

Mr. Deans: All of them?

Mr. Smith: No, not hon. members of the New Democratic Party, just those of the official opposition.

In the case of wartime emergencies, the War Measures Act confers, in our view, sufficient authority to activate, for example, the national emergency agencies needed to meet such a grave national crisis as war.

The third major part of the emergency planning order comprises ministerial planning responsibilities uniquely relevant to the exigencies of war. These responsibilities, set out in Part II of the schedule, are again quite similar in detail to certain of those set out in the 1965 order in council. Here, too, it appears to be clear that the War Measures Act confers sufficient authority to permit implementation of these plans and arrangements should this be required.

The activation of one or more of the national emergency agencies, say in the aftermath of a catastrophic disaster in Canada during peacetime, would however require authority not now conferred by any act of Parliament. Legislation to fill this void could take the form of special legislation especially tailored for a particular situation or a continuing statute addressed to emergencies more generally. Which of these paths should be followed to meet particular needs is a question now under study within the government. I should like to refer to a presentation made by the President of the Privy Council to a federal provincial conference on emergency planning for some further thoughts on the matter.

I invite hon. members to consider only one of the issues now being investigated, that is, the situation obtaining when Parliament has been dissolved. I would emphasize that I speak here not of adjournment nor of prorogation when Parliament could be recalled to deal with an extraordinary situation. In his address, the minister indicated that if an emergency were to arise when Parliament is dissolved, that is when there was no Parliament in existence to consult, the government, if it judged that action was vital and authority was not available in existing statutes, would at present have no option but to act outside the four corners of statute law. There is probably sufficient authority remaining in the prerogative of the Crown to justify such an initiative, provided the action taken was reasonable having regard to the circumstances and was referred to Parliament for review at the absolutely earliest opportunity. But the minister's point was that a continuing statute on emergencies could cater for this problem directly, thus providing the means to deal with all possible situations under all conceivable circumstances. If I rightly understand some of the concerns of hon. members, they will take comfort in the fact that this and related issues are now being carefully reviewed.

Also I should like to state that it is our profound hope that we shall never need to make use of the plans, arrangements and machinery called for by the emergency planning order. It is, however, our firm belief that emergency plans addressed to contingencies that can happen here should in fact be carefully drawn up, kept current and regularly tested. I believe that

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Canadians want, expect and deserve no less preparedness than this.

I should like to turn to the matter of civilian internment camps which are identified in Part II of the schedule of the order, the part covering war contingency planning as a responsibility of the Solicitor General. I point out two facts to hon. members. First, this responsibility was carried over from the 1965 order in council where it was assigned to the Minister of Justice, acting through the RCMP. The present order lodges this responsibility with the minister responsible for the internal security of Canada under the lead department concept, that is, with the Solicitor General, who alone is accountable to the House. Accordingly, it leaves open the question of which element or elements in the minister's portfolio will actually undertake the detailed planning associated with this responsibility. This determination is properly made by the minister, and I would only mention that both the new security intelligence agency and the correctional service could be expected, along with the RCMP, to have some input into this planning.

Second, I draw the attention of hon. members to the view of the McDonald royal commission on the importance of the internment program and the program by which internees are identified. Pages 928 to 934 of the report are specifically addressed to the need to enhance and strengthen this aspect of federal emergency planning, not to downplay or disregard it. The commissioners state at page 930:

● (1750)

The wholesale round-up of people does not sit well with many Canadians who have lived through the arrests of Japanese Canadians in World War II and the crisis of October 1970. Having said this, however, the fact remains that in an emergency of the kinds contemplated by the War Measures Act some potentially dangerous persons will have to be put under restraint.

The commissioners direct six recommendations about internment to the government, all of which are being carefully considered at this time. Although I am advised that no final mechanisms have been established by which the incumbent solicitor general will discharge his obligations under the Emergency Planning Order, I would hope that the following brief description of the anticipated procedures would help to alleviate the concerns about possible internment requirements that have been expressed by hon. members.

First, it is and will continue to be a function of the security service, that is, the security intelligence agency, to obtain intelligence concerning only those individuals who are the legitimate concern of that service in accordance with an approved mandate.

Second, as a safeguard against possible abuse, any intelligence to be used in support of this identification program must first be presented for examination to a review committee composed of senior officials of the security service—again, the security intelligence agency—members of the solicitor general's secretariat and legal counsel acting as a representative of the Crown. That would be the Department of Justice.