

*Emergency Planning*

ity. I suggest that this proposition flies totally in the face of the rule of law.

The logical extension of this argument is a contemplation by the government that this planning scheme could then be used as a method of dealing with an emergency even without enabling legislation. That has very serious consequences.

In his remarks the minister said that it may be preferable to place entirely new emergency legislation before Parliament. Surely it is more than just preferable; it is absolutely essential.

This government is taking unprecedented action in passing, under royal prerogative, such a planning order. It may be called a planning order, but in all probability it will include the expenditure of funds to erect buildings, design plans and enlist personnel. At what point does this massive planning step outside the prerogative authority of the government? We do not know the answers to questions such as this because we do not have access to government documents in the matter. We do not know what the plans are and what funds are being expended, and the government has stonewalled every reasonable attempt to obtain this information and simply carries on in an aura of secrecy and an aura of planning with no enabling legislative authority.

We must be made aware of these plans. No large scale planning should be undertaken without the introduction and consideration of new emergency legislation, which is something, incidentally, which has been promised by this government since 1970.

Another concern I have is that apparently many government members do not appreciate the real nature of the order. For instance, the Parliamentary Secretary to the Solicitor General (Mrs. Hervieux-Payette), in reply to a question posed by my colleague, the hon. member for Surrey-White Rock-North Delta on November 17, 1981, said that this order would go into effect only after proclamation by the House. That is simply wrong, in view of the statement of the President of the Privy Council I have quoted. There are no provisions for proclamation in the order. To implement it we either have to use the War Measures Act, with its limited scope and application, or new emergency legislation, or we act in the other way pointed out by the President of the Privy Council, extra-legally.

I think it is important that government members and the Canadian public generally understand that even to suggest the possibility of extra-legal implementation of the order is to suggest the wholesale removal of rights and freedoms without any form of parliamentary endorsement. That is a very serious suggestion indeed.

Finally, I am concerned about specific aspects of the order which give ministers authority to plan for wide-scale suppression of basic and fundamental human rights in peacetime at a time when this Parliament is asking the British Parliament to pass legislation providing for the entrenchment of a charter of rights. Let me give some examples. Under this particular order, in the field of agriculture there is provision for planning and the implementation of control and regulation of farm

production. In communications, there is provision for control, regulation and maintenance of all essential telecommunications. In employment and immigration there are provisions for control and regulation of the registration, mobilization, allocation and movement of manpower. In energy, mines and resources there is provision for the control, regulation and production of fuels. My colleague, the hon. member for Surrey-White Rock-North Delta, has pointed out that specific wartime provisions include directions to plan for censorship and civilian internment camps which, I take it, will be similar in nature to those set up during the Second World War for Japanese Canadians.

In light of past experience these plans must be looked at closely. This is so particularly in light of the fact that the government is suggesting the possibility of extra-legal implementation. It must be appreciated that these types of actions, though necessary in some very limited instances such as war, do restrict the freedom of the individual. To make plans for carrying out these actions with no enabling legislation and no parliamentary sanction leaves open the possibility of either the expenditure of a great deal of time and money without the ability to use the plans or, on the other hand—and more worrisome, as far as I am concerned—what the President of the Privy Council calls extra-legal implementation.

The first is highly undesirable, and the second prospect is outrageous. What the President of the Privy Council has said is that it would be the intention of the government, an emergency, in the opinion of the government of the day having come about, whether it happens to be some environmental emergency during peacetime or some form of insurrection in one part of the country or another, to take steps to carry out the product of the planning that is taking place. Then, according to the rationale of the President of the Privy Council, the government would expect to come back to a subsequent Parliament to have its unlawful acts retroactively made lawful. Under our parliamentary system, that is completely and absolutely out of the question and should be rejected and resisted by every thinking Canadian.

I appreciate the opportunity to give my opinion about the motion brought forward, and I call upon the government to do the right thing and produce the information requested by my colleague.

**Hon. Elmer M. MacKay (Central Nova):** Mr. Speaker, like my two colleagues who have spoken, I too am very concerned about the implications of what we are doing here today. I will not speak at any great length because I know that the parliamentary secretary wants a chance to respond. Hopefully he will assure the House and the country that he will be tabling the information we on this side of the House are requesting so that the fears of Canadians, which are justifiably aroused, about the draconian implications of what the government has been doing will be assuaged, at least to some extent.

I think it is rather ironic that this kind of debate is taking place in the House of Commons so close upon the heels of the passage of the Canadian Charter of Rights and Freedoms. One of the reasons I voted against the Constitution was the appre-