

*Emergencies Act*

With regard to a public welfare emergency there is reference to a breakdown in the flow of essential goods, services or resources. As my colleague from Brant has pointed out, this legislation could be invoked to interfere in a dispute between management and labour. The Minister of National Defence (Mr. Beatty) who is responsible for this legislation said yesterday that we should not worry, that there is no problem, that this will not in fact be used. However, his words should be read with care because he stated that this Act is not intended to be used to settle a legitimate dispute between an employer and employees.

What does that mean? Does it mean that if the Government believes that there is an illegitimate dispute, an illegal work stoppage for example, it can use the provisions of this legislation? This is no safeguard whatsoever. For the Minister to come before the House and suggest that an amendment of that nature constitutes a safeguard is rejected by the New Democratic Party.

Similarly, there are concerns raised by other provisions. The fact that the Supreme Court of Canada has ruled that the right to strike is not protected by the Charter is another reason for making it very clear in this legislation that it should not apply to any withdrawal of labour, be that legitimate or, in the eyes of the Government, illegitimate.

Concerns have also been raised with respect to the definition in Clause 3(b) of a public welfare emergency with respect to "disease in human beings, animals or plants". This instrument, in the wrong hands, could be used to bring forward Draconian provisions to deal with AIDS in Canada. Indeed, we have seen proposals for quarantine legislation in the Province of British Columbia from the ideological soul mates of this Government at the provincial level in British Columbia. We should be very careful before according similar powers to the federal Government.

Similarly, the definition of public order emergency incorporates the definition of threats to the security of Canada from Section 2 of the Canadian Security Intelligence Service Act. We know that that definition is far too broad and far too sweeping. We know that under the guise of investigating threats to the security of Canada the security service itself is a profound threat to the security of Canada. Under the guise of that definition it has investigated the labour movement, the peace movement, and legal political Parties in Canada. This Government would incorporate that definition in a way which would allow it to prohibit public assembly in Canada. That constitutes a shocking potential abuse of civil liberties.

In response to that the Minister says:

I would remind Members of the House that the definition of "threats to the security of Canada" received exhaustive scrutiny by Parliament in 1983 . . . . The language—has, therefore, already received Parliament's blessing.

The Minister has a rather selective memory. It was the Conservative Party that joined with the New Democratic Party in condemning that very definition and suggesting that that definition constituted a grave threat to the civil liberties of

Canada. Now, four years later, a Minister from that Party is saying that as Parliament adopted that definition there is nothing wrong with it and the Government is going to use it as a basis for its emergency legislation. Obviously that is totally unacceptable.

It is also unacceptable because, as I understand, the special committee struck by the Solicitor General (Mr. Kelleher) under Gordon Osbaldeston will be telling the Government that that definition is in fact far too broad and should be narrowed substantially.

Finally, we have serious concerns about the definition of international emergency. It is far too sweeping to say, "Any threat to the economic well-being of any ally of Canada". In conclusion, I would like to draw to the attention of the House perhaps the most dangerous provision of all, that being the provision in Clause 38 with respect to war emergencies, which states:

While a declaration of a war emergency is in effect, the Governor in Council may make such orders or regulations as, in the opinion of the Governor in Council, are reasonably necessary or advisable for dealing with the emergency.

That is the War Measures Act all over again, Madam Speaker. It provides for no control and total government discretion. I call upon the Government to recognize that while the time has come to repeal the War Measures Act, this Draconian piece of legislation, which continues to constitute a massive assault on the civil liberties and rights of Canadians, must be firmly rejected by this Parliament. It should go back to the drawing board.

**Mr. Heap:** Madam Speaker, I am very grateful to the Hon. Member for Burnaby (Mr. Robinson) for laying out so many of the important aspects of this Bill and the problems which it presents. He seems to be of the opinion that in some ways this Bill may even be worse than its predecessor.

Without going into that, Madam Speaker, I would be interested to hear the Hon. Member explain a little more clearly the point he made in connection with the concept of a public order emergency and the threat to the security of Canada. He said that at that time the then Conservative opposition caucus agreed with the NDP caucus that the definition contained in the CSIS Act was unsatisfactory. He pointed out that they have now flip-flopped and said that it is satisfactory.

I know that the Hon. Member gave that matter very careful attention at the time. I would be interested to hear him remind us what the unsatisfactory aspects of the definition were considered to be at that time. If he can recall, what were the points upon which the Conservative caucus expressed its agreement with the criticism made by the NDP which the Member put forward as our critic? It is important that the public be reminded of the positions which the present Ministers and other members of the Government held four years ago on this matter in order that the public can evaluate their reliability when they make promises now, when they say that they would not use this legislation against a legitimate strike.