

*Emergencies Act*

● (1640)

Four basic classes of emergency are described in the Bill. Each one is more severe than the previous one. The first one is an emergency based on public welfare—natural disasters, the outbreak of contagious diseases, man-made disasters, et cetera. The Government will be given the power to order persons. In other words, part of the possible interpretation of the emergencies power under public welfare is that an interruption in the flow of central services can be considered an emergency. This can be interpreted as giving the Government the power to break a legal strike or to use the legislation against strike-breakers.

I was encouraged to hear the Minister of National Defence (Mr. Beatty) state that that was not the intention of the Government. He indicated that the Government would seriously consider amendments to this section to ensure that the Act would not be used against a legal strike. I take the Minister at his word and I hope, when the legislation comes back from committee, that this section will be properly corrected.

The second level of emergency is public order. This would be similar to what was used in the October crisis of 1970. The Government would assume emergency powers at the appearance of an outbreak of civil unrest or civil disorder.

We also have some problems with this section. In part, the "threat to the security of Canada" definition comes from the Act which created CSIS. In terms of the record of CSIS, we know that it has some difficulty from time to time being able to differentiate between legitimate and illegitimate protests. We are also concerned that the public order emergency provision might be used against legitimate protests or legitimate opposition to government.

Another concern is that the Act, taking the section from CSIS, would allow action on the part of the Government in a situation where there might be economic or political unrest in some area of the globe that it deems to be of vital interest not only to Canada but to a major ally of Canada. In such a situation the Government could use its emergency powers under the section dealing with public order emergencies to impose the Emergencies Act.

We could interpret that in such a way that indeed it would open the door to the Government imposing the Act at any time. I remember debating this point when the previous Liberal Government established CSIS. We in this Party—and I believe it was the case with members of the Conservative Party at that time—found this section wanting. We are facing a major global challenge with the outbreak of hostilities between Iran and Iraq. These potential hostilities certainly threaten the economic well-being of the United States, a major ally of Canada. In that event would the Government, under this section, impose these emergency powers? It does not seem to make much sense.

Another area of concern that we find unacceptable is that persons affiliated with a group which advocates the use of violence in another country could conceivably have their basic liberties and freedoms removed under this Act. As some of my colleagues have pointed out, the Secretary of State for External Affairs (Mr. Clark) and the Prime Minister (Mr. Mulroney) have met with representatives of the African National Congress. The National African Congress certainly advocates the use of violence to overthrow the racist regime in South Africa. We could think in terms of the President of the United States who addressed us and attempted to justify his support of the Contras. Certainly the Contras are involved in the use of violence to overthrow a legitimate regime, a legitimate Government. Perhaps, had this Act been in power, the President of the United States might have been arrested when he came to Canada.

Of course the President of the United States will not be arrested and our Prime Minister will not be censured for meeting with members of the ANC. It is ridiculous to assume that they would be. However, the point we are trying to make is that the Act would allow for that interpretation. We are asking the Government to tighten the interpretation so that major powers would not be used in an illegitimate way.

We have other concerns. The greatest level of power will be given to the Government under the section dealing with war emergencies. In essence, Cabinet will have *carte blanche* to do anything it wants to do. It is no different from the War Measures Act.

These are some of the concerns of my Party. I am happy to hear that the Minister of National Defence has expressed interest in our concerns and has sounded as though he would accept some of our amendments.

I hope the Minister would also give serious consideration to the area of compensating people who might have lost property, their civic liberties, or income during an imposition of the Emergencies Act. We are concerned that in this area where expropriation can occur it will be up to Cabinet to set the limits of compensation. It will be up to Cabinet to determine arbitrarily whether there will be any compensation whatsoever. As well, there will be no appeals to the courts, just an appeal to a person appointed by Cabinet as an assessor.

I think history has taught us that this is wrong in terms of the Japanese Canadians who were wrongfully treated under the War Measures Act at the outbreak of World War II. They lost property and economic opportunity. Under the War Measures Act they did not have legal opportunity to obtain compensation for this wrongful act. I think everyone in the country now recognizes that it was a wrongful act. Let us make certain that these wrongful acts will not happen in the future. Let us make certain, if they are applied in a wrongful way, that those people will have a chance of getting compensation for the wrongs committed to them.