

These are strong powers and I find them as distasteful as I am sure you do. They are necessary, however, to permit the police to deal with persons who advocate or promote the violent overthrow of our democratic system. In short, I assure you that the Government recognizes its grave responsibilities in interfering in certain cases with civil liberties, and that it remains answerable to the people of Canada for its actions.

The Prime Minister of the day, Mr. Trudeau, concluded:

It is my firm intention to discuss then with the leaders of the Opposition parties the desirability of introducing legislation of a less comprehensive nature.

In this respect I earnestly solicit from the leaders and from all Hon. Members constructive suggestions for the amendment of the regulations. Such suggestions will be given careful consideration for possible inclusion in any new statute.

The justice Minister of that day is today the Right Hon. Leader of the Opposition (Mr. Turner). He will, of course, remember very well the circumstances which led to the decision to invoke the War Measures Act for the first and only time in a period of peace in Canada. He will remember as well, as will many Members of this House, the commitments made by all three political Parties to see legislation brought in, during a period of calm, to protect the civil liberties of Canadians better, while at the same time ensuring that the Government has the powers necessary to protect the needs and the safety of Canadians in cases of grave crisis.

What we are doing today is to act on that commitment made some 17 years ago. The time surely has come now where we in this House must keep faith with the people of Canada.

On June 26, I tabled in this House two Bills, Bill C-76 and Bill C-77, and announced that the federal Government was repealing the War Measures Act, withdrawing the emergency planning order of 1981 and introducing new federal emergencies legislation to replace them. The Bill I am presenting today complements Bill C-76, the Emergency Preparedness Act, which was given second reading on November 2 and referred to a legislative committee. Although the Bills are in a sense complementary, they are being considered separately.

Bill C-77, the Emergencies Act, will replace the old War Measures Act. It includes safeguarded and appropriately limited powers to deal with four types of national emergencies. It ensures that the exceptional powers granted by Parliament will be no more than are needed for the specific emergency at hand. It will ensure a graduated response, not an overwhelming one. In addition, the Emergencies Act will provide for compensation in the event of personal loss, injury or damage.

The Bill's preamble defines a national emergency as:

—an urgent and critical situation of a temporary nature that imperils the well-being of Canada as a whole or that is of such proportions or nature as to exceed the capacity or authority of a province to deal with it and thus can be effectively dealt with only by Parliament in the exercise of the powers conferred on it by the Constitution.

• (1120)

With passage of the Emergencies Act the Government will be able to act quickly during national emergencies to limit suffering through the use of means that, while extraordinary, will be limited to what is strictly required. The Emergencies

Emergencies Act

Act will clearly constitute a vast improvement over the legislation which it replaces. It will provide a unified and coherent set of measures to respond to emergencies while incorporating maximum safeguards of fundamental rights and freedoms.

The Act will provide for parliamentary review of the use of emergency powers. It will require the executive to answer to Parliament for the use of its powers. The period during which the Act may apply will be limited and the nature of the emergency measures will be restricted to what is appropriate in the circumstances. In addition, the Government will have to return to Parliament for any continuation, amendment, renewal, or declaration of emergency.

Under the Act the provinces are to be consulted before the federal Government can declare a national emergency. In the event of a peacetime public welfare or public order emergency primarily affecting a single province, the province experiencing the direct effects of the emergency will have a veto over the Act's invocation. Under Parts III and IV, which cover areas of federal jurisdiction, there will still be consultation to the extent that it is appropriate and practical to do so.

The Act was designed so that each part may be invoked separately. In extreme situations, however, two or more parts of the Act may be invoked simultaneously.

Part IV of the Act is concerned with a war emergency. This part grants to the executive powers similar to those of the War Measures Act. However, they can be invoked only in time of war or of other real or imminent armed conflict and are subject to similar safeguards as are other parts of the Act. There is no reference to "insurrection" or "apprehended insurrection" in Part IV.

[Translation]

Some critics have tried to combine the old and the new laws in an attempt to make people believe that Part IV of the Emergencies Act is practically identical to the War Measures Act. They have also stated that there is not really any difference between the two legislative texts since the Charter applies to the War Measures Act. They go as far as to say that temptation to resort to the Emergencies Act will be stronger because, they claim, this legislation creates the impression that it offers more guarantees than the War Measures Act and that it will be easier to invoke it.

Such statements are completely unfounded.

Part IV of the Emergencies Act concerns "a war or other armed conflict, real or imminent". The War Measures Act applies to war, invasion or real or apprehended insurrection.

According to the new Bill, the declaration of an emergency must be justified and may be challenged. Under the present legislation, the declaration of a state of emergency is based on "conclusive evidence that war, invasion or insurrection, real or apprehended, exists".

In the proposed legislation, all orders and regulations will be subject to scrutiny by Parliament, which may decide to