

*War Measures Act*

I do not think it is necessary to emphasize the fact that the former administration did not keep this promise. What matters is that our Liberal colleagues join forces with our NDP colleagues and with us on the Government side to give Canada emergency measures worthy of this great country of ours. Our laws should reflect what we are—one of the most democratic nations in the world. This is how we are seen worldwide, and this is how we see ourselves.

Mr. Speaker, my colleagues who rose before me gave us a good idea of the kind of Bill which will replace the War Measures Act. Once it has been the subject of exhaustive consultations with the provinces, this Bill will provide the essential guarantees which are lacking in the current legislation. The War Measures Act will be subject to the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights and the International Convention on Civil and Political Rights.

The interests of the provinces will also be adequately protected during emergencies. The consultation mechanisms provided under the proposed legislation are unprecedented in Canada's constitutional history, because they guarantee the provinces a major role prior to the declaration of a state of emergency.

Over the years, Mr. Speaker, the War Measures Act has given rise in this Chamber to comments where shame and anger were the predominant sentiments. That is why I want to say how proud I am of the steps being taken by our Government and why I want to share this sentiment with all the Members of this House.

[English]

**Mrs. Mary Collins (Capilano):** Mr. Speaker, I am sure that there is not a Member in this House who does not subscribe to the repeal of the War Measures Act and its replacement by a comprehensive safeguard of legislation with which to deal with a wider spectrum of possible national emergencies in an appropriate manner.

The Hon. Member for Thunder Bay—Nipigon (Mr. Epp) will be gratified to know that this Government has every intention of presenting such legislation. The people of Canada and their elected representatives have for years been demanding that this blunt instrument be abolished. Its powers are too sweeping. On two of the three occasions on which it was invoked, it involved serious violation of fundamental freedoms in Canada.

Other modern states have had appropriate legislation to deal with national emergencies for years. Canada is lagging in this respect. Despite successive promises by the former Liberal Government, nothing was done about it. But the present Prime Minister (Mr. Mulroney) has, on several occasions, promised to do away with the War Measures Act, a blunt instrument designed for another age, and replace it with something more in keeping with our times. It is on our agenda, and will be presented to this House.

We want to be sure, Mr. Speaker, that what replaces this infamous Act is right and appropriate for our society and for

our times. It is not simply a matter of throwing out an inadequate piece of legislation. Our society is much more complex now than in 1914, when the War Measures Act was originally enacted.

I do not know whether you are aware, Mr. Speaker, but that Act was passed without dissent and after just one half hour of debate.

The emergency powers granted to the Government were not spelled out in the legislation. Rather, the Governor in Council was given broad powers to declare a state of emergency, and then to pass orders and regulations that could replace any statute of Parliament, all without Parliament ever having its say. Under the Act, a proclamation is considered conclusive evidence that war, invasion or insurrection, real or apprehended, exists.

In the spring of 1971, realizing that the existing Act was too imprecise to deal with emergencies in a modern democratic state, proposals for legislation were considered. The Government of the day proposed the appointment of a special joint committee of the Senate and the House of Commons to consider the enactment of such legislation. However, that committee was not appointed, and the legislation was never introduced. And so the War Measures Act, a totally inadequate and inappropriate Act, remains on the books.

One of the troublesome features of this Act, Mr. Speaker, is that in the past, regulations under the War Measures Act replaced statutes and normal laws, after an emergency was declared, without the consent of Parliament. We want to ensure that the new legislation brings Parliament further into the process and builds in other safeguards to protect the rights of Canadians should the legislation need to be invoked.

We have every intention of ensuring that the civil rights of Canadians will be considered first and foremost. We want to place limits on the use of the Act, and tailor it to specific emergency situations.

Some would suggest, Mr. Speaker, that perhaps we should just throw out the War Measures Act and pass emergency legislation when it is needed. I feel that that would be dangerous. Such an approach could lead to delays in responding to crises, and it would be impossible were Parliament not in session or dissolved when the emergency arose.

In addition, legislation rushed through in the heat of a crisis might be more likely to run roughshod over civil rights than would a properly safeguarded Act, calmly and carefully considered, by Parliament, using the instruments which Parliament has provided.

As we well know, Mr. Speaker, natural and man-made disasters are occurring with great regularity. Canadians who say it cannot happen here remind me of those who argued, in the 1920s, that there was no sense in Canada preparing for emergencies because we lived in a fire-proofed house far from inflammable materials.