

*Emergencies Act*

reconsider and revoke a declaration of a war emergency. No such provision exists at the present time.

The Emergencies Act will be subject to the Canadian Charter of Rights and Freedoms. The War Measures Act is not. The new legislation provides for expiration at the end of 360 days. The present legislation contains no such time limitation.

Provisions for compensating persons having suffered damage or injury as a result of the application of the Emergencies Act will be included in this legislation. The present legislation does not include such provisions. Finally, before the new legislation takes effect, the provinces will be consulted and their views reported to Parliament, which is also an innovative step.

When the Government invoked the War Measures Act in October 1970, it did so reluctantly, believing it had no other choice. This situation led Prime Minister Trudeau to say in the House on October 16, 1970 that "the absence of both adequate time to take other steps or alternative legislative authority dictated the use of the War Measures Act".

[English]

The War Measures Act is too broad and too sweeping. It makes no provision for dealing either moderately with peacetime disasters or for a measured and prudent response to international tension. For 17 years Canadians and politicians of all Parties have been advocating abolition of the War Measures Act saying that it was outmoded, dangerous, and too blunt an instrument for anything short of war.

The present Right Hon. Leader of the Opposition, as Minister of Justice during the October Crisis, stated in the House on November 4, 1970:

The government recognized and, from the beginning, expressed the opinion that the War Measures Act was "too blunt an instrument" — We recognized the need for a more definite but flexible statutory instrument —

Similarly on April 28 of this year the Member for Thunder Bay—Nipigon (Mr. Epp) moved that the Government should consider the advisability of repealing the War Measures Act which, to quote him, "authorizes unlimited and arbitrary exercise of power by the Government of Canada during periods of war or apprehended insurrection without providing any review mechanism for such actions nor any basis for redress of the victims of unjust actions" and then went on to say that he thought there were many Canadians who would support Parliament expressing itself in this particular long-standing piece of legislation. He said that he thought that this Draconian Measure, the War Measures Act, should be removed from the books, that what we needed were review mechanisms to ensure protection of individual rights and freedoms.

[Translation]

The same day, in response to motions by the New Democratic Party to abolish the War Measures Act, the Hon. Member for Saint-Denis (Mr. Prud'homme), in recalling the last time the Act was invoked, exclaimed: "I regret only one thing and that is that we do not have more time to discuss a

page in Canada's history which is certainly not one of the most glorious in the history of human rights in Quebec and Canada".

The Hon. Member went on to say: "Many of us who were young parliamentarians at the time were agonizing about this issue... There was a tough debate in the New Democratic Party at that time as to what to do. I agree many New Democrats voted against the Act, but they had a tough debate. I remember it only too well. My price for voting for the War Measures Act was that I be included as one of the speakers... I will say in English and in French that I will always regret having voted for the War Measures Act. I felt it was my duty as a Canadian with the kind of information that we had that I had to do so. I had no other choice", admitted the Hon. Member for Saint-Denis with admirable frankness.

[English]

One effort to examine the problem of legislation to deal with emergencies came from the Task Force on Canadian Unity. It recommended that the Government had the right to seek parliamentary approval within a specified time for any extraordinary powers. It also recommended that the Government state the reasons for its action and the duration of the emergency powers in its proclamation. The task force further recommended that provincial powers and individual rights be safeguarded to various degrees depending on whether the nation was at war or at peace.

I have read the recommendations of the Pépin-Robarts task force carefully and I can assure Members of the House that Bill C-77 adequately meets them. The legislation for second reading which I am proposing today will provide the necessary flexibility to respond to national crises without invoking the War Measures Act. It applies only to national emergencies and distinguishes between four types.

In broad terms they are these: First, situations affecting public welfare and caused by an accident such as a massive chemical spill or by natural disasters such as earthquakes, floods or tornadoes that are of such magnitude as to exceed the capacity of the affected province to respond and to require special powers for an effective federal response; second, public order disturbances that threaten the security of Canada and which are so serious as to be national emergencies; third, international emergencies requiring Canada to take special preparatory measures in concert with our allies; fourth, and finally, war itself.

• (1130)

Passage of this legislation will enable the federal Government to fulfil its constitutional responsibility to provide for the safety and security of Canadians during national emergencies. The Emergencies Act will enable the Government to discharge its responsibility for public order emergencies that become national emergencies, without having to resort to the War Measures Act, an archaic and dangerous piece of legislation completely out of tune with democratic Canadian life.