

*Adjournment Debate***PROCEEDINGS ON ADJOURNMENT
MOTION***[English]*

A motion to adjourn the House under Standing Order 45 deemed to have been moved.

**EMERGENCY MEASURES—MINISTERIAL POWER TO ESTABLISH
CIVILIAN INTERNMENT CAMPS. (B) POSITION OF MINISTER OF
JUSTICE**

Mr. Benno Friesen (Surrey-White Rock-North Delta): Mr. Speaker, about a week ago, I rose in the House to ask a question of the Minister of Justice (Mr. MacGuigan) regarding the famous Gazetted Order in Council that deals with emergency planning orders. That Order in Council is entitled 1981, 1305 and was passed in June, 1981. It empowers the Solicitor General (Mr. Kaplan) to establish civilian internment camps; in effect to systematically depopulate federal penitentiaries in order to use them as civilian internment camps.

The President of the Privy Council (Mr. Pinaro) rose to answer my question, rather than the Minister of Justice. That in itself offended me because the question was put to the Minister of Justice in his role as the protector of our civil rights. My question to him dealt with his role as protector of those civil rights. However, the President of the Privy Council rose to say: "He will," referring to me, "realize that, with a minimum of understanding, he cannot come to that conclusion". The conclusion to which he refers is that the Order in Council had the effect of freeing people who had been convicted of a criminal offences in order to make room for people who had not been convicted of a criminal offences. That is a very simple conclusion.

The President of the Privy Council wishes to infer that I was misreading the particular Order in Council. For the benefit of the record, I will read it verbatim from *The Canada Gazette* of June 10, 1981. The Order in Council in question states in column 1, "The Solicitor General and His Powers"; in column 2, "Powers, Duties and Functions"; No. 6, "Establish, administer and operate civilian internment camps"; and No. 7, "Facilitate the selective reduction and transfer of prison populations to provide for the establishment of civilian internment camps". I think that is quite clear, Mr. Speaker, and I have not distorted the quotation. That is exactly how it is stated in that Gazetted Order in Council.

I again turn to the Minister of Justice, the protector of our civil rights, to get an assurance from him that he will give us his opinion on that particular Order in Council. He had the effrontery to stand in his place and say to me: "Every proposal put forward by the Government in statutory form or for regulation is vetted by officials of the Department of Justice precisely for that kind of criteria".

First of all, Mr. Speaker, I would point out that the heading on this particular Order in Council is not listed as being statutory but as being under other than statutory authority. If one checks with the law officers of the Crown, the Library of

Parliament or any other authority, one finds that whenever an Order in Council is other than statutory, it refers to Crown prerogative. When Crown prerogative has been established by Order in Council, it entitles the Prime Minister (Mr. Trudeau) to do as he wishes under the powers described within that Order in Council. That in effect gives the Prime Minister dictatorial powers for the purposes of that Order in Council. I have not even raised the question of the powers assigned to the Prime Minister under this Order in Council.

I see that the Parliamentary Secretary to the President of the Privy Council (Mr. Evans) is present. I want to know what the Minister of Justice means when he says that there are limitations under statutory provisions. The fact is that this Order in Council is not a statutory provision and the fact is that it has no limitations.

Second, the Minister of Justice said that officials have vetted the Order in Council. They may have vetted it but they have certainly not changed it. If I am wrong, I would like the Parliamentary Secretary to stand and say that that Order in Council as it was gazetted in 1981, because of the ease of its misinterpretation, has been vetted by the officials and therefore has been changed in order to preserve our civil rights. If the Parliamentary Secretary can give me that assurance, I will not raise this subject again. However, I am sure he will not do so because I am convinced that that Order has not been changed.

I am sure that the Hon. Member for Ottawa Centre has an understanding of what it means to feel that one's civil rights could be abused. I would like the Parliamentary Secretary to rise in his place and tell us that this Order in Council clearly does not mean what I have read into the record. If it does not mean that, I would like to know what it means.

● (1805)

I would like to have the assurance that if this Order is ever enacted in the administrative sense, that we as Canadian citizens, will be protected, because I assure him that there are over 400 people in the Province of Quebec who remember having been arrested in October of 1970. Without ever a writ having been issued and without ever having been charged, they were arrested and incarcerated. There is recent memory of what has happened with these kinds of powers and I want some assurance that we, as Canadian citizens, are going to be protected from an over powerful and overzealous government.

Mr. John Evans (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, the Hon. Member has been told on a number of occasions and must by now be fully aware that the emergency planning Order empowers no Minister to do anything other than to make plans. Yet he continues in his attempts to distort the truth by posing questions and making statements which are based on utterly false premises. It has been clearly stated in this House and elsewhere—and I repeat it again today—that separate and distinct statutory authority will be necessary before any of the plans made under the Planning Order can be implemented.