

Emergencies Act

the first of those things. It gave itself a power that did not exist under the original War Measures Act. The original Act was due to terminate or be terminated after the war, but before that could happen the Cabinet gave itself the power to extend its power beyond 1945 respecting Japanese Canadians. In fact, it held them, exiled from their homes in British Columbia, for four years. I admire the Japanese Canadians. They warned us that we must make sure that in the excitement of wartime the Cabinet is prohibited from enlarging its powers under this Act. I am very pleased that the committee recommended that and the Government adopted it.

The Bill contains restrictions on the power to restrict public assembly, but only to be used for events that are apparently leading to violence. Again there is a little uncertainty there. There is left a judgment to be made by someone, and of course we cannot at this point know exactly who, that if a meeting is considered to be leading to violence, then it can be prohibited or restricted. I suppose there would be a requirement to show evidence that that was likely to happen or a reasonable person would see that as likely to happen. The Hon. Member for Cape Breton—The Sydneys (Mr. MacLellan) feels that is not tight or not clear enough. I have some uneasiness of the same sort. I wish the Member had assisted the committee in improving on the wording. He did not offer an amendment today. It may be that he has the same difficulty as I do, that he does not know how to improve it. However, it may be an item we will have to improve in future.

A good deal has been said about the proposal to refer this legislation to the Supreme Court. I do not believe it would demean the status of this House or the Government, given such an extremely important Bill, to ask the Supreme Court for its comments when we have done our work here. It is not that we have not done our work, it is not that we have not tried, it is not that we have not had some very excellent advice from experienced members of the public on this Bill. In as much as nothing is perfect, we do not know how imperfect or in what way it might be imperfect.

When this legislation is used, if it ever must be used, it will be very difficult to go back and correct it. It is not enough to try out sort of one experiment and say we will do better next time. The stakes are much too high. I think, therefore, it would be very appropriate, not with every Bill but with this Bill, to ask the Supreme Court to give us its advice. If it did and asked us to improve some things, I believe this Parliament and Government would probably accept the advice gladly.

There was one amendment made with respect to refugees and I am very glad of it. They will not be expelled. Those who are refugees in the legal sense and not prohibited in any other legal sense will not be expelled under the powers given on page 16. However, there is a lack of clarity as to the admission of refugees. I think, because of the unfinished state of Bill C-55, the Government is taking an overly cautious position there, so I would hope that is another point that can be cleared up later on.

In my final couple of minutes I want to say that in my experience we owe a very considerable debt of gratitude to those Japanese Canadians who have formed the National Association of Japanese Canadians. There are many other groups that helped in this. My colleague, the Hon. Member for Brant, listed them this morning. However, the Japanese Canadians are a small group, a group singled out for an attack such as no other group has suffered in our time in this century, a group still crippled in their association by the results of that attack, financially and emotionally.

That group has single-mindedly, to my knowledge, for at least 15 years campaigned to have the War Measures Act repealed or revised. It is a small group, one of the smaller ethnic groups in Canada. As I say, it has been much hurt by the events of the 1940s particularly. However, not solely for themselves but for all Canadians, they have insisted that we make sure that what was done wrongly to them—not an excess in wartime as Prime Minister Trudeau tried to excuse it—done wrongly for wrong reasons to them under the guise of war measures, can never be done to anyone again. I think they have done a great service to this country in that respect.

Finally, I want to congratulate my colleague, the Hon. Member for Brant, for very steady, patient and effective work on this Bill, considering, as was remarked, that there is much less public interest in it than I would have expected. I also wish to thank the Government for its willingness to revise its own Bill not once, not twice, but several times in accordance with suggestions from the public or the Opposition. I do believe this Bill is vastly better than it was last June.

The Acting Speaker (Mr. Paproski): Questions or comments?

● (1530)

Mr. Caccia: Mr. Speaker, I rise to ask a question of the Hon. Member for Spadina (Mr. Heap) who shared the time with the Hon. Member for Nickel Belt (Mr. Rodriguez). I listened to both of them very attentively.

Perhaps the Hon. Member for Spadina could tell the House what he would have done in 1970 when the Quebec Minister of Labour had been kidnapped and no one knew of his whereabouts, and when the United Kingdom High Commissioner had been kidnapped and no one knew of his whereabouts. Furthermore, the Government of Quebec asked Ottawa to invoke the War Measures Act.

I want to ask him, without the benefit of hindsight, whether he would have invoked the War Measures Act under those circumstances. If not, what would he have done?

Mr. Heap: Mr. Speaker, I remember the occasion. Of course, I was not in Ottawa then and did not have either the advantage or disadvantage of being on the Hill.

I remember my feeling then, which has been sharpened by recent information, that it was overkill, that we have a