

Emergency Planning

particularly welcome the opportunity to correct a few false impressions that may have been left since its passage and publication in June, 1981.

In a very real sense the story of the Emergency Planning Order begins with its predecessor, the Civil Emergency Measures Planning Order P.C. 1965-1041.

The shortest explanation for the issuance of the new order in council is that the old order in council had become badly outdated. The question recently before the government was whether substantially to amend the old order, which itself had already been amended more than once, or to issue a new one. For the sake of clarity, we chose the second route.

The old order was outdated in two ways. First, it no longer reflected the actual institutional structure of the federal government. In the 1965 order, the departments of Employment and Immigration, Solicitor General and Supply and Services were not mentioned, although the minister responsible for defence production was given significant responsibility. Responsibility for certain co-ordinating functions for civil emergency planning lodged with the Minister of Industry, Trade and Commerce, although these responsibilities had been transferred as long ago as 1968.

The order was also outdated in a second way. It concentrated almost exclusively on civil emergency and civil defence plans and operations for wartime conditions and was silent on ministerial responsibilities for peacetime emergencies, such as natural disasters and large scale industrial accidents. It has been federal policy since 1974 that federal emergency planning should be addressed both to peacetime and wartime contingencies. The new Emergency Planning Order reflects this dual concern by setting out some continuing responsibilities of ministers in the areas of peacetime and wartime emergency planning. The new order also describes some machinery that potentially would be essential to mitigate and to recover from either peacetime or wartime emergencies.

Thus, the first part, Section (3) of the Emergency Planning Order, assigns to ministers three general responsibilities: First, ministers shall be responsible for the identification of possible types of emergencies within or directly related to their areas of responsibility, and for preparing, evaluating, testing and, when required, implementing appropriate related emergency plans and arrangements. Second, when a minister is assigned lead responsibility for an emergency, he co-ordinates relevant federal emergency planning and stands ready to secure and control assistance provided by other ministers. Third, each minister shall at all times be prepared to provide resources from his own portfolio to any other minister having lead responsibility for an emergency.

These three general responsibilities form the heart of the lead department concept in emergency planning that the government adopted in the mid 1970s. The emergency planning responsibilities of ministers are logical extensions of their normal powers, duties and functions. The Solicitor General is responsible for internal security, both in time of normality and in times of emergency.

The Emergency Planning Order also calls upon ministers, in Section 4:

- to provide emergency planning assistance to the provincial governments, and, through them, to municipal governments;
- to assist in the joint development of federal-provincial emergency plans in the regions of Canada;
- to be prepared to provide for the safety and welfare of the employees of the agencies in their portfolios;
- to develop and maintain plans for war emergencies;
- and to be prepared to provide assistance to those ministers having additional responsibilities as set out in the Emergency Planning Order.

● (1740)

These provisions express the main differences between the earlier war-related approach to emergency planning described in the 1965 order in council, and the current approach which is generally and equally applicable to peacetime and wartime contingencies, as was described by the minister responsible for emergency planning in his announcement of November of last year. Thus, the addition of emergency planning responsibilities for peacetime contingencies in PC 1981-1305 reflects what is in fact the current policy of the federal government in this field.

The President of the Privy Council (Mr. Pinard), as minister responsible for emergency planning, has already indicated that a certain amount of confusion has arisen about this new order. Some of that confusion can be traced to this peacetime wartime distinction and to the planning for emergency measures that, however regrettably, may be needed in either setting. I draw attention to Part I of the schedule which is entitled, "Establishment and Responsibilities of National Emergency Agencies". The eleven national emergency agencies to be planned by ministers are quite similar in detail to certain of the civil emergency powers, duties and functions assigned ministers by the 1965 order in council. I have already stated that the new order better reflects the present institutional structure of the federal government. This accounts for most of whatever differences may be found between the two texts. But Section 5 of the new order calls upon ministers to plan for the effective operation of the agency in any region of Canada in time of national emergency; that is, this machinery should ultimately be capable of operation in the circumstances of very grave peacetime emergencies as well as during wartime. Obviously the peacetime operation of national emergency agencies would only be required by and justified in the face of a most severe challenge to the peace, order and good government of Canada.

Here I would stress that the order is concerned only with the planning of these exceptional measures. The implementation of these measures quite clearly requires statutory authority, either as found in existing statutes or through new and special legislation which would have to be introduced, debated and passed when needed. It is very important to point this out since it seems to have been lost on some of my colleagues opposite.

Mr. Deans: Which ones?

Mr. Smith: Those who have spoken.