

*Emergencies Act*

one form or other, particularly in regard to procedures for parliamentary oversight of emergency powers.

Part I of the Emergencies Act deals with public welfare emergencies and is designed to enable the federal Government to mobilize the resources of the nation in response to a public welfare emergency that is so serious as to be a national emergency. Provisions of the act enable the federal Government to organize the response to a provincial or territorial request for assistance. The act will ensure that the burden of responding to and recovering from such a national emergency is shared by the nation as a whole.

All provincial governments have enacted standing emergencies legislation to deal with public welfare emergencies. By and large, they have developed sufficient competence, resources and experience to cope with most public welfare emergencies either with or without the assistance of contiguous provinces or of the federal Government. However, in a national emergency the combined resources of the entire nation may have to be mobilized to deal with the emergency. A vast, co-ordinated and timely response of the sort which could be required could only be provided using the federal emergency power.

While provincial governments have the authority, through their various emergency acts, to requisition resources within the province for emergency use within the province, they do not, and constitutionally cannot have the authority to requisition resources in the province for use outside the province. Only the federal Government can do this.

In the interest of federalism, as well as the efficient mobilization of the nation's resources, we recognize that the provinces should have a role in the process leading to the declaration of a public welfare emergency. The Emergencies Act embodies this principle.

Although the federal Government would always consult with the provinces before declaring a national emergency, the recent trend toward improved federal-provincial consultation as well as several studies of constitutional reform, all lead to the conclusion that the provinces ought to have a stronger voice and a more formal role in the process leading to the declaration of an emergency. Part I of the Emergencies Act therefore includes appropriate procedures regarding provincial consultation.

It is the intention of the federal Government to work continuously with provincial governments through Emergency Preparedness Canada to develop detailed plans and procedures to facilitate effective consultation if the need to consider invocation of the act arose.

The Emergencies Act stipulates that Part I may not be invoked unless the province in which the direct effects of the emergency principally occur indicates that it cannot cope without federal authorities and assistance. In large emergencies affecting several provinces, all provinces affected must be consulted before a declaration can be made under the act. In addition, the act states that provincial jurisdiction over the

police forces, including the RCMP—over which the province normally has jurisdiction—will not be altered.

With these safeguards, then, it will not be possible for the federal Government to use the legislation to intervene unilaterally in provincial or territorial emergencies that are within the capacities or authorities of the provinces or territories to cope with.

Some people have expressed doubts about the provision of Bill C-77 dealing with public welfare emergencies having serious implications for the right to strike. It is a point that certainly should be clarified. However, I would remind the House that I have stated publicly on previous occasions, that this act is not intended to be used to settle a legitimate dispute between an employer and employees.

• (1140)

I have already said that if there is uncertainty in the language of the Bill in this regard, it will be dealt with in committee to ensure that the original intent is respected. Indeed, we have seen very recently an instance where Parliament has been prepared to introduce special legislation which is well tuned to the specific exigencies of the circumstance, and that is the appropriate way to deal with it. If the federal Government believes it is necessary to intervene in the case of a strike, we will make it abundantly clear that this legislation is not intended to and could not be used to interfere in that way.

I personally have little difficulty with this point. I believe that the constraints of the definition of a national emergency in the preamble, when added to the further constraints of the definition of a public welfare emergency in Clause 3, effectively ensure that this Bill could never be used to terminate a strike and impose the settlement of a legitimate dispute between an employer and employees.

Likewise, it has been said that probably the most contentious clause in this Bill is the one that deals with public order emergencies. This is the type of situation which gave rise to the use of the War Measures Act in 1970. This clause takes its definition of threat from the Canadian Security and Intelligence Service Act. This fact alone should make us very cautious because of the difficulties already encountered with CSIS in determining what is subversion and what is legitimate dissent. That was one view of the legislation.

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

I would also remind the House that the definitions at the head of each of the four major parts of this Bill, including the definition of "threats to the security of Canada" do not stand alone. They must be read in conjunction with the definition of a national emergency in the preamble of the Bill and in conjunction with other restricting provisions. In other words, before