

*Emergencies Act*

During the so-called October crisis of 1970, over 400 people were arrested, none of whom were ever charged and convicted. I believe those people deserve some kind of redress and apology. I believe it is proper for a government or a parliament to provide redress to correct a historical error because, not only does it correct a mistake that was committed many years before, it shows a sign of national maturity and allows the nation as a whole to display an element of conscience.

We must keep these events in mind as we debate this Bill, when we hear evidence in the committee and decide upon amendments before passing the legislation in its final form.

I believe this legislation should go to the appropriate standing committee rather than a legislative committee, unless the House is prepared to provide the authority for the legislative committee to travel. Otherwise, we will only hear from those who can afford to come to Ottawa. We should hear from others throughout the country who, either themselves, or their parents or grandparents, have been affected by the implementation of the War Measures Act or other discriminatory and uncivilized measures of a parliament or government.

I was a Member of Parliament in 1970 when every Member of the House went through a great deal of agony during the so-called October crisis. One of my very few regrets, which I will carry with me all my days, is that I missed the vote on the War Measures Act. I would have voted against the implementation of that Act if I had been here. My leader, the Hon. T. C. Douglas, was to speak at an NDP nominating convention in southern Manitoba on the day of the vote. Naturally, I thought it was more important for my leader to be here. Therefore, I took his place to speak to that nominating convention in southern Manitoba and missed the vote. There were two unfortunate consequences on that day. First, I missed the vote, and second, that overflow crowd in the hall in southern Manitoba came to hear Tommy Douglas but got me instead.

During that October crisis some of the over 400 Quebecers who were never charged or convicted spent from 24 hours to 96 hours in jail before being released. One humorous incident during those bitter days took place when one of those put in jail had the same name as a person on the RCMP list. That person turned out to be a Liberal organizer who ended up in jail in Hull. Many said at the time that he was more deserving of jail than an FLQ member.

The lengths to which the government went during that moment of hysteria and panic, generated primarily by the premier of one province, is illustrated by the fact that an 18-year old soldier carrying a loaded automatic rifle was assigned to follow my leader. It did not seem very suitable for a soldier to be following a clergyman, even to the washroom and to his home; my leader never did collect the bill for room and board.

The implementation of that Act not only put the civil liberties of people in Quebec into jeopardy but the rights of people from coast to coast. Everyone was subject to arbitrary

arrest, search without warrant, and being jailed without communication with anyone.

When we consider the lengths to which Parliament went in that moment of hysteria, surely it is incumbent upon this Parliament to ensure that there are safeguards in any legislation that replaces the War Measures Act.

• (1610)

The War Measures Act came into being in this country at a time when one can hardly say there was a great degree of tolerance, understanding and compassion among the population and our rulers of that day. We now have a great improvement in the attitudes of the the public and of the Government.

There is one section of the Bill to which I take particular exception, that is the section entitled "Public Welfare Emergency". Should there be another national railway or postal strike, or a strike by the airlines, grain handlers or the St. Lawrence Seaway, the Government will not have to bring in back-to-work legislation and let Parliament decide each case on its own merits. It has only to invoke that clause of the Bill, which means that a fundamental right to strike or, for that matter, the fundamental right of an employer to lock out, is denied in advance and for all time. And this applies to anything the Government considers to be an essential public service.

Those kinds of circumstances must be decided individually as and when they occur. The Bill allows Government to bypass Parliament in such cases for 90 days and it must confirm it by motion within seven days. Thirty Members of Parliament can sign a motion for revocation. If it is passed, it can then be revoked, but many days, weeks or months will have gone by and great harm can be done to many people directly affected.

Part I of the Bill, Public Welfare Emergency, covers a breakdown in the flow of essential goods and services or resources as a result of a strike or lockout. I submit that that must be deleted from the Bill and should not be covered in any way, shape or form in this legislation. I recommend to the committee that Clause 3(d) of the Bill should be deleted.

Public welfare emergencies should be in the Bill and I think the rest of Part I is legitimate. Clause 3(a)(b) and (c) provides that public welfare emergency means fire, flood, drought, storm, earthquake or other natural phenomenon, an epidemic of disease among human beings, animals or plants, or some horrendous accident or pollution, such as Chernobyl, for example. It seems to me it is legitimate for a province and the national Government to have the powers to declare an emergency within a matter of hours and act upon it. Therefore, I have no particular objection to that definition of public welfare emergency.

However, I would hope that the committee would take a good strong look at it in the sense of is it really needed in this Bill? Probably the same thing could be accomplished by a strengthening of legislation on emergency measures both by