

Mr. Beatty: Thank you very much, honourable senators. It is indeed my first opportunity to appear in Committee of the Whole in the Senate. Those of us who sit in the House of Commons often eye covetously seats in the Senate. This one is a temporary gift from the Senate which I will be glad to surrender back to you later this evening, but I am honoured to have the opportunity to be here.

It is a tremendous pleasure for me to be able to be before you today on Bill C-77, the Emergencies Bill that is designed to replace the War Measures Act with comprehensive and properly safeguarded emergencies legislation.

I was saddened to learn that the Canadian people, and, more especially, the Canadian Forces, lost a good friend last Friday. Senator Paul Lafond had served his country with great distinction both in the RCAF during World War II, when he won the Distinguished Flying Cross, and in the Senate of Canada. Never forgetting his military service and the need to improve Canada's defence capabilities, he chaired the Special Committee of the Senate on National Defence and guided the committee through four studies, with one yet to be completed on Canada's Land Forces, leaving his mark on Canadian history.

[Translation]

The recommendations of his distinguished committee are very familiar to me and as Minister of National Defence, I was guided by their wise proposals in preparing the White Paper.

My wife, the Department of National Defence and the Canadian Forces join me in offering Mrs. Lafond and the members of his family our most sincere condolences.

[English]

Honourable senators, I read with considerable interest the record of the debate which took place in this chamber on second reading of the bill. Honourable senators have raised a number of points which merit careful consideration, and I will do my best to respond to these concerns during this evening's deliberations.

Permit me to summarize briefly what I consider to be the major features of the bill.

The Emergencies Act will enable the federal government to fulfil its constitutional responsibility to provide for the safety and security of Canadians during "national" emergencies. This responsibility stems from the "peace, order and good government" clause of the Constitution and the so-called "emergency doctrine," which has been elaborated by both British and Canadian courts since Confederation.

The bill will provide the government with appropriately safeguarded authorities to deal with four types of national emergencies: public welfare emergencies; public order emergencies; international emergencies and war emergencies. It will enable the government to act quickly to minimize injury and suffering in a national emergency and, at the same time, ensure that the exceptional powers acquired are no greater than those absolutely necessary to deal with the situation. In other words, there will be proportionality between the severity of the emergency and the response of the government.

[The Chairman.]

The bill will enable the government to mount a national response when a major disaster or situation involving public disorder either extends beyond the boundaries of the single province or exceeds the capacity of the province to deal with it effectively.

It will enable the government to react to a serious international emergency by instituting, in concert with our allies, appropriate and gradual pre-emptive and preparative measures designed to stabilize the situation and prevent further deterioration. Under current legislation, the only option open to the government would be the much more provocative step of invoking the War Measures Act.

The Emergencies Bill will remove the need to deal with national emergencies by hastily introducing *ad hoc* legislation during the confusion and disruption, which is characteristic of the early stages of a national emergency.

Finally, it will help to improve the national standard of emergency preparedness by stimulating emergency planning within the federal government and in cooperation and consultation with the provinces.

[Translation]

I would like to take a moment to review in more detail some of the federal-provincial aspects of this bill. In a federal state where jurisdiction is divided between two levels of government, each vested with its own area of jurisdiction and exclusive responsibilities, the cardinal principle in normal times must be that neither shall infringe upon the rights of the other; that is, that each shall respect the boundaries of its own jurisdiction.

The emergency doctrine affirms that in times of national crisis the federal government may, on behalf of the country as a whole, act in areas which are normally within the legislative competence and jurisdiction of the provinces. The problem, then, is how best to centralize control while achieving the close degree of federal-provincial cooperation necessary to integrate responsibilities and coordinate efforts to provide for the safety and security of Canadians.

[English]

The absence of any legal requirement to consult with the provinces before exercising federal powers under the emergency doctrine has been the subject of some comment by several groups which have examined the issue in the broader context of constitutional reform. Studies such as the Task Force on Canadian Unity, the 1976 "beige paper" of the Quebec Liberal Party, the report of the Canadian Bar Association Committee on the Constitution, and a report of the Standing Committee of the Senate, the Goldenberg report, reached a common conclusion, namely, that federal-provincial cooperation and consultation is a vital factor in designing any new approach for dealing with national emergencies in Canada.

Bill C-77 has been carefully drafted in close consultation with the provinces. It represents a consensus of the views of the territorial, provincial and federal governments. The bill that has flowed from that consensus will, I believe, protect and respect legitimate provincial interests, while allowing the fed-