

OFFICIAL REPORT (HANSARD)

SATURDAY, FEBRUARY 19, 2022

Mr. Pat Kelly (Calgary Rocky Ridge, CPC):

Mr. Speaker, I do not think I have ever felt more compelled to add my voice to a debate in the chamber than I do in this debate about the invocation of the Emergencies Act. I am going to start by making a number of things very clear to the people listening, including my constituents. They might want to know where I stand on a number of issues that cannot be separated from this debate.

I am proud to belong to a party that has always stood for both law and order. At no point have I condoned, encouraged or made excuses or apologies for unlawful conduct. I was appalled by the border blockades that immediately harmed the economy and brought into question Canada's core competence as a sovereign country able to control and secure its own borders. I was horrified by the violent attack on workers at the Coastal GasLink pipeline two days ago that resulted in injured police, terrorized workers, millions in property damage and barely a peep out of the federal government, or the press gallery, for that matter.

I was elected on a platform that would make it an offence to block critical infrastructure like highways, railways, ports, pipelines and border facilities. I stand by that. I believe in prudent and reasonable public health measures, especially during a pandemic, but not inflexible mandates. I stand today in the House of Commons opposed to the invocation of the Emergencies Act and the order that the government has made pursuant to the act. I oppose the invocation because it fails the tests set out in the law, because it sets a terrible precedent for future governments and because the current government in particular cannot be trusted with the powers that it would grant itself.

The first reason is simple. The present situation clearly does not meet the tests set out in the act. The government has declared a public order emergency. The act itself defines a public order emergency as follows:

an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency

This definition was always understood to mean war, widespread deadly violence, insurrection, or threats to Canada's sovereignty.

What was the situation when this order was invoked last Monday? It is certainly true that there had been blockades at border crossings and partially blocked streets in and around the parliamentary precinct here in Ottawa. However, by the time the order was made, conventional policing was prevailing at the border crossings. Arrests with serious charges had been laid in Coutts, and others left peacefully of their own accord. The Ambassador Bridge was also cleared peacefully. Let me pause and commend the police,

who successfully ended these blockades with no injuries, no damage to property and no violence with existing powers and solid police professionalism.

Given that the border blockades were resolved without additional powers granted under this act, and the downtown Ottawa situation was all that remained, did the situation in Ottawa really meet the test of a national emergency? Make no mistake. Laws were broken, and people who live and work in the Ottawa core were harmed by traffic disruptions, noise and reported incidents of harassment. However, was this a national emergency, a threat to the security of Canada and one that could not be solved using existing laws and conventional policing methods?

I arrived in Ottawa the day the convoy arrived. I have been here for all but one day since. I have walked through and among the trucks and the demonstrators every day to and from my apartment, this chamber and my office across the street. There was clearly and obviously a breakdown of law enforcement. That is clear and obvious to all, but I did not see a national emergency. There was a downtown Ottawa emergency, perhaps, but a national emergency is an emergency that threatens 38 million Canadians. This emergency did not even prevent MPs from working right in the middle of it. A former member of Parliament, Erin Weir, perhaps summed it quite nicely when he said, "The only element of the protest that may have been a national emergency was the blockade in Windsor". However, the police reopened that bridge on Sunday night without the federal Emergencies Act.

The second reason I oppose the invocation of the Emergencies Act is for the terrible precedent that it would set, or has set, really. This law has been on the books since 1988 and has never been invoked until now. There have been many threats to public safety and security during that time, yet no government has ever reached for the powers under this act: not during the Oka crisis, not after September 11, 2001, not during the dangerous and paralyzing highway and railway blockades two years ago and not during the COVID crisis. However, this invocation is going to be the bar set for future governments.

We now know how the Prime Minister feels about those who disagree with his federal policy of mandatory vaccinations. We know how he lumped together all those with whom he disagreed and called them racists, misogynists, anti-science and a fringe element; talked about how they should not be tolerated; and complained about how they take up space. He did this during an election, when he cynically did everything he could to divide Canadians and weaponize the pandemic and vaccines. However, now he has invoked the Emergencies Act in response to a protest, and hardly the first protest that has taken place since this law came into effect in 1988, or even since 2015 when this government came to power or even since 2020. However, this protest is being conducted by those whose views are abhorrent to the Prime Minister. These protesters are people the Prime Minister has systematically demonized, vilified, stigmatized and scapegoated since he made the cynical self-serving decision to do so during the last election. Now this is going to be the bar set for future use of this act. Every future Prime Minister will have this precedent for using the act as a tool against citizens who hold opposing views.

This brings me to the third reason why I will oppose this motion. The tools contained in this order are so ill-defined and draconian and so utterly out of proportion to the situation at hand that they simply cannot be supported. This order, among other things, immediately orders banks to seize the accounts of anyone affiliated with the blockade and to do so without a court order. Thousands of Canadians who disagree with the government have given financial support to this protest, and many likely did so before any laws were broken. These Canadians are now left to wonder exactly what constitutes the phrase "being used to further the illegal blockades".

Is this really to be the new way that governments in Canada deal with protesters? Are we to become a country where governments say the legal system is really inconvenient and time consuming, so let's just keep it simple? That is not Canada. No government present or future should deal with a breakdown of law enforcement at a local level with suspension of legal process, and certainly not over something as politically charged as dealing with a group of people who have been deliberately alienated not just from their government but by the government itself.

Before we take any comfort from the government's assurance that its members will not misuse the powers they are granting themselves, let us remember what kind of government we are dealing with. We are dealing with a government whose members have been repeatedly sanctioned by the Ethics Commissioner for conflicts of interest, and with a Prime Minister who tried to interfere in a criminal prosecution by creating a new law to get a corrupt company off the hook and who then fired his attorney general, who refused to be complicit. This is a government that tried to give itself unlimited taxing and spending power at the beginning of the pandemic, a government that has tried to control, through regulation, what Canadians post online and a government that has defied court orders of this chamber. We are talking about a government that wanted to receive private banking information and is now seeking a partner from which to track mobility data. I would not want to give the government the extraordinary power that it seeks. Its appetite for power and control and its failure to comply with the law are simply too well established.

To conclude, there is no justification for this act. The emergency is local and does not require additional powers.