

Security Intelligence Service

sions of Inquiry, the Mackenzie Commission in 1968 and the McDonald Commission in 1977, reached the same conclusion, namely, that the nature of policy operations is not the same as that of security operations. In other words, law enforcement and the duties of a security service are two distinct activities between which there is no comparison and which definitely require totally independent structures. Years of discussion and debate have made it clear that we must give the responsibility for collecting intelligence to an organization other than the Royal Canadian Mounted Police. That is the purpose of the Bill now being considered in the House on second reading. With this Bill, we want to give Canadian citizens the assurance that their individual rights and freedoms will be respected. It puts an end to the status quo and breaks with the uncertainties of the past and those of our present security intelligence system which has no framework, no public mandate, no judicial control and no independent or external review mechanism. In other words, Mr. Speaker, it has none of the controls that are essential to protect our society's rights and freedoms.

Breaking with the old formula was not easy, and the Solicitor General (Mr. Kaplan), who had to take up this challenge, did so with great skill. The Bill we are being asked to approve is aimed at establishing a civilian intelligence service, and the responsibilities of this service were defined to take into account those aspects that are fundamental to the concept of a security service under a democratic system of Government.

Mr. Speaker, in a democracy, a security service must maintain a delicate balance between the security of the State and the protection of democratic values; between the legitimacy of certain State secrets and the public's right to information; between the principle of ministerial responsibility and that of an autonomous service, free from all partisan considerations; and between the need for an efficient service and respect for the rule of law. Mr. Speaker, you will agree that with so many factors to be considered, any attempt to establish a civilian security service becomes a very complex undertaking. Furthermore, individual perceptions of the ideal balance between these multiple factors tend to differ. However, after many consultations, after listening to advice and seeking a consensus, the Solicitor General has come up with an end product that is more than satisfactory. Bill C-9 strikes a balance between democratic principles and the security of the State.

For instance, Mr. Speaker, at the present time, only the Solicitor General is fully responsible for security services. He is the only person outside the service who is kept fully informed of the service's activities. The secrecy that such activities necessarily entail prevent him, of course, from giving complete answers to Parliament, and owing to the confidential nature of security activities, often Parliament is not informed.

However, Mr. Speaker, Bill C-9 will considerably improve the situation. Under the new legislation, judges and not the Solicitor General will issue warrants allowing the service to

exercise intrusive powers, and these warrants will be issued on the same basis as warrants issued today under the Criminal Code to authorize electronic surveillance.

Mr. Speaker, the inevitable result will be greater objectivity. After all, judges are not directly concerned by the success of an operation. Furthermore, every application for a warrant must first be approved by the Solicitor General, which means that as in the past, the Solicitor General will be accountable for the activities of his Department.

The new legislation provides further guarantees. There will be an external Security Intelligence Review Committee made up of Canadian citizens.

Mr. Speaker, Bill C-9 is the result of hard work and sustained efforts, and I support it without reservations. That is why I move, seconded by the Member for Ottawa Centre (Mr. Evans):

That the question now be put.

[English]

Mr. Deputy Speaker: Order. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: No.

Hon. Allan Lawrence (Durham-Northumberland): Mr. Speaker, I am really rather appalled at this procedural manipulation of the House. I want to point out that the Hon. Member who has just sat down is only the third member of the Government benches who has spoken in the whole length and breadth of this terribly important debate about a matter which could affect the civil liberties and security of every citizen of the country. This is merely a procedural manipulation, a half-hearted—and I could use another word—procedure by government Members which will rebound on them completely. If they want to gag the House and rush this Bill through the House, what they are doing is opening up the possibility that every single Member, whether or not he has spoken before in this debate, can now rise again in his place. I would suggest to the Hon. Member and to the Government House Leader, who was obviously behind this rather stupid move, that, if anything, it will delay the passage of this measure through the House.

For instance, one of the main principles missing from this particular Bill, on which I will not speak too long today, is the one about ensuring that employees and operatives of this new agency obey, and strictly obey, the rule of law. I do not intend to talk about that particular absence in the Bill even though it is a terribly important one, simply because some of my colleagues have already spoken about it and there will now be opportunities for them to speak again about it.

There are other measures which are terribly absent from the Bill which should protect and concern us all. One that has not been referred to by any Hon. Member yet—and I want to speak about it in the very limited time I have available to me today—is the terrible lack of control and monitoring in regard to electronic eavesdropping in the country at the moment, and