

*The Address—Mr. Schumacher*

tion for keeping the Minister of Communications (Mr. Kierans) on the payroll now that his job has been transferred to the Minister without Portfolio (Mr. Côté) in charge of the Post Office? Surely, it does not take a minister of full cabinet rank to report to this House for Telesat Canada, an organization that will not even be functioning for another year or so? And speaking about the irrelevancy of the Speech from the Throne, I ask what priority position the proposals of the Minister of Justice (Mr. Turner) to amend the Criminal Code regarding bail and wire tapping will have in light of the proclamation under the War Measures Act?

Many hon. members have dwelt on the government's action of last Friday morning, both in this debate and in the special debate of last Friday and Saturday. Probably everything has been said that can be said, but because of the importance of the question of order in this country I feel compelled to make a contribution in the hope that it will add something of value to the subject.

What bothers me, Mr. Speaker, is that so far the government's actions are aimed entirely at the separatists of Quebec be they FLQ or PQ, that is the Parti Quebecois of Mr. Levesque, and are repressive in nature. The justification for this action is that order had to be preserved, and because of this the government has received widespread applause and support for its action.

I suggest, Mr. Speaker, that the basic reason most of those supporting the government in this emergency action do so is that they feel the government is also going to do something about the long-haired, unkempt, unproductive and over-privileged hippie type protest movement that has polluted the countryside for the past three or four years, and that this is merely a first step. I would like to say that these people are right. I would also like to say that it indicates the scales have fallen from the government's eyes to reveal the extent to which organized crime and labour racketeering have infected the commercial life of the country, and in this respect that the trouble is not confined to one province. However my feeling, Mr. Speaker, is that the people of Canada are going to be disappointed once again because, while the government has taken a very dramatic step of a potentially repressive nature, there is no indication that it is prepared to act in ways to get at the real problems of the country.

Even in the light of the present situation in Quebec, the government is taking the position that it is the responsibility of the province to administer the regulations it has proclaimed under the War Measures Act. I suggest that the people of Canada are looking to the government for a much more positive approach, and would remind hon. members that section 91(27) of the British North America Act assigns to Parliament:

The Criminal Law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.

It is clear that the government has the power to supervise the situation in Quebec because if the regulations are examined we find the following delegations: First, regulation 7(1) reads:

A person arrested for an offence under section 4 shall be detained in custody without bail pending trial unless the Attorney

[Mr. Schumacher.]

General of the province in which the person is being detained consents to the release of that person on bail.

The reference is to the Attorney General of the province of Quebec. Regulation 8(2) reads:

A person arrested pursuant to subsection (1) shall be taken before a justice having jurisdiction and charged with an offence described in section 4 not later than seven days after his arrest, unless the Attorney General of the province in which the person is being detained has, before the expiry of those seven days, issued an order that the accused be further detained until the expiry of a period not exceeding twenty-one days after his arrest, at the end of which period the person arrested shall be taken before a justice having jurisdiction and charged with an offence described in section 4 or released from custody.

• (2:40 p.m.)

We have seen what has happened. Yesterday, the Minister of Justice for the Province of Quebec said he was going to order that everybody who had been detained be held for this period of 21 days, without any exceptions. It, therefore, becomes evident that there has been a delegation of federal power to the attorneys general of the provinces. In other situations, the Minister of Justice has not hesitated to tell magistrates and judges what to do with reference to first-time drug offenders, and in the case of magistrates they are neither appointed nor paid by the federal government. I, for one, cannot see why the government has felt compelled to delegate this responsibility to the attorney general or Minister of Justice of Quebec.

Surely, in a matter as serious as this, there should be uniform enforcement of the laws across Canada. I suggest we are not going to have uniformity of enforcement when we have to depend on ten attorneys general for the enforcement of the powers granted under this act. What we have here is the government putting on a show of taking charge of a serious situation when in reality the job has been delegated to the provincial authorities, presumably so this government can avoid being tagged with any unpleasant results.

One might well ask why the government has not used the facilities and staff of the Department of Justice in Montreal and in Quebec City to decide who was going to be detained and who was not, and what further action was going to be taken against them. As I understand the situation, this government has established branch offices of the Department of Justice in Halifax, Quebec, Montreal, Toronto, Winnipeg and Vancouver. These are not small offices. I understand the staff of the Toronto office exceeds 18 lawyers, and I assume that the staff of the office in Montreal would be at least of a similar size. For the life of me, I really cannot understand why the federal government has not followed through with this job instead of delegating it to the provinces.

One might well ask also why the government did not place the Quebec provincial police and the Montreal city police under federal direction and control, because this certainly is the first time in our history that the federal government has not had the responsibility for the enforcement of regulations under this act. We should also remember that the fundamental rights of all Canadians are being affected by these regulations. I am well aware