

*Criminal Code*

under the Criminal Code, the Narcotics Act and the Official Secrets Act, are almost identical. I think that shows the danger of too much extension.

I want to repeat that I believe that in order to wiretap under the Official Secrets Act for national security, the judge should grant authority.

This is a very difficult act. It would be very difficult to defend oneself under the Official Secrets Act and it would also be very difficult to get a prosecution. It is like the old laws on rape; it was very difficult to defend or to prosecute a rape case because the language was quite vague.

● (1552)

The Protection of Privacy Act deals basically with national security, which we are dealing with under this Bill C-26. I want to read once again something I have taken objection to, and I quote:

(2) The Solicitor General of Canada may issue a warrant authorizing the interception or seizure of any communication if he is satisfied by evidence on oath that such interception or seizure is necessary for the prevention or detection of subversive activity directed against Canada or detrimental to the security of Canada or is necessary for the purpose of gathering foreign intelligence information essential to the security of Canada.

Then we go to the next clause, which is the definition of "subversive activity" which means various things, such as espionage or sabotage. But one thing that strikes me is that it means activities directed toward accomplishing governmental change within Canada. As I said the other day when speaking on my own private member's bill, in any election, when the government finally goes to the people, isn't the opposition asking the Canadian people for a change in the government? In view of economic policies of this government and the economic mess which we find ourselves in with this deficit, if we do not get a change in government this time, the country will be bankrupt. As the member from Crowfoot, the Minister of Industry, Trade and Commerce (Mr. Horner), said only a month before he took that strange walk to join the cattle rustlers, "The country cannot stand another year of Trudeau."

Now I come to subversive activity. Subversive activity means activity toward accomplishing governmental change within Canada. Well, anybody might be suspected of a breach of national security if that is the law of the land. I think it is a very dangerous law. I do not like to put that kind of law or that kind of a tool into the hands of this present Solicitor General or any other solicitor general that may be appointed in the future; solicitors general have not always shown they can obey the law either.

The Official Secrets Act has many sections and they are difficult. For example Section 2(3) provides:

- (3) In this Act . . .
- (b) expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying of, or causing to be copied, the whole or any part of any sketch, plan, model, article, note or document; and
- (c) expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document.

[Mr. Woolliams.]

Section 3 provides:

(1) Every person is guilty of an offence under this Act who, for any purpose prejudicial to the safety or interests of the State,—

That is subject to very wide interpretation. What does it mean? There is probably not one member in this House who could come up with the same definition. Likewise there would not be one judge who would come up with the same definition. Under this act it would be very difficult to prosecute, but it is just as difficult to defend, depending on the circumstances, depending on the political temperament of the country and depending on what the judge had for breakfast.

Under this same section concerning prosecution the act says:

(2) On a prosecution under this section, it is not necessary—

And listen to this.

—to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and notwithstanding that no such act is proved against him,—

The lady from Vancouver will not like that, she likes "her".

—he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State;—

With that kind of ambiguity in the law I must say I am not prepared now or tomorrow to give the Solicitor General the power and the authority to sign warrants without a judge's authorization. I want to repeat that I have absolute confidence in the judiciary of this country. If it is a matter of some evidence that has to be disclosed to a judge which is classified, I am confident, whether that judge is male or female, that he or she would keep that information confidential and private from the public, for the good of Canada. I continue reading this same section:

—and if any sketch, plan, model, article, note, document or information relating to or used in any prohibited place, or anything in such a place, or any secret official code word or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State—

In other words, if any person is in possession of such information, whether or not it was obtained accidentally, if hon. members wanted to take the extreme interpretation of that section that person—man or woman—in Canada could be found guilty. Suppose a person listened in on the telephone having obtained the Solicitor General's warrant and someone asked: "Did you find a document, a sketch, a note or a copy on your desk?", and the answer was "Yes, I read it". Maybe the person in question had no idea whether it was harmful to the state or not but that person could very well under this section of that act be convicted without any notice to himself and without any authorization by a judge. I say that is not good enough, not when we are dealing with this kind of an act.

Then I go on to another section. Again I quote:

4. (1) Every person is guilty of an offence under this Act who, having in his possession or control any secret official code word, or pass word, or any sketch, plan—