

unpredictable and devastating nature of terrorism is still a serious concern and that espionage and foreign-influenced activities are still present in Canada. Finally, certain commentators urged a broader approach to threats to security that would embrace global environmental, climatic, economic and health problems.

The Committee can assert not only that there are threats to the security of Canada, but also that they are in a dynamic period of change. While the Committee is convinced there are threats to the security of Canada, it believes there have to be changes both to the *CSIS Act* and to the Service itself to better reflect a changing reality.

The Committee examined the definition of threats to the security of Canada with witnesses' differing views in mind. It also took into consideration the requirement for an effective security intelligence agency that needs to be properly equipped to address real threats to the security of Canada. It considered this need in the context of the requirement to respect the rights and freedoms guaranteed by the *Charter*. The courts have elaborated a number of tests under the *Charter* to protect such rights as freedom of expression, freedom of assembly and the reasonable expectation of privacy. They have struck down a number of legislative and regulatory initiatives that have had a disproportionately negative impact on guaranteed rights and freedoms or have been excessively vague. Consequently, the Committee considered the different elements making up the definition of threats to the security of Canada and the elaboration of the Service's primary mandate in light of the requirement for an effective security intelligence agency and the guarantees set out in the *Charter*.

The definition of threats to the security of Canada is a comprehensive one — Parliament has indicated the nature of the conduct it considers to constitute threats. Similar definitions of threats are contained in the *Australian Security Intelligence Organization Act*, the *New Zealand Security Intelligence Service Act* and the recently adopted British *Security Service Act, 1989*. The Committee recognizes the difficulty of finding the right definition of threats to security that will both provide the Service with a workable primary mandate and not interfere with rights and freedoms.

3.2.2 *Espionage or Sabotage*

Section 2 of the *CSIS Act* says that “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.

There appear to be at least four elements to this portion of the definition of threats to the security of Canada. These four elements are: