

Emergencies Act

system be better integrated in the administration of emergency powers legislation, that there be provisions for court review of such legislation, and that there be more provisions for the appeal of certain parts of the legislation, certain orders under the legislation, to the court system. This is certainly something I would commend to the legislative committee as well as to the Government for study.

The recommendation for the indemnification of agents and servants of the Government for individual responsibility is that the Government should assume all individual responsibilities as part of its collective responsibility when its agents, servants or officers are charged with the carrying out of certain functions under emergency powers legislation.

Finally, let me refer to the proposals on the definition of international emergencies. I can understand the difficulty in which the Government must have found itself in framing this part of the legislation. It is something of a strange hybrid in a country as large as ours that an international emergency other than a war emergency, involving a direct threat of organized military force against the country, should be contemplated. Indeed, the provision for the consultation of provinces, while it is, of course very Canadian, and I think would be widely supported throughout the country, is one that within the context of international emergency should at least give cause for thought. Over-all, as I mentioned earlier, there can be no doubt that Bill C-77 is an improvement over the Bill it is intended to replace.

Parliamentary oversight and review of the invocation of emergencies legislation will be much greater under this Bill than under its predecessor. Both pieces of legislation have provision for the parliamentary revocation of a declaration of emergency, but on any comparative analysis, it could be seen that under Bill C-77 it would come much sooner.

Finally, another strength of this particular Bill is that the provisions for compensation and redress of damages are much more comprehensive than those in the War Measures Act. Over-all, we have a piece of legislation that, from the most complimentary assessment, is a good first-cut in improving on the old War Measures Act. I would commend to the Government the task of further improving it.

Mr. Blackburn (Brant): Madam Speaker, I have one question I would like to put to my colleague. It is listed as one of the recommendations of the Canadian Civil Liberties Association in its brief to the Minister. It is an excellent brief, I might add, one which I hope the Government will look at very closely. I know the Minister will. I think it is certainly worthy of very close scrutiny, and I would hope that the Canadian Civil Liberties Association would be one of the first witnesses to come before the legislative committee. The thirteenth recommendation of the association reads as follows:

The elimination of the power to prohibit and regulate public assemblies during public order emergencies.

A public order emergency, of course, would be a similar situation to the October crisis of 1970. This is the section of the Bill which gives, I would think, the most problems at this point because we would not be at war, there would be no international crisis. It would be a domestic issue here at home. I would like to ask the Hon. Member if he not only agrees with this recommendation, but to what extent does he consider the prohibition and regulation of public assemblies during an internal disorder in the country? It seems to me that it is the very essence of denying our freedom of assembly and freedom of speech, even though there may be an internal disorder, to prohibit or to regulate the free association of citizens during that kind of crisis.

Mr. Parry: Madam Speaker, I would like to thank my colleague for that question. Indeed, he brings to light, as does the Canadian Civil Liberties Association, perhaps the single most repugnant aspect of this legislation, the ability to prohibit and regulate public assembly during public order emergencies.

I think that in today's society it is really quite an unnecessary power and one, I believe, most Canadians would find to be quite repugnant. The purpose, of course, of forbidding freedom of assembly has historically been to prevent the contagion of ideas and information spreading throughout the populace, though in fact the only form of contagion that I think could be adequately prevented would be some form of plague situation.

I believe, first, that the power is unnecessary in an age when the dissemination of information through a literate populace is so easy. I am not sure what could possibly be accomplished in terms of preventing information from spreading. In so far as the other purpose of assembly is concerned, which, obviously, is to discuss and to generate sentiment for some form of action, I would question under what circumstances that would ever be a legitimate objective of the Government.

My belief is that the common law system over the centuries has proven to be an instrument of great effectiveness and flexibility in addressing those situations which are seen as a threat to society or to the state. History records that the Riot Act of the United Kingdom was introduced in response to assemblies of Chartists who were basically working-class democrats seeking a reordering of British society. If memory serves me correctly, at least until recently, there was a Canadian equivalent of the Riot Act on the books. One of the things that gave me great amusement when I was Mayor of Sioux Lookout was the thought that someday I might have to read the Riot Act to a populace which had presumably become dissatisfied with some activity of the municipal Government.

It seems to me that the common law and the Criminal Code of Canada adequately control the sort of actions which might flow from any form of assembly. If an assembly takes it into its head to damage property, the sanctions of the Criminal Code apply. If an assembly takes it into its head to pursue, harass or attack individuals, the common law provides a remedy for that. Therefore, I am not really apprised of what legitimate Canadian purpose the Government would hope to accomplish