

Security Intelligence Service

In any case, I feel the suggestion that we start immediately with Clause 1 is very practical, and I have no objection to the House proceeding with consideration of the Bill, if the Chair agrees.

[English]

Mr. Speaker: The Chair wishes to express its concern with what we are facing at this stage. Second reading is debate in principle. It is not for the Chair to pass judgment on how effective, thorough or complete such a debate was. Committee stage is where clause by clause analysis takes place. It appears that the intention of the mover of these amendments is to bring about clause by clause discussion by the full House at this stage. He has said so. He wants the principle of every clause discussed; that is why he moved deletion. That apparently is what he said, from the Chair's understanding of his remarks.

It appears as far as the Chair is concerned that this is a violation of the basic principle of legislative process. Why do we have referral to committee, if clause by clause discussion is not done in committee? Why bother with referral to committee, if the intent is to force a full clause by clause discussion in the House at report stage? Nevertheless, in the interests of proceeding, the Chair is prepared to call Motion No. 1. However, the Chair will serve notice that it will do its duty in grouping. The Chair will not stand by and have a full clause by clause review at report stage.

● (1200)

Mr. Svend J. Robinson (Burnaby) moved:

That Bill C-9 be amended by deleting Clause 1.

Mr. Speaker: Mr. Robinson (Burnaby), seconded by Mr. Heap, moves that Bill C-9 be amended by deleting Clause 1. I am calling this for the convenience of Hon. Members. I serve notice on the House that there will be a grouping of these deletion proposals at a later stage; but for purposes of debate now, the Chair recognizes the Hon. Member for Burnaby.

Mr. Robinson (Burnaby): Mr. Speaker, I should make it very clear that I have no objection whatsoever to a grouping of the deletion motions as is appropriate. At no time in the course of my intervention this morning did I suggest that we repeat clause by clause study at report stage. I suggested that there were a number of broad subject matters which are appropriately grouped together. That does not mean, by any stretch of the imagination, that each clause would be dealt with as a separate unit.

At this stage we are embarking upon our study at report stage of what is one of the most important pieces of legislation to come before the House in many decades. The implications of this Bill with respect to the fundamental civil liberties and privacy of Canadians are grave indeed.

Having had an opportunity to review the amendments which have been dealt with at committee stage I suggest the Government has indicated through its response at committee stage to a series of amendments proposed on matters of fundamental principle to strengthen this legislation that it would make legal

what heretofore has been illegal. It could be in terms of narrowing the mandate, a mandate which is certainly excessively broad and would permit targeting the use of intrusive techniques against literally hundreds of thousands of Canadians who have engaged in no violation of the law whatsoever. It could be in respect of amendments to narrow the sweeping range of intrusive powers which can be used under the terms of the Bill, new and unprecedented powers which in essence say to the new security service that, despite the findings of the McDonald Commission on a whole series of laws, be they federal or provincial, breaking and entry, fraud, arson, kidnapping, breach of the Income Tax Act or the Post Office Act, and having clearly documented the abuses which unfortunately occurred in the past and despite the institutionalized contempt for the law which the McDonald Commission found, the Government's response is that it would simply make legal what has heretofore been illegal.

In the area of the powers, amendments which were proposed by Members of this Party significantly narrowing the scope of intrusive powers under the Bill were rejected one after another by Government Members. The new security service would still have the power, as this legislation is presently drafted, to use all the most intrusive techniques imaginable, whether it be breaking and entry into a private home, removing any document or indeed anything from that home, accessing confidential income tax records, breaking into a doctor's office to look at confidential medical or psychiatric records or accessing the mail. First-class mail for the first time would be legally subject to being opened. The only exemption provided in the Bill are census records. I have noted more than once the irony of the fact that even a church confessional will be fair game under the terms of the legislation. The only thing which will be sacred in the country if the Bill is passed will be the offices of the Chief Statistician of Canada.

We gave the Government an opportunity to narrow the terms of the legislation with respect to the powers accorded to the new service, powers which go far beyond those recommended by the McDonald Commission. Indeed, they go far beyond those recommended and in place today for the FBI, which in the case of so-called domestic subversives must utilize a criminal standard.

In the other major area of the type of scrutiny or the nature of the oversight of operations of the new service, once again the Government has rejected out of hand suggestions for strengthening this review process. Indeed, one major area of improvement in the Bill would have permitted access to all documents in the possession of the security service by the Security Intelligence Review Committee. That amendment was passed on the casting vote of the chairperson of the committee. The Solicitor General (Mr. Kaplan) says that he does not accept that amendment. He intends to bring forward an amendment in the House to restore that clause, a clause which would effectively gut the minimal review process in the Bill of any meaning or substance whatsoever.

There are three broad heads to this legislation. In each area we have attempted to strengthen the Bill. We have proposed