

*Emergencies Act*

important piece of legislation, and as such I wish to participate in the debate.

When I studied Bill C-77 as introduced, I was very much concerned about it. It contained very broad, if not loose, definitions of emergencies; very broad, if not loose, declarations of powers to be declared, or statements of powers, and rather narrow safeguards on the application of those powers. On reading Bill C-77 as introduced, I was led to wondering about the intentions of the Government in this regard.

It is not enough to say that Bill C-77 is better than the War Measures Act, or not as bad as, on the ground that it restricts the powers of the Government in respect of the first three classes of emergency. It is not enough to say that, to some extent, the Charter will continue to govern, even in respect of the fourth and highest class of emergency.

As has been pointed out by a number of concerned members of the public, the proposed Emergencies Act can be used far more easily and far more frequently than the War Measures Act could be used, simply because it has less threatening grades of emergency, with less threatening grades of power incorporated into it.

The feeling has been expressed that the proposed Emergencies Act could be used too freely, and used in an atmosphere of fear of strangers and outsiders, or perhaps with the effect of exacerbating an atmosphere of fear of strangers and outsiders.

I had discussions with members of the public who are more experienced in this area than I, and I was glad to have the opportunity, on a few occasions, to sit in on the deliberations of the committee, either replacing the Member for Brant (Mr. Blackburn) when he was unavoidably called away or accompanying him. I was encouraged by the actions of the committee, and particularly by the actions of the Parliamentary Secretary to the Minister of National Defence (Mr. Bradley).

The legislative process has led to considerable improvement of Bill C-77, and it, in itself, is an improvement over the War Measures Act in as much as use of this legislation in respect of the first three grades of emergency will carry with it clear restrictions on the powers of the Government, thus leading to less temptation for its use.

Many of the improvements have already been touched upon by previous speakers. The first that I find very encouraging is that the Cabinet must have reasonable grounds to invoke the emergency powers. It is no longer just the opinion of the Governor in Council. There must be reasonable grounds, which I understand to mean that the Government will have to prove to the court that there were in fact reasonable grounds. And the grounds must seem reasonable, not just to the Governor in Council, but to the court. That is an important advance over the Bill as originally introduced.

I am also pleased to see that the powers of the Government, at least in respect of a public welfare emergency, cannot be used to break a strike.

I am not quite clear how freely this Bill could be used in a public order emergency, or an international emergency, to break and strike. I have some concern about that. But, for the time being, at least, on the lowest grade of emergency, we are assured that it cannot be used for that purpose.

We are now assured that those whose services are commanded for emergencies will be paid for their work, and will be paid at a reasonable rate. As well, people whose property is damaged as a consequence of any action taken in an emergency will be eligible for compensation.

These are important clarifications to the legislation. We are also assured that censorship will not be used during peace time. That is of extreme importance.

The second most important, if not the most important, improvement is that having to do with the definition of an "emergency". It is a critically important improvement in the Bill as currently drafted. Bill C-77, as currently drafted, states:

3. For the purposes of this Act, a "national emergency" is an urgent and critical situation of a temporary nature that

(a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or

(b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada—

Those are very important concrete criteria, and I am glad that they are in the legislation in those terms, although I will have a word or two to say about the second of those two criteria later in my remarks.

● (1520)

However, to continue, it also provides, and this is very far-reaching, that these events or dangers "cannot be effectively dealt with under any other law of Canada." As has been pointed out, had a definition of that sort been operative in 1970, the application of the War Measures Act would have been ruled out. The only concern I have with it, and one of the previous speakers raised the question of vagueness in the definitions and I have some concerns there, but this is as far as we could get, when you say "preserve the sovereignty and security of Canada", those words can be very subjectively judged. Dictator Pinochet in Chile does many terrible, unjustifiable things, by our standards, in the name of security. Security is an elastic word and I could not think of any way to clarify it further, but that may be an item we have to consider further in future years.

Sovereignty is also a rather vague and often rhetorical term. I do not think it is the most reliable basis for law, but given the final clause concerning no other law being sufficient to meet the matter, I think the vagueness is limited a little bit.

I also wish to point out a very important amendment proposed by the National Association of Japanese Canadians. We now have the guarantee that the Cabinet could not give itself new powers or override the Charter of Rights and Freedoms. I understand that in 1945 the Cabinet did exactly