

Emergencies Act

I wish to respond to the remarks of my hon. friend who stated that the NDP always posed as the great moralists who are always right. Like everyone else, I hate people who say, "I told you so". I cannot stand them. Therefore, I will not say it. It is not something that we are saying now in hindsight; we are not curling behind the glass. This is not hindsight, it is what we stated in October, 1970. Of course our caucus was divided. I believe there were two members of the Conservative caucus who also voted against the War Measures Act. We all knew that there were many members of the Liberal caucus who were very unhappy with the invocation of the War Measures Act. We tried to encourage them to have more courage of their convictions.

In any event, all I can say on that matter is that we felt then deeply, and just as easily we could have been wrong as we turned out to be right. I am not denying that. You have a position, you take it, and you take your chances. History will judge.

To the everlasting credit of a former Hon. Member of this place, whom I considered to be one of the finest human beings to ever grace this Chamber, one of God's gentlemen and a real humanitarian, the former Leader of the Conservative Party, Robert Stanfield, who, even though he was unhappy about the desires of the overwhelming majority of his caucus, acceded to their wishes. But within a year or two of no longer being a Member of this place he had the grace and the humanity to say that of all the things that occurred during his tenure as Leader of the Official Opposition, he wished that he had done as Tommy Douglas did in October, 1970, and I will leave it at that, Madam Speaker.

Mr. Simon de Jong (Regina East): Madam Speaker, I too wish to participate in this very important debate. Unfortunately, this debate has not received much press, public attention, or very much attention in the House. We have debated it for a while, but it certainly does not seem to be on top of people's agendas. Yet it is extremely important legislation, because surely in some ways how we are judged as a country is reflected by it.

First, I wish to congratulate the Government for bringing in a piece of legislation that will replace the War Measures Act. The War Measures Act was introduced at the beginning of World War I. It was found to be quite unacceptable to most Canadians, yet the ability and the opportunity to change or amend it never came forward. Despite former Prime Minister Trudeau having stated publicly on several occasions that the War Measures Act had to be replaced, that it was wrong for such tremendous powers to be placed in the hands of any Government, he failed in his long tenure as a Prime Minister to indeed bring forth the needed changes.

I do wish to commend the Government for taking this important step and fulfilling an important promise that it had made.

With a piece of legislation that gives tremendous emergency powers to a Government, great care must be taken with the type of powers that a Government is given over its citizens in times of emergencies. First, we must be concerned that the term "emergency" itself is properly defined; that the legislation has a very clear definition of what is meant by an emergency. We must be concerned that the powers that the Government takes upon itself and therefore takes away from its citizens are not abusive and will not be abused.

When we give this type of power to a Government, the nation and our civilization stands on the edge of falling into the abyss of a dictatorship with the very emergency powers that are called upon to attempt to protect us. There must be great consideration given that in the name of defending democracy we do not destroy it; that in the process of defending civil liberties and the rule of law we do not destroy them. That is why legislators are called upon to exercise great wisdom and care in drafting legislation that is needed in times of emergencies.

I underline the word "needed" because certainly there will be instances when emergency powers are needed by Government. We know that living in this day and age, not only will natural phenomena occur, for instance, tremendous storms, dust or drought, and various other natural disasters, but with modern technology there are man-made disasters.

There was the pesticide chemical plant in India and the melt-down in the nuclear plant in the Ukraine. Given modern technology and its power, a disaster can occur that would endanger the lives and well-being of thousands of citizens. In fact, when we talked about nuclear energy as the melt-down started in the Ukraine, we know that the radiation emitted from that plant was endangering the well-being of the globe. Because of modern technology, we do face those crises that endanger our global village.

In those circumstances, it is necessary for Governments to be able to act decisively and with speed; to be able to move and direct people and bring forth manpower without proper appropriation from Parliament and, at times perhaps, without care for due process because the well-being of the community at large, whether it is a village, a city, a province, a nation or the globe, is at risk.

I wish to warn again that, in drafting the type of legislation that gives that emergency power, great care and wisdom must be exercised. As various of my colleagues have pointed out, we have found the legislation brought in by the Minister of National Defence (Mr. Beatty), Bill C-77, to be wanting. We have major concerns, for example, that the reference that once the Government assumes any emergency powers, those powers shall be referred to Parliament within a certain period of time and passed by Parliament. This also means that it must be passed by the Senate. Is the Government serious in giving this extra power to the Senate, an unelected body? I urge the Government to rethink this provision and to consider seriously amendments in committee.