

Emergencies Act

Parliament. Certainly, the Hon. Member for Sudbury is very concerned about this legislation and vitally interested in the rights of all Canadians.

I think it is important that we in Parliament make a very definite commitment to the rights of Canadians. It is not something we can do just once. All of our legislation must continually show this. It is a fundamental underpinning of our whole society. The witnesses that came before the committee were not merely stating an opinion as Canadians. They were stating an experience, a belief and an education about these very important subjects. If we qualify our beliefs with respect to the rights of Canadians, we are very likely to qualify our rights on other issues as well. If we qualify our beliefs and say that a certain right can be violated in a state of emergency, regardless of the seriousness of the emergency, we are gradually starting the process of the abolition of the rights of Canadians in all aspects of our Canadian way of life.

It is important to look at this issue from an aspect of the safety and security of Canadians in times of emergency. We cannot discount that. We must also look at it within the framework of the rights of all Canadians. We must not in any sense of the word try to chip away at these rights in anticipation of solving a situation regardless of how important. By chipping away at these rights, even if we are solving a situation, we are creating a greater problem, that is eroding the rights and principles on which this country is built.

The Liberal Party supports the legislation. Granted, there are things we would like to see changed. It is not a perfect Bill, in our opinion, but it is a Bill which has been much improved. As such we give it our support. We appreciate the concerns of a lot of witnesses who appeared before the committee. These concerns are definitely concerns which, in many cases, should have been given greater consideration.

I do feel it is important that this Parliament not rely on the Supreme Court of Canada to draft our legislation. If we as parliamentarians do not have the knowledge and belief of what is right for this country, then we should turn over the whole function of law making to the Supreme Court of Canada. Parliament has a role and its role is to make the laws. The role of the Supreme Court of Canada is to interpret those laws. If we cannot believe in the laws we make, particularly in areas of such tremendous importance as emergency legislation, if we are hesitant about what we are doing, then we have no right to be here.

This is an improved Bill, although it is not perfect by any means. It falls short in many ways. But it is a Bill that has been improved. We in the Liberal Party feel this legislation will be constantly reviewed through the sunset provisions and that will mean that we will constantly examine and never lose sight of the rights of all Canadians.

• (1240)

[*Translation*]

Mr. Marc Ferland (Portneuf): Mr. Speaker, as the Minister of National Defence (Mr. Beatty) observed recently, it is not up to us to rewrite history or to delete with one stroke of the pen the story of the darkest days this country ever experienced. However, it is in our power to turn the page and write a new chapter, and we can have that satisfaction today, by adopting the third reading stage of the proposed Emergencies Act.

We, my Quebec colleagues and in fact all Members of this House, have cast a little further behind us our memories of the War Measures Act, memories that still persist in the minds of so many of our fellow citizens. When former Minister Don Jamieson's memoirs were published, it was clear from the considerable emotion they aroused that the wounds of October 1970 have not completely healed.

As a Member from Quebec and sitting on the Legislative Committee responsible for examining the Emergencies Bill, I was able to measure the depth of the suffering and fear of those who came to testify against the War Measures Act. Through the various arguments and points made by each group, the same message persisted: Never again! While listening to both the protests and the hope in the voices of these men and women, I saw in my mind other faces and the suffering and indignation they expressed.

Of course, as a Government we are proud we were able to keep a major commitment to national security and to safeguarding the individual rights of Canadians in an emergency. However, I must acknowledge the work that has been done by all Members of this House, and I give praise where praise is due. I believe this House has realized that the interests of our fellow citizens are more important than ideological differences or personal rivalry.

When the Emergencies Bill, Bill C-77, was tabled, the Members of this House, as did legal experts, the media and the general public, recognized the fact that the proposed legislation had nothing in common with the War Measures Act. In fact, everyone agreed that the latter legislation should be repealed.

Bill C-77 provides unprecedented guarantees. The Emergencies Act, which will ensure a coherent and graduated response during national emergencies, will be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights, and it will be consistent with the 1967 United Nations International Covenant on Civil and Political Rights. It will be governed by mechanisms designed to prevent abuse, and its application will be subject to very strict control by Parliament. Furthermore, it will provide for compensation in the event of personal loss, injury or damage.

Despite this undeniable progress, certain concerns were expressed about the definition of the powers the Government could be given in an emergency, the existence of effective