

and recommendations developed by any National Emergency Agency or department".

What kind of calamity in peacetime could befall our country that would require the Prime Minister to manage and co-ordinate the national information services? This is in a country which does not believe in censorship.

I would now refer hon. members to the Minister of Manpower and Immigration's authority under these provisions. I note that these are peacetime provisions. The minister of Manpower is empowered to control and regulate the registration, mobilization, allocation and movement of civilian manpower, excluding medical manpower, taking into consideration the requirements of other national emergency agencies and ministers reconciling competing claims and establishing such priorities as may be required. More sweeping, Mr. Speaker, are the powers under items six and seven. Item six states:

Establish a population register for the effective management of manpower in consultation with other ministers and National Emergency Agencies.

This one is a real mind-bender:

7. Arrange any required international manpower transactions.

Are we looking ahead to where the Minister of Manpower and Immigration is empowered to conscript manpower in Canada to serve in another country in a civilian capacity? Now, this is something which disturbs me about the whole edict, that the President of the Privy Council says in one of his speeches that if Parliament is not sitting at the time when the government declares that there is a national emergency, the government may have to act—he uses the term “extra-legally”. He says that the government may have to act extra-legally. That is ominous to me and smells to me of October, 1970.

What bothers me is that we have a Prime Minister who enjoys blustering about strength and every once in a while he needs periodic confirmation of that strength through dramatic action. All we need do is remember October, 1970. All we need do is look at the way he has used the RCMP. All we have to do is look at the way he dealt with wage and price controls. The Prime Minister likes to talk about strength and every once in a while he has to reinforce what he says by some kind of dramatic action. What bothers me is that the Prime Minister has a cabinet which is filled with weak colleagues who lack the courage to stand against him, whose guide is not what is right but simply what the Prime Minister wants. They will do anything that the Prime Minister asks of them.

These are the realities which bother me. These are the reasons I think we need background information, to call upon the government to justify the passage of this order in council at this time, hard on the heels of having passed a Charter of Rights and Freedoms, at a time when there is no national emergency and at a time when the government has been talking about peace and safety.

Are they saying that sudden destruction will be coming upon us? I call upon the government to release all documents, letters, correspondence, telegrams and information on the work done with all the provincial governments which would validate in its eyes the need for this kind of precipitous and

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draconian order in council. I think the people of Canada are entitled to know what has been going on in the background that justified in the mind of the government this order in council. I will be looking to the government to produce the kind of papers and documentation that will quieten the fears of Canadians and justify this kind of order in council.

Hon. Ray Hnatyshyn (Saskatoon West): Mr. Speaker, I have a few brief remarks to make in support of the very important motion which has been put forward by my colleague from Surrey-White Rock-North Delta (Mr. Friesen).

To begin, I want to pay tribute to him for his persistence with respect to this particular issue. It is an issue which I think is most important in terms of the respect we have for the rule of law in this country. I will elaborate on that particular contention during my speech.

This order that is the basis of the regulations and the documentation my colleague has asked to be produced to the House now was passed under royal prerogative. It was an order which was carried out within the discretion and power of government to take action, and to direct and compel public servants and other people in the employ of the Crown to carry out certain duties. It is not an order which is passed pursuant to any legislation considered and passed by the House of Commons.

We have a unilateral, arbitrary action which was taken by the government with respect to this emergency planning order. As I understand the order, it was passed to authorize various ministers to plan for emergency situations both of a peacetime and wartime nature. However, at the present time the only legal way these plans can be implemented is through the proclamation of the War Measures Act. If we study the order, the definition of “emergency” is as follows:

An abnormal situation that requires prompt attention beyond normal procedures to prevent or limit injury to persons or damage to property or the environment.

This defines a situation far wider than that contemplated by the words “war, inflation or insurrection, real or apprehended”. A lot of planning, therefore, is being undertaken by the government which cannot lawfully be used in most of the emergency situations contemplated by the order.

● (1720)

I think it is interesting to note, however, the comments of the President of the Privy Council (Mr. Pinard) in an address on emergency legislation reported in the July to September, 1981 *Emergency Planning Digest*. I want to quote what he said because it is an incredible proposition. He said:

When we must deal with a grave emergency, we cannot afford to base our actions on the flawed product of hurried drafting and rushed consideration by Parliament.

I agree with that, but he went on to say this:

And if the emergency arises when Parliament itself is dissolved, we would at present have no option but to act extra-legally.

To the layman, “extra-legally” means outside the law, without legal justification and without legal background or author-