

found that these types of threats could not be dealt with solely by law enforcement agencies. Advance intelligence is required in any credible attempt to protect security, and a distinct security intelligence capacity is the only realistic source of such intelligence.

7 It should be noted that, while there was considerable divergence among witnesses before the Committee as to the appropriate mandate, powers, structure and location of a security intelligence agency, no witness questioned the need for such an agency. There was, indeed, substantial disagreement among witnesses as to the extent and seriousness of threats to Canada's security. But, again, no witness claimed that there were no threats, or that the threats were so minimal as to require no significant response. The debate before the Committee on Bill C-157 demonstrated implicit acceptance of most of the basic principles enunciated in this area by the MacKenzie and McDonald Commissions. Accordingly, the Committee has found that the need for a security intelligence capacity has been demonstrated. What must be addressed is the extent and configuration of that capacity.

2. Jurisdiction

8 The issue of jurisdiction, at least in relation to the establishment and operation of a security intelligence agency, is clear and easily disposed of. The Committee believes that legislative authority in this area clearly resides with the federal government. Ensuring the security of the collectivity is a matter of national importance, and is a distinct subject-matter which does not fall within provincial jurisdiction. Federal authority in the areas of national defence, criminal law and procedure, and "peace, order and good government" all buttress the claim that only the federal government has the jurisdiction to establish an agency with the scope and powers as that contemplated by Bill C-157. No witness seriously challenged federal competence in this area. This is not to deny the provinces a role in security matters; but merely to assert that only the federal government can bring into existence and maintain an agency of this kind.

9 While federal primacy in this area is, in our opinion, beyond dispute, what is less clear is the question of the limits of that competence. Several witnesses, in particular representatives of the provincial law officers of the Crown, have challenged the attempt in Part IV of the Bill to potentially exclude the provinces from participation in the prosecution of security-related offences, and to give the RCMP "primary responsibility" for police work in relation to such offences. This matter will be dealt with in that part of this report which discusses Part IV, the proposed *Security Offences Act*.