

Emergencies Act

they never will. I hope that no disaster, either natural or caused by man's weaknesses, follies or foibles, ever befalls this country and causes this law to be used. I hope that no one has to discover that the Government no longer has the arbitrary powers of the War Measures Act. But I do hope that all who have been involved in writing this legislation will take quiet satisfaction in their work. I think Canada is a better place with this Bill on the books and the War Measures Act relegated to the pages of history texts.

It was a pleasure working in the committee with my colleagues in the House. It was a pleasure listening to the briefs and it was refreshing to see a representative of a Government that has an overwhelming majority in the House accede to the wishes of many witnesses and, indeed, to Opposition Members like myself at committee stage.

I agree with the Hon. Parliamentary Secretary, who was also most co-operative, that this is a Bill of which we can all be justly proud.

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, it is a pleasure to speak to a Bill of such great importance not only to our country and our citizens, but to our very way of life. Legislation such as this not only reflects the will of the Government and Parliament, but the attitudes of the people of that particular country. Not only does this Parliament wish to send such a message to other countries, we want to send it to our citizens so they may realize that not only are they protected during a time of crisis, they also have rights. The rights of Canadians are paramount.

It has been suggested that this legislation improves upon the War Measures Act, which certainly needed to be addressed. This legislation, as it is presently amended in the House of Commons, is a vast improvement over the Bill that was introduced by the Government some months ago. It is a credit to the Government and all Members of Parliament that they realized the Government had undertaken measures that even it did not quite understand.

During the debate on this legislation, there has been much criticism of the War Measures Act. Although that law has been roundly denounced, it has only been implemented three times: during the First World War, the Second World War, and the October crisis.

When one considers that the War Measures Act has been implemented on only three occasions, I am concerned that Bill C-77, the emergencies legislation, can be implemented far too often. While the number of cases in which it can be implemented have been reduced even further as a result of amendments, my Party still believes that there are occasions when this legislation can be used needlessly. We also believe that further improvements could be made to this legislation, including the provision dealing with wars which suggests that Canada does not have to be involved in such a war. It only states that this war has to be so serious as to be a national emergency. This is a very grey area that should be addressed.

The Parliamentary Secretary and the Member for Brant (Mr. Blackburn) also talked about assemblies, which are now permitted as long as they do not lead to a breach of the peace. That remains as a very grey area because the right of assembly is of paramount importance in this country. There must be nothing in the legislation that is so vague as to prevent people not only from having the right of assembly but knowing when it can occur. Witnesses who appeared before the committee also raised some of these important points. I think these have been very important, indeed.

• (1230)

I would like to mention one group which appeared, the Canadian Association of Japanese Canadians. To reiterate the injustice that was done to Japanese Canadians during the Second World War should not be considered repetitious. This is the sort of thing we must continue to talk about. To not rethink this injustice will dim our memories, giving us further inclination to allow something like this to happen again. It was a travesty, a black mark on our history. I am pleased to see the Government has made mention of it because that would indicate to me that it was in the Government's thinking as it continued to work on this Bill.

I believe it is also important at this time to mention the Charter of Rights and Freedoms which were brought forward just a little over six years ago. The Charter is absolutely fundamental to the success of a Bill such as this emergency legislation. It is now in the Constitution that Canadians have specified rights. It is in our Constitution that Canadians cannot be taken advantage of. It is in our Constitution that Canadians can rely on those rights and freedoms regardless of the expediency of Governments emergency situations.

The Parliamentary Secretary mentioned that Governments will not take advantage of expediency in cases of national emergency or other emergencies specified under this legislation. He said his Party would not do it. A short while after, he proceeded to bring up the case of the diaries of the former Secretary of State for External Affairs, the Hon. Don Jamieson. The Government could not resist bringing that up for no reason at all, using an expediency within the same speech. How is it going to be relied upon to resist expediencies in time of national crisis? It cannot be relied upon and that is a very serious situation. However, it is minimized somewhat because we do have, thanks to the former Liberal Government, the Charter of Rights and Freedoms, which underlies and, to a great extent, gives some kind of security in spite of what this Government may consider expedient at any particular time.

I was particularly dismayed at the expediency taken by the Hon. Member for Brant who himself has played a large role in the amendments brought forward. He himself could not resist the temptation to take a dig at the Hon. Member for Sudbury (Mr. Frith) who, unfortunately, was not able to be present at some of the meetings. I think that certainly minimizes the role of the Hon. Member's Party when it feels that in order to build up its particular role it has to take aim at certain Members of