

Emergencies Act

to the provinces an important role before any declaration of an emergency has been or will be made.

The legislation about to be enacted will protect all Canadians more effectively in the future. The establishment of Emergency Preparedness Canada as an independent agency, at no additional expense, will have that effect.

For this reason, I support the Bill and urge all Members to hasten its passage by giving it their support as a bold step forward in the protection of civil liberties and civil rights in time of emergency.

Mr. Althouse: I wonder if the Hon. Member would explain if there is any change between Bill C-77 and the current War Measures Act? When I look at Clause 4 of the Bill it states, "When the Governor in Council is of the opinion that—" and it goes on to permit it to declare an emergency after consultation with the provinces, and so on.

Being aware that a similar process did occur in the October crisis in 1970 when the Government of the day, in consultation with the Province of Quebec, and apparently also the City of Montreal, which would not be necessary in this Bill, was of the opinion that an emergency was imminent. What would be different in this Bill as opposed to the old War Measures Act which permitted the same things to happen?

Is not the crucial part of this Bill and the existing War Measures Act the key phrase "the opinion of the Government"? Does the Hon. Member not think that there should be some strengthening of the wording in order that the Government's opinions be more restricted and guided by certain events having unfolded, or at least proof that certain events were in fact imminent, and that those reasons be given for implementing the emergency powers rather than to leave it as open as this Bill does? We feel that it is a criticism of the previous Act. I am sure that the Hon. Member went through the 1970 emergency and had those same criticisms of the existing War Measures Act.

Mr. Reid: I am delighted to have the opportunity to respond again for the purpose of enlightening my colleague. Bill C-77, as the Hon. Member knows, is in four separate parts. It deals with emergencies of different types and natures, the last two of which are international crises. The last one to which he refers, Part IV, deals with times of war.

The Hon. Member will know that the encroachment on civil rights and liberties will vary as one type of emergency moves into another. The Hon. Member will also know that whereas the War Measures Act was introduced in a time of war for war purposes, not for a critical situation as existed in 1970 to be adopted *holus-bolus* for application all across the country where it was a regional matter, this Bill provides for an application enacted and supported by a Parliament to deal with the situation and the emergency as it exists and of the type and nature that does exist. That is the difference, the statute background and statute application.

Mr. Althouse: I wished to make it clear to the Hon. Member that I was speaking of Clause 4 of this Bill which is under Part I. I was quoting from the clause relating to "Declaration of a public welfare emergency". It seems to be quite dependent upon the opinion of the federal Government of the day, the Governor in Council, and a shared opinion between the federal Government of whatever stripe, and a particular province. As long as there is agreement between the province and the existing federal Government, and they are of the opinion that such an emergency exists, it would be called.

I am wondering if the Hon. Member, being a lawyer, might not agree with the Civil Liberties Association. It indicated that there are ways of tightening up that wording so that government, meaning the federal Government and the provincial Governments in this case, would not have quite so much discretion to use the powers of the Act to create a situation where it would appear that something was happening in the rest of the country which was not in fact the case. History has shown that that is what went on with the stronger powers of the War Measures Act being used in the Province of Quebec.

• (1600)

Mr. Reid: Madam Speaker, I apologize if I misunderstood the Hon. Member in the first instance.

Mr. Althouse: I should have said it better.

Mr. Reid: If he is talking about Clause 4, it applies to a public welfare emergency. This make it even less comparable with the War Measures Act to which he compared it.

The Bill itself describes what is a public welfare emergency. It talks about fire, flood, drought, storm, and earthquake. There is nothing there about an international crisis nor about a war situation.

In this instance the application of Clause 4 would give to the Governor in Council the right of immediate and quick action to remedy a situation where the people of a particular area, probably an isolated area, need quick action. That possibility will be there.

Mr. Hopkins: Madam Speaker, the Hon. Member for Kenora—Rainy River (Mr. Parry) said that nothing was done by succeeding Governments after 1960. I would point out to him that in 1982 the Charter of Rights was brought in to take precedence over the War Measures Act. I think that should go on record because he said that nothing was done by succeeding Governments.

I would like to ask a question of the Hon. Member for St. Catharines (Mr. Reid) for whom I have the greatest respect. Does he feel that the compensation part, Part V of the Bill, is fair in that there is really no appeal beyond the Federal Court level and that the Government has the right to set levels of compensation? Even if persons are not satisfied and feel that they have been injured, or not properly paid for damages done to them, there is really no appeal for them to go beyond that