

*Emergencies Act*

Finally, there is something that is quite surprising, and that is, the gratuitous donation to the Senate of an increase in its power. This was not asked for by those who wanted a repeal of the War Measures Act. In fact, it comes as quite a surprise, given the Prime Minister's occasional rages against the Senate when it interferes with what he wants to do. To have him give this Christmas present to the Senate is really quite a surprise.

I want to go into the matter of triggering, the circumstances which might trigger the use of the War Measures Act. The problem lies chiefly in the vagueness of the word "emergency" and the fact that the Act fails to define it. We are told that it is there in the preamble and that we therefore should not worry. We are also given good advice by civil liberties experts that defining it in the preamble of the Act does not necessarily protect us because what the Act says is, "When in the opinion of a Governor in Council there is an emergency". It does not really bind the Government or limit it any further than that. If it says it is an emergency, it is an emergency.

We may well find that the courts will declare that they cannot go behind the decision of the Governor in Council as to what constitutes an emergency. Usually, when the Governor in Council acts in cases like that, they tell the public: "We cannot give you all the facts. There are secret things. If you knew about them, you would agree with us, so just trust us". We have had enough of this business of "just trust us". In fact, what this seems to be is a kind of legislating of rule by Order in Council.

The Conservative Party six years ago in this House was very angry at the then Liberal Government for establishing an Order in Council that would provide for government powers in an emergency. The Conservatives said it should be legislated. Now they have legislated, but what they have done is to legislate the power of the Government to do almost anything it wants in the case of war, and not anything it wants but far more than it has to justify, in smaller emergencies.

There ought to be a definition in the law which shows what it is that is happening that goes beyond the ordinary means of the Government to control. We have the criminal law. We have other laws empowering the Government to take action for the public welfare. To suggest that we should have the power to conscript labour for a plague emergency or a flood emergency, really is rather bizarre. Yet that is what we have here. It would give the Government the power to direct any person to perform an essential service. It does not say what is essential. Whatever the Government thinks is essential, apparently would be essential.

We are told to trust the Government because it may bring in some amendments or it may permit some amendments which would remove the danger of this being used simply as a union busting or strike busting tool. However, the attraction for this Government of having a thing put into action without having to debate it in Parliament is very dangerous. The Government would not at all be adverse to deciding that a cessation of services was a cessation of an essential service and, therefore,

order people to provide those services. I think that would not only be very damaging where it was applied, but very damaging as a threat to the labour movement of Canada.

• (1650)

What is being urged by the Canadian Civil Liberties Association is that there should be much more limited powers prescribed in the emergencies Bill and that other emergencies should be dealt with by Parliament at the time, that is, by Parliament being requested to adopt a specific piece of legislation. If the Government believes that it cannot wait for Parliament to do that, then it should be obliged, and this Bill should oblige it, to show why it cannot wait. What is it that would require an action by the Government without legislation by Parliament? Why can the Government not handle this so-called emergency by appealing to Parliament? It should be required to do that.

My colleague from Burnaby has spoken about the danger and the folly of using the very vague definition that CSIS gave us in regard to "threat to public order". Certainly, the conduct of CSIS throughout the course of this year in sending disrupters into unions, and in sending spies into the peace movement makes it very clear that it does not understand well enough the difference between legitimate public criticism and subversion. It spends the public's money trying to disrupt criticism and at times it appears not to be alert enough to stop a serious matter such as the bombing of an aircraft.

A public order emergency, or for that matter an international emergency, ought to be defined. As the Civil Liberties Association suggests, "the Government could invoke emergency power at the point at which it could reasonably anticipate the outbreak of illegal violence so intense, so widespread and so continuous that the Government itself would be overthrown or be rendered powerless to govern".

What I am concerned about is that under some of these emergencies the Government takes onto itself not only the power to conscript labour with or without payment but to take away a person's right to say yes or no to work. I do not believe the Government will conscript doctors or lawyers. It does not do that now. Now it conscripts trade unionists with back-to-work laws, even laws that threaten to tell union members that their officers will have to be subject to approval by the Government under certain circumstances.

As has been mentioned, there is also the threat to prohibit public assembly. Public assembly is often regarded as the foundation of liberty in our kind of democracy. Yet the Government is likely willing to take it away. However, the most ridiculous part of this Bill is the concept of an international emergency. I refer to Clause 25 of the Bill. If somebody from the public or if the Government had put forward such a statement in a White Paper, which it was urged to do, it would have been laughed out of court. However, we now have it proposed as law with a straight face. I quote: