

Emergencies Act

decreed by proclamation and, until it is revoked, this proclamation is conclusive evidence that a state of war, invasion or real or apprehended insurrection exists.

Such a definition does not make it possible for Parliament or the courts to question the assessment made by the Government of an emergency or the need to use the legislation. The British legislation expired a little after World War I while the Canadian legislation has never been revoked. If the Progressive Conservative Party had been in power for longer periods since 1914, it might have had an opportunity to revoke this legislation. But as you can see, Madam Speaker, we are not missing any opportunity; while we are here, we are bringing in major changes.

Mr. Blackburn (Brant): I doubt that!

Mr. Ferland: My honorable friend would have liked to be on the Government's side, but he has chosen to sit in the opposition.

It is generally felt that it is incumbent on the provinces to act to cope with peace time emergencies. In this case, how could one justify the provisions of the Emergencies Act dealing with public welfare emergencies? It may be that a peace time crisis could exceed the capacity or authority of a province to deal with it. In this case, the province or provinces involved could decide to seek the federal Government's assistance.

If a public order emergency occurred, it might be necessary to pool all the resources of the nation to cope with a crisis. Such a major operation could only be undertaken by the federal Government, because it alone has the power to requisition resources and move them from one province to another to meet an emergency situation. The provisions of the Act will make it possible for the federal Government to respond quickly to a province seeking an emergency declaration, pool the resources of the nation to meet the crisis, send help and divide in a fair way the burden of an intervention or the means to remedy the situation.

Where the direct impact of a public welfare emergency is mainly limited to a province, the Government could only declare that a public welfare emergency exists if requested to do so by the province directly involved.

In the case of serious emergencies affecting more than one province, each of the provinces involved shall be consulted before an emergency can be declared to exist.

There are rumors at large, mention is made of civilian internment camps. As you know, there are rumormongers everywhere. I have still a minute left, Madam speaker, so I will conclude on this. This Government has no plans for setting up civilian internment camps. The enactment of the Emergencies Act and the Canada civil protection legislation have nothing to do with that. People should not try to suggest that Bill C-77 will open the door to the establishment of camps for detaining Canadians behind barbed wire. No, this is not in the Bill. Bill C-77 is a bill that was thought out thoroughly and prepared in

agreement with the provinces, after numerous consultations. It is a modern piece of legislation that meets the aspirations of Canadians of year 2000.

• (1230)

[English]

Mr. Blackburn (Brant): I have a couple of questions I would like to put to my hon. friend and fellow member of the Standing Committee on National Defence. One has to do with a very old legal tenet in British and Canadian law, that is, the right to sue for redress. In this case I am speaking of civil law.

Apparently this Bill would prevent that recourse to the courts. Instead, compensation would come from the Minister, a politician, and not from the courts. If a citizen is not satisfied with the amount of compensation, he or she could not appeal to the courts but only to an assessor who is named by Order in Council, in other words, by that Minister.

I do not wish to put my hon. friend at a disadvantage. I do not know if he has a legal background. I do not have a legal background. But it seems to me that this is contrary to the basic legal right that all Canadians should have, that is, the right to take a grievance, in this case a civil grievance, before the court and have the court, which is outside of the political domain, outside of partisanship, decide on the merit of the case before it, and not go to someone—and I will not call him a flunky—who has been appointed by the Minister to act as an assessor. Would my hon. friend comment on that?

[Translation]

Mr. Ferland: Madam Speaker, of course, just like my colleague who sits on the Standing Committee on National Defence, I have no legal qualifications and I am not a lawyer myself.

For the first time however, the measure now before us, Bill C-77, is the first emergencies legislation in Canada recognizing that if Canada or the Government unfairly hurts its citizens by its actions, the latter can hope for compensation.

Unfortunately, Madam Speaker, I lack the legal competence to answer his questions, but I am sure that the committee, when the Bill is referred to it, he and I will call upon legal experts who can reassure both of us.

Mr. Parry: Madam Speaker, the Hon. Member for Portneuf (Mr. Ferland) knows full well that Bill C-77 creates a new category in Canadian jurisprudence, international emergencies. Clearly then the Government has an idea of the kind of crises that would be declared international emergencies.

For this reason, I would like to ask the Hon. Member whether he could give us some examples of the kind of crisis that will be declared under Bill C-77 as being an international emergency.

Mr. Ferland: Madam Speaker, I must say that I am not a jurist and that semantic exercises are always possible, but when we are speaking about an international emergency, we