

*Emergencies Act*

I consider the October crisis a blot on our national conscience. As a political device the War Measures Act was tremendously effective. As an instrument for dispensing justice, it was not effective at all. We saw the disgraceful state of affairs where more than 450 Canadians were arrested and detained without charges being laid, and without being allowed to consult a lawyer. Of those people who were taken into custody, 439 were later released without being charged. To quote Ron Haggart and Aubrey Golden from their book *Rumours of War*:

They had been placed at the worst possible legal disadvantage, denied information on what was alleged against them, denied counsel, interrogated and then "tried" in someone's office in their absence.

Going back further in our history, the War Measures Act was legitimately invoked in 1939 to permit Canada to play its proper role during the Second World War. There is no doubt that during those six difficult years from 1939 to 1945, the men and women who served in Canada's Armed Forces, and the Canadians at home whose efforts supported them, brought honour to Canada and contributed in no small way to Canada's emergence as an independent nation deserving our pride and allegiance.

● (1140)

We must also look back with sadness and regret at one aspect of the use of the War Measures Act in that period. I refer, of course, to the displacement and internment of Canadian citizens of Japanese descent and the confiscation of their property. Without wishing to make judgments about the exigencies and pressures that faced the decision-makers at that time and which led to these measures, Canadians today can only look back on those events with a good deal of national shame. The Minister was determined to ensure that the legislation which replaced the War Measures Act would be abundantly clear on at least this point, that this sort of abuse of executive power could not recur.

The Minister was very aware last summer, when he presented the replacement to the War Measures Act in this House, that because of the past events to which I have just referred the legislation would be seen as much as a civil rights issue as a means for allowing the Government to act swiftly and effectively in national emergencies. We thought we had a well considered piece of legislation, but we also knew that this time we had to be absolutely sure to get it right. After 17 years it was simply too important to the country to do otherwise.

For this reason the Minister invited all Canadians to comment on the draft legislation. The Minister and I have been impressed enormously in the past month with the care and amount of time which individuals and organizations have devoted to examining this important piece of legislation. There is something special about a country whose citizens care so passionately for individual freedom that they will devote hours of thoughtful reflection to a proposed law which may never have to be invoked.

When the Minister spoke during second reading debate, he indicated that the Government had an open mind on the detailed provisions of the Bill and would welcome constructive suggestions aimed at ensuring that when finally passed it would be the best that we could produce by working together.

At this time I would like to express the Government's sincere appreciation and gratitude to the many witnesses who appeared before the legislative committee and presented briefs which were obviously the product of a good deal of intense thought, research, and study. I would also like to compliment my colleagues in this House of all Party persuasions who worked on the Bill and gave the committee the benefit of their thoughtfully considered views.

The Bill which is the product of the committee's deliberations, and which we are now proposing for third reading and passage by this House, is similar in appearance to the original Bill and is consistent with the principle of the Bill which we approved at second reading. However, I can assure you, Mr. Speaker, that it is very different in detail. It is a much improved Bill. The amendments which the committee developed and approved and which are incorporated in the Bill we now have before us are numerous. I would hesitate to try to count the number of individual changes. They cover some three dozen distinct areas.

A point of note is that my hon. friend, the Member for Brant (Mr. Blackburn), introduced 61 amendments. Forty-eight were either adopted or incorporated in a government amendment. I would like to thank him personally for the work that he has done on this piece of legislation.

All the amendments contributed to better meeting the objective which I stated earlier in debate, that we should produce a Bill which adequately equips the Government of Canada to meet its constitutional responsibilities to provide for the safety and security of Canadians during national emergencies but does so with the minimum encroachment on the rights and freedoms of individual Canadians. The Government must be given the authorities it needs to minimize human suffering during emergencies but the legislation giving these authorities must be carefully crafted to ensure that ordinary governmental powers are exceeded only to the extent that is absolutely necessary in the circumstances. I am impressed by the manner in which the legislative committee was able to adhere to these objectives and produce a vastly improved Bill.

The changes that have been made to the Bill fall into three general categories. First, there are those which add precision to the legal formulation of what the Government is empowered to do and in what circumstances it would be given these additional powers. In this category I would include changes to the definition of "national emergency" and the definitions of the four specific types of national emergency, as well as changes to many of the specific powers granted in each of the four main parts of the Act.

Second are the changes which tighten up and enhance the supervision of the Government's exercise of the special