legitimate dissent, and that is specifically protected by Parliament.

We incorporated by reference this definition because it represented the most recent time that Parliament had been engaged with the issue of what in fact represents a threat to the security of Canada. The CSIS Act was the product of extensive deliberations both in committee and in both houses.

There is also a provision within the CSIS Act which sunsets the act and brings it back for reconsideration by Parliament next year. Any changes which are made by Parliament to the definition of threats to the security of Canada and the CSIS Act—whatever Parliament deems at that time to be appropriate in dealing with the whole issue of counter-terrorist and counter-subversion, and so on—would be automatically incorporated by reference in this legislation as well. We did not want to attempt to refight the battles of the CSIS Act with emergencies legislation, but say that whatever is decided by Parliament with regard to the statute which is most designed to deal with this whole issue would be incorporated by reference.

Let me put the definition on the record. It states:

> "threats to the security of Canada" means
>
> (*a*) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,
>
> (*b*) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
>
> (*c*) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state, and
>
> (*d*) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,
>
> but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (*a*) to (*d*).

One of the distinctions I would stress here is that while the CSIS Act may give to CSIS the responsibility, if you look at subversive activities or if you are dealing with the issue of foreign directed activities within Canada, the scope is relatively broad as it relates to the generation of intelligence by CSIS.

● (1930)

Where it would differ in this bill is that you must demonstrate the fact that a situation is so grave as to constitute a national emergency. It may well be that, in instances where there is foreign-directed activity in Canada, it is appropriate for the government to keep an eye on it to make sure they know what is happening. However, one would have a very hard time indeed, in many instances, in demonstrating that such activity constituted a national emergency, which is defined in clause 3 as being:

> . . . an urgent and critical situation of a temporary nature that
>
> (*a*) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or
>
> (*b*) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada
>
> and that cannot be effectively dealt with under any other law of Canada.

So, senator, that definition of "national emergency" again tempers and constrains the definition under the CSIS Act.

Senator Neiman: Mr. Minister, you mentioned that the provisions of the Canadian Charter of Rights and Freedoms and of the International Covenant on Civil and Political Rights and of other federal statutes, such as the Bill of Rights, will override and safeguard the various provisions of this bill. However, the bill, as it is presently drawn, leaves the reference to the Charter and to the Covenant and the other statutes solely in the preambular clauses of the bill. I know that the Canadian Bar Association, which is one body to which you referred, and I think perhaps the Attorney General of Alberta, recommended very strongly that you put those references into the body of the statute. This has been done with respect to other statutes; for instance, the Freedom of Information Act and the Young Offenders Act.

It would seem to me that this particular bill is of more importance and significance than those other statutes, and I wondered why it had been decided not to incorporate reference to those protective, overriding rights in the body of the bill itself.

Mr. Beatty: Senator, owing to the fact that, as Solicitor General, I amended the Young Offenders Act, I am searching my memory as to whether there was a provision therein that specifically incorporated the provisions of the Charter of Rights. I accept your word that there was, although I do not recall it at this time.

Senator Neiman: That was my advice, and I stand to be corrected on that also, Mr. Minister.

Mr. Beatty: The advice that we had in drafting the bill was that it was not necessary to do that; that the provisions of those protections to which you referred would apply to this bill without further reference to them anywhere in the bill. In the case of the War Measures Act, provisions of other statutes were excluded from applying in that case.

The Charter of Rights, for example, would apply and take precedence over other legislation unless precluded from doing so. The same would apply in the case of the Bill of Rights.

Senator Neiman: Mr. Minister, even under section 1 of the Charter itself exceptions can be made, and it is my under-