one must examine the proposals in this Bill and compare them with present arrangements where there are no legislated safeguards, although there are administrative safeguards. One must recognize that we are proposing to tighten the mandate, to describe it for the first time in the history of our country according to legislation of this Parliament, and to provide for a judicial pre-clearance of warrants, which has no counterpart today.

Any warrants which can be issued are issued by me and I am subject, unfairly I would say, to being guilty of partisanship or interest in the success of operations. In any event, a judicial warrant procedure is provided. And one must consider the creation of the office of Inspector General outside the service, an auditor with full power to review any operation and

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conduct an audit of it, and one must look at the review committee, where we are proposing to bring in three respected outsiders—not Members of the Government and not former Members of the Government, but outsiders with no vested interest in success—who will be there as a safeguard representing the public interest.

I know there has been some criticisms of the Bill, and some serious criticisms of the Bill, but if one compares the Bill with present arrangements, something which is understandably difficult for Parliament to do, and when one recognizes that national security at the bottom is an intrusion on the privacy and civil liberties of individuals, one which goes on now under present arrangements without these legislative safeguards, I believe the reasonable thing for the Hon. Member and his Party to do is to agree that this issue should be brought before Parliament, that the Bill should have second reading, and go to committee. Let us hear from all these experts who have comments to make to improve it, and comments to make to amplify it. Let us proceed and act as a Parliament to improve the arrangements which, twice in the past, have led to Royal Commissions.

Some Hon. Members: Hear, hear!

PROPOSED REVIEW PROCESS

Hon. Elmer M. MacKay (Central Nova): Madam Speaker, I wish to ask the Solicitor General a question about the review committee. Would the Solicitor General consider, if necessary, amending this process to make sure that Canadians, who, through honest mistake or human error are singled out by the new Service and suffer damage to their reputations or property, could get more speedy access to relief and that there would be more accountability than presently appears in the Bill?

• (1430)

Hon. Bob Kaplan (Solicitor General of Canada): Madam Speaker, there are specific provisions for review in the Bill, and they have no counterpart now. An individual denied citizenship on security grounds, an individual denied immigration status, an individual denied employment or promotion in the Government on the grounds of national security, will have a right of review if this Bill is passed. Not only that, in response to the Hon. Member's question, there is already a complaints procedure provided in the Bill, which has no counterpart today, where anyone in the country who feels he or she has been victimized by the Security Service has a right to a hearing if that is what the review committee decide, and it is up to them to decide. Such a person will have the opportunity to get the records corrected and have justice done with respect to his or her case.

REDRESS FOR INNOCENT PERSONS

Hon. Elmer M. MacKay (Central Nova): Madam Speaker, I appreciate the Minister's answer, but I think he will recall, for example, when a member of the Protective Staff some