

Mr. Turner (Ottawa-Carleton): I said before the dinner adjournment, Mr. Chairman, that there is provision in clause 15 to give Parliament control over any extension beyond April 30. Any extension has to be endorsed by resolution of both Houses of Parliament. I said we could not accept the amendment nor the subamendment because Parliament has the initial guarantee that the bill cannot go beyond April 30. For the earlier termination, it remains necessarily within the discretion of the government to analyse the situation.

If in the period between now and April 30 any opposition party or any Member of Parliament is dissatisfied with the administration of the bill, there is always the option under Standing Order 26 for leave to make a motion for the adjournment of the House for the purpose of discussing a specific and important matter requiring urgent consideration. Under Standing Order 43 a member, by way of unanimous consent, may in the case of urgent and pressing necessity previously explained by the mover, introduce a motion. There are also available the opposition days.

What disturbs me about the amendment, even if the motion were available only once, is that it takes the control of the business of the House away from the government. It prevents the government from discharging its responsibility of initiating business for the consideration of Parliament. The hon. member for Winnipeg North Centre made the point that if by proclamation endorsed by both Houses the bill, or the force of the law, were extended, there is nothing in the clause as it presently reads to provide for its termination by proclamation after it had once been extended. I would be prepared to meet that point.

● (8:10 p.m.)

Mr. Knowles (Winnipeg North Centre): If the minister is prepared to recognize the point, how does he propose to meet it?

Mr. Turner (Ottawa-Carleton): When I have the floor at an appropriate time I will propose adding the words, after the last line of the clause, "in which case this act expires either on that specific date or at such earlier date as may be fixed by proclamation." This would meet the point which the hon. member raised. But I cannot get the floor to make that amendment until the committee has dealt with this one.

Some hon. Members: Question.

Mr. Knowles (Winnipeg North Centre): Before we vote on this amendment and subamendment, I feel inclined to ask the minister whether he was serious in suggesting we would be able to deal with this kind of circumstance under Standing Order 26 or under Standing Order 43. Surely the minister is aware of what happens to attempts to move motions under Standing Order 43.

An hon. Member: Because you don't consult the government.

Mr. Knowles (Winnipeg North Centre): I hope that brilliant intervention is on the record. The hon. member

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says, "Because you don't consult the government." In other words, his concept of the rights of an opposition is that it is entitled only to such rights as the government is prepared to give it. I do not believe that even the Minister of Justice goes that far. If the government were prepared to give unanimous consent for a motion under Standing Order 43, it would mean the government was prepared to discontinue the use of this legislation and, hence, would be able to do so, through the exercise of its own rights under the bill. So that argument falls to the ground. As for using Standing Order 26, the minister is well aware of the problems we have with Mr. Speaker in getting motions accepted under that order, and if we do succeed all that follows is a general discussion. In my view, the seriousness of this issue is such as to warrant a built-in right to deal with this question without the matter being left to the judgment or opinion of Mr. Speaker.

I would point out that this right is included in the part of the War Measures Act which was amended by the Canadian Bill of Rights and I believe the request we have made is a legitimate one, namely, that Parliament should be put on all fours with the government in terms of having the right to seek the ending of this legislation. I am glad the minister is prepared to make the minor amendment to which he referred a moment ago to correct the situation to which I drew attention at five o'clock, but it does seem to me we should not be asked to rely on Standing Order 43 in connection with this important measure and that we should be on even terms with the government as far as this important aspect is concerned.

Mr. Barnett: Mr. Chairman, I have listened to some strange arguments in this House during the years I have been in it, but this is the first time I have heard it suggested that what should or should not be contained in a particular piece of legislation should be related to the Standing Orders governing this chamber. I can understand such an idea being put forward jocularly amid the cross-fire which sometimes takes place during debate, but to hear the Minister of Justice seriously suggest that the point raised in an amendment should be met by what appears in our Standing Orders seems amusing, to say the least.

If we were to follow that logic through, the obvious thing to do would be to pass an amendment to the Bill of Rights saying, in effect, that Parliament should be governed by the wishes of the government as far as its timetable is concerned. I believe the minister would not suggest, on reflection, that all the proceedings in this chamber should be ruled by the wishes of the government. Since the Bill of Rights makes provision for a motion, set down presumably on reasonable grounds, calling for a debate it is surely not out of place to incorporate a similar provision in a measure so closely related to the War Measures Act as this one.

Mr. Turner (Ottawa-Carleton): May I ask the hon. member a question? Is he not aware of one substantial difference between the two measures to which he has referred? There is no termination date attached to a