

the Statutory Instruments Act and is also available in normal times.

● (1200)

There is nothing in Bill C-77 which extends or alters in any way the restrictions on the use of secret orders inherent in the Statutory Instruments Act and its associated regulations. Quite the contrary. What Bill C-77 does do, Mr. Speaker, is to introduce a means of opening up such matters to scrutiny by Parliament, not only by requiring that all secret orders be referred to a parliamentary committee, but also by empowering that committee to revoke or amend such orders. Thus, Bill C-77 provides additional protection, not less, against abuse of secret orders in a national emergency.

Finally, Mr. Speaker, I should like to say a word about the confusion that has arisen concerning the requirement for warrants for search and seizure.

Protection against unreasonable search or seizure is a Charter right, and this has been interpreted by the Supreme Court to imply that a warrant is always required except in administrative inspections or in certain exigent circumstances where there is a physical impossibility of obtaining a warrant in time and where not to act would unreasonably thwart the administration of justice.

Any Act of Parliament that provided for a warrantless search or seizure would thus be inconsistent with the Charter, and of course Bill C-77 does not include any such provision.

The way in which the members of the legislative committee, those who made representations before it, and individual Canadians in general have responded to this legislation in terms of suggestions for amendment and fine tuning, has been most impressive. We have tried to accommodate all points of view as best we could.

Some things are above politics, Mr. Speaker. I think Bill C-77 falls into that category. All Canadians, wherever they live, whatever their political affiliation, whatever their occupation, have a vested interest in suitable emergency powers legislation, legislation that can meet, swiftly and effectively, any national emergency that may confront us.

We have seen some old wounds reopened in recent weeks. The publication of Mr. Jamieson's diary, with its allegations of political expediency, along with the public representations of the National Association of Japanese Canadians remind us of the horrors of the events of October 1970 and the early 1940s.

Those events are now behind us. Let us not waste more time by engaging in unfruitful accusations. The important thing now is to get on with it, and to see that such events cannot recur.

The Bill the Minister is recommending today for third reading represents the culmination of a considerable effort on the part of Canadian men and women to try to accommodate, first and foremost, the rights of their fellow citizens, while

giving Government the tools it needs to ensure the safety and security of our citizenry in a national crisis.

I trust, Mr. Speaker, that the other place will view Bill C-77 as an honest attempt on the part of those of us who have the privilege of serving Canadians in Parliament to achieve that end and thus worthy of both their careful consideration and expeditious treatment.

Mr. Derek Blackburn (Brant): Mr. Speaker, I, too, am happy to participate in the debate on the motion for the third reading of Bill C-77. I am proud to say—and I think I say this on behalf of all members of the committee—that we have, at this stage, a much better Bill than that which was introduced for first reading in the House. Bill C-77, in its final form, is a Bill that is certainly acceptable to the majority of Canadians.

Parliament does work, and this is one very good example of how we can make this place work. I would hope that this can be duplicated many times over with respect to other Bills.

Looking at the history of Bill C-77, Mr. Speaker, I note that it was introduced by the Government with great fanfare last June. The Minister expected all Canadians to be grateful that we were finally moving to replace the dreaded and Draconian War Measures Act—and there was some initial support for that concept.

My own criticisms, voiced at the press conference held at the time that the proposed Emergencies Act was introduced, were extremely limited. I had not had time to go through the Bill in any detail, but I did have, even at that time, some very grave misgivings as to what was contained in it as introduced for first reading.

I think it is also fair to say, Mr. Speaker, that the Government was surprised at the strength of the criticism the Bill as originally introduced attracted. Those who took the time to read the proposed Emergencies Act were shocked. They were startled to find that a Bill to replace the War Measures Act would contain so many threats to civil liberties, and in that sense it seemed inconsistent. Criticism rained down from lawyers, from civil libertarians, and from ethnic organizations—the very groups that the Government had hoped to please.

But, to its credit, the Government, and the Minister, did not go on the defensive. The Minister adopted, instead, a flexible attitude. He showed that he was not afraid to lose face—and I am convinced that he did not, in any event. He demonstrated that he had an open mind. We managed to avoid an ugly confrontation, the reason being that so much outside advice was taken to heart. This was wise, in our view. The Government was sailing in uncharted waters in the context of the proposed Emergencies Act. We had no pattern or blueprint to guide us. We were not amending the War Measures Act; we were starting from scratch.

The most important changes made, in my view, were those made to the opening clauses of the Bill. The definition of