

RCMP

An hon. Member: It is not the RCMP that is on trial, it is you people.

Mr. Fox: Term (b) of the terms of reference refers to the right and duty of the commission to report the facts relating to any investigative action or other activity involving persons who are members of the RCMP. That gives the commission of inquiry the right to examine any illegal activity, and follow it wherever it leads. If it should lead to a minister of the Crown, it is the right and the duty of the commission to do so.

Mr. Clark: That is not clear.

Mr. Fox: That is very clear in the terms of reference.

An hon. Member: Read them again.

Mr. Fox: I have read them time and time again, and I am satisfied that is the case. We have set up a commission of inquiry and we have referred to that commission all the complaints we have received to date. These complaints will be examined by that impartial, independent body.

Tonight the opposition asks us to tell whether there will be any other cases of illegal acts committed by the force. Mr. Speaker, it is quite possible that in the course of investigation by the commission, while it goes through the files of the force, or in the course of examining witnesses under oath, other cases of illegal activities may come forth. It is an indication of the fundamental position of the government, and of the fundamental position of the Commissioner of the force, that if there have been any illegal acts they ought to come out in the light of day and any individuals involved in those acts should face the due process of law, as would any other Canadian.

Mr. Woolliams: What about the ministers?

Mr. Gillies: Does it include ministers of the Crown?

Mr. Allmand: Yes.

Mr. Fox: It is quite clear, Mr. Speaker, that there have been some illegal acts. It is also clear that the RCMP, in the overwhelming majority of cases, has always acted within the limits of its mandate and within the rule of law. That is part of the clear directives given to the director general of the security services by the government and also by the Commissioner of the RCMP.

Mr. Forrestall: Most of the time, but not all of the time.

Mr. Fox: In conclusion, Mr. Speaker, I should like to go over some of the procedures adopted by the government and by the security service in order to ensure that there is indeed greater accountability procedures within the force. This has been a source of constant concern and preoccupation for the government. It dates back to the 1969 royal commission when the government asked a royal commission, made up of a number of eminent Canadians, to examine the problem. It produced a number of recommendations, some of which were accepted by the government and some of which were not. The

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government also went even further than some of the recommendations.

In 1971 the government set up the police and security planning group which has received a great deal of criticism in this House. That group was designed to help provide a more sophisticated analysis and to process information coming in. In 1974 we had the Official Secrets Act in which parliament defined for the first time the term "subversion." Within that act, an obligation was put on the RCMP security services to obtain the authorization of the Solicitor General of the day in any matters requiring wiretapping or electronic eavesdropping. While this was only adopted in 1974, previous solicitors general applied the rules of the 1974 legislation within the ministry of the solicitor general before the act was actually adopted by parliament.

In 1975 the government gave a new and clear mandate to the RCMP, which was followed by cabinet directives in 1976, as I mentioned in my speech in the House on Friday.

In 1976 the Marin commission was established and the report will be implemented in the course of the present session. In the spring of 1977 within the security service there was established an operations review committee with the function of examining the operations of the force on a current basis to ensure operations would come within the mandate given to the force by the government, and also to ensure that the operations are carried out within a legal framework. This operations review committee and the director general have access to senior justice officials.

In 1977 we have the new royal commission of inquiry which will be looking at some of the fundamental problems that face the security services. In that regard I would very much have appreciated receiving some constructive comments from the opposition this evening about the fundamental dilemma that faces any security service in any country. This is a dilemma that was identified by the royal commission in 1969. Obviously, however, members of the opposition have decided they would prefer to criticize and downgrade our institutions rather than make constructive comments on how we can improve the situation.

Some hon. Members: Hear, hear!

● (2102)

Mr. Fox: This fundamental dilemma is one which I intend to see is brought to the attention of the royal commission on security.

[*Translation*]

Mr. Speaker, it is quite a dilemma, because after all what we say and what the royal commission observed back in 1969 is that a security service is expected to carry out its operations strictly within the law. I totally agree that it is essential that a security service should carry out its operations within the law.

Mr. Speaker, it is also obvious that under the present provisions of the Criminal Code, some situations are completely nonsensical. For instance, as I said in the House this afternoon, a security officer who would try to secure a code