

*Security Intelligence Service*

we are trying to do here is not to bring in an amendment which does not properly belong in the interpretation section of the Act. What we are trying to do is improve the wording of the interpretation section of the Act and adjust that wording to limit the possibility of a greater invasion of privacy and liberties than would generally be desired with the mandate.

I know Your Honour will consider very carefully the remarks which were made and I would, therefore, feel it appropriate to move on to the next stage of my argument. You will know, Mr. Speaker, that yesterday I was able to give to the Table a package of motions which are being proposed in my name on behalf of our Party, in order to assist the Table and Your Honour. It is headed: "The Report Stage of Bill C-9, Canadian Security Intelligence Service. Notes on Proposed Amendments of the Official Opposition. June, 1984".

Before leaving Motion No. 3, which I was discussing yesterday, with respect to Clause 2 of the Bill, I want to make the record clear. What we propose in our Motion No. 3 would be to narrow Paragraph (a) of the Bill before us. Specifically it would narrow the definition of "threats to the security of Canada" by making it clear that the espionage or sabotage must be against Canada, or detrimental to the security interests of Canada. This amendment would narrow the definition to preclude economic or commercial espionage from being included in the service's mandate. I remind Members of the House that the Attorney General of Saskatchewan, in a brief filed with the committee, said that the phrase "detrimental to the interests of Canada" is wide enough to include economic espionage and any other espionage that could be construed as detrimental to our interests and should be limited to the national security interests of Canada. The offensive aspect of economic espionage should be dealt with by the criminal law.

● (1120)

Further, our amendment would narrow Paragraph (b) of the Bill; that is, narrow the definition of "threats to the security of Canada" by making it clear that the foreign-influenced activities within or relating to Canada must be detrimental to the security interests of Canada in order to come within the mandate of the security service.

Another amendment under our Motion No. 3 would significantly narrow Paragraph (c) of the Bill as it is presently before us relating to the definition of threats to the security of Canada by restricting the mandate of the service. Activities would not only have to have as their purpose the achieving of a political objective within Canada or a foreign state, but as well would need to be detrimental to the security interests of our own country, Canada.

The other amendment under Motion No. 3 would narrow Paragraph (d) of the definition of threats to the security of Canada by removing from the mandate of the service the investigation of activities directed toward undermining the system of government in Canada. It would instead deal with what the McDonald Commission termed "revolutionary subversion". The wording at page 441 of that Commission's report states that "revolutionary subversion" means activities direct-

ed toward or intended ultimately to lead to the destruction or overthrow of the democratic system of government in Canada.

It is important to note that the Canadian Bar Association said that the words "undermining" and "intended ultimately" should be removed as they are too vague and broader than necessary. Also, the Attorney General of Saskatchewan, at page 5 of his brief, stated that the word "ultimately" in the definition is "not particularly definitive". Our amendment also removes the reference to the "ultimate" intentions and the amendment would also ensure that lawful advocacy, protest or dissent are not the subject of investigation by the service. In relation to this matter the Attorney General of Saskatchewan called the closing words of the "threats" definition as presently before us "an empty guarantee".

I think it can be shown that our Motion No. 3 does not come within the stricture of the Beauchesne's section which Your Honour asked us to consider yesterday. However, there is another aspect to this. It is not just a procedural matter at all. These four paragraphs in the Bill, Subclause (2), (a), (b), (c) and (d), are of utmost importance in the working of the mandate set out in the remainder of the Act. Your Honour will remember that yesterday I pointed out that these definition sections caused very great concern to the many people who brought briefs and suggestions to the committee. These amendments are aimed at improving the wording of these definitions. They have nothing to do with anything else in the Act. They direct themselves entirely, completely and exclusively to the definitions which are presently before us in the Bill. I think they are in order. I do not know how we would explain to the public of Canada if, when we got to report stage of this Bill, after weeks of listening to witnesses, some of them with quite significant credentials in terms of the law and civil rights, we could not follow up on any of the suggestions they made by moving amendments to these very vital definition sections.

● (1125)

In your ruling you also said that Motion No. 11 seems to change the purpose and principle of the Bill as agreed to at second reading by bringing the service under the control of the Royal Canadian Mounted Police. Your Honour has, of course, cited the traditional rules which say that an amendment cannot be contrary to the principle of the Bill. With that proposition I have no quarrel. The difficulty lies in deciding what the principle of a Bill is. The difficulty also lies in deciding what is meant by "approval in principle" in terms of the second reading debate.

With respect, the real purpose of Bill C-9 is to establish a lawful framework within which the security service of Canada will operate. The word which is being used all the time is a "mandate" for the security service. It really means that rather than having the present security service, which has been physically in place with its personnel and activities for many years, subject only to government guidelines, this Bill properly seeks to set out a mandate. To put it in simple terms that a