

Emergency Planning

hension I had about some of the clauses in that charter, and I have said publicly that the very first one leaves me slightly less than inspired. I think I will put it on the record again. The very first part of our Charter of Rights and Freedoms in our proposed new Constitution has a weasel clause in it. Particularly in view of the events unfolding here today I do not think it has to be taken very seriously, at least until the government does something to justify the faith it is asking Canadians to have in it.

Before I read it I want to remind the House, for example, that we have done a lot of talking about freedom of information, and one of the most regressive clauses of any legislation of any civilized country is Section 41(2) of the Federal Court Act of Canada. I remind hon. members also that drastic modifications have been proposed to our freedom of information legislation. Yet right now in Quebec members of the Royal Canadian Mounted Police are being denied an adequate opportunity to defend themselves by virtue of this particular section's invocation by the Solicitor General (Mr. Kaplan).

● (1730)

This was not the first time that this draconian action has been taken since the freedom of information act has been brought forward in committee. It would seem to me that if the government were the least bit serious about doing something to become more enlightened in this respect, it would not be doing what it is doing with Section 41(2), when it is apparently on the way out, nor would it be taking the course of action it is taking here today in refusing to bring forward the kind of information that it has been requested to do if it were serious about the ideals of our new Constitution. The first clause reads:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it—

—and here is where it starts to weasel, Mr. Speaker—

—subject only to such reasonable limits—

—as are generally accepted in a free and democratic society with a parliamentary system of government.

What kind of system are we talking about? Are we talking about Tanzania? If we are, I do not have very much confidence. I do not think we will ever assuage the fears of Canadians about the implications of arbitrary pieces of legislation such as this, or regulations, until the government demonstrates by its actions what it intends to do, instead of obfuscating. As the author, Eldridge Cleaver, once said, "If you are going to talk the talk, you have got to walk the walk." I do not understand why in times of peace, as the hon. member for Saskatoon West (Mr. Hnatyshyn) said, "We have to put up with the kind of apprehended fears caused by this sort of draconian regulation".

Back in the 1950s, the hysteria was over the spread of atomic technology. I can well remember a bit of doggerel by the late Pete Seeger which went something like this, "The atom don't care about all this hysteria. It flourishes in Los Alamos and also Siberia". So, it may seem, will internment camps. If we will take this kind of legislation or regulation to

its logical conclusion, maybe we will have a "Gulag Archipelago" in North Bay, or perhaps Thunder Bay. Perhaps that will be a great advancement in our contemporary Canadian Constitution.

In any event, I do not understand why the government would cause such an atmosphere to develop as is present in the House this afternoon, when it could have simply assured the hon. member for Surrey-White Rock-North Delta (Mr. Friesen) before the debate started that it would table and make available some information to reassure members, such as myself and others from this side, and I am sure many members on that side, that these kinds of regulations are not really as bad as they sound.

Returning to something that hon. member from Surrey-White Rock-North Delta said regarding, I think, Clause 7 in the regulations in which the Prime Minister (Mr. Trudeau) takes upon himself the right of censorship and will establish an organization to co-ordinate and implement the application of censorship controls, some people may say that the Prime Minister, of course, would not do anything bad. The same Prime Minister, shortly after imposing the draconian measures in the War Measures Act that affected Quebec, promised to repeal it. That was a long time ago. The War Measures Act is still with us, and so is Section 41 (2) of the Federal Court Act.

The Prime Minister has talked in the past about participatory democracy, when what we have here, of course, is his anticipatory autocracy. So far there has been no justification for what the government is proposing to do, and we do not have any reassurance that its motives are charitable. And that is really something that should have been dealt with by Parliament. We should be assured that when Parliament is sitting, nothing will be done unless it is brought forward and fully debated. I hope we will get that kind of assurance from the parliamentary secretary. As a little token of good faith, I hope that he will accede to the most reasonable request made by the hon. member for Surrey-White Rock-North Delta, buttressed so ably by the hon. member for Saskatoon West, and will assure all hon. members that this proposal, about which we are so apprehensive, will not be as autocratic and dictatorial as it seems.

Hon. members who are fortunate enough to have some training in law are familiar with the term *res ipsa loquitur*, things speak for themselves. The way these regulations now read, without the background and without the necessary explanation to convince hon. members they do not really seem as bad as they read nor as bad as we anticipate, and in the absence of explanations, these regulations will continue to speak for themselves. I think they will raise a great deal of well justified apprehensions in the minds and hearts of the people of Canada. I hope that the parliamentary secretary will do something in a small way to alleviate the fears raised this afternoon.

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, it is a pleasure for me to convey to hon. members of the House some of the background behind the Emergency Planning Order P.C. 1981-1305. I