

*Invoking of War Measures Act*

In summary, then, it can be said that the Public Order Regulations, 1970, are designed to assist the law enforcement agencies in the apprehension and conviction of those who would subvert our elected governments and destroy our way of life. The Front de Libération du Québec is dedicated to that end and its ultimate goal is a totalitarian state achieved not by evolution but by revolution.

These regulations, then, will have application to a very limited number of persons in this country. They are not of broad compass and they by no means apply to crimes or criminals generally. Rather, they single out the very special crimes of treason and sedition—crimes that go to the very heart of our democratic rules and procedures—for more effective law enforcement. This step was made necessary because of the unique considerations that were found to prevail within the province of Quebec.

So except as altered by these regulations, the ordinary law applies. The proclamation is merely an empowering order. In other words, the proclamation does not bring in the full scope of the War Measures Act; it does not bring into play all the other items set forth in the act. The proclamation is limited by the terms of the regulations, and the War Measures Act is brought into force only in so far as those regulations are concerned.

**Mr. Woolliams:** You brought it in last night and you can bring in a new law tonight.

**Mr. Turner (Ottawa-Carleton):** I think the hon. member for Calgary North (Mr. Woolliams) can take my assurance that if we considered it important enough to bring it before Parliament now, we would not ignore Parliament in any future instance.

**Some hon. Members:** Hear, hear!

**Mr. Turner (Ottawa-Carleton):** The proclamation is empowering only. It creates extended powers of arrest, powers of search and powers of detention in the specific area of crimes I have mentioned. Trial by the ordinary courts of the land, including jury trial, still prevails. The ordinary rules of evidence continue to prevail and the ordinary appeals open to convicted persons continue to prevail. The main effect of the regulations is the creation of a new offence of belonging to the unlawful organization known as the Front de Libération du Québec and related directly or indirectly to the violent and criminal aspects of that association which are declared to be unlawful.

• (3:10 p.m.)

**Mr. Nielsen:** Would the minister permit a question at this time?

**Mr. Turner (Ottawa-Carleton):** Perhaps the hon. member could put his question afterwards. I know the hon. member for Yukon (Mr. Nielsen) well enough to know that he has the patience to wait until the end of my speech.

[Mr. Turner (Ottawa-Carleton).]

The ultimate aim of the regulations is to restore and preserve order, and the regulations enlarge the investigative and the apprehension powers by expanding the powers of arrest, the period of detention and the powers of search. Bail, which is normally within the power of the court, is, in respect of offences listed in the regulations, vested in the attorney general of the province.

One may ask: Why these powers? Because in the opinion of the attorney general of the government of Quebec, an opinion which I share, in the present situation—and, after all, prosecution is a provincial matter—under the present law, the prosecution of this type of violent, criminal conspiracy is rendered difficult, if not impossible, and so is investigation rendered difficult, if not impossible, under the present provisions of the Code. The Criminal Code as presently constituted deals primarily with individual crimes. It is true that it mentions conspiracy, but the whole compass of the Criminal Code is that crime in its essence is an individual matter.

**An hon. Member:** What about conspiracy?

**Mr. Turner (Ottawa-Carleton):** I mentioned conspiracy. But without the additional powers necessary to immobilize and to apprehend this organization as presently constituted, the attorney general of Quebec felt that the law was at present insufficient.

**An hon. Member:** Where is the proof?

**Mr. Turner (Ottawa-Carleton):** The hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) in his statement earlier today suggested that what we are doing is in some way undemocratic.

**Some hon. Members:** Hear, hear!

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** That is the essence of it.

**Mr. Turner (Ottawa-Carleton):** I want to assure him and the House that, as found within the Statutes of Canada, this procedure is contemplated under the Canadian democratic process. The procedure by way of proclamation is found within the War Measures Act. This is a completely constitutional technique. Let me point out more particularly that the regulations were issued under powers granted to the Governor in Council by Parliament; so that the constitutional source of this enactment was, and is, Parliament itself.

The power vested in the Governor in Council by Parliament is also a power of which the Governor in Council can be divested by Parliament. Indeed, the very exercise of this power by the Governor in Council is recognized in part 2 of section 6 of the Bill of Rights, itself enacted by Parliament, which requires that such proclamations be laid before Parliament forthwith—as has been done—and which declares that anything done or authorized, or any order or regulation made under the authority of the War Measures Act shall be deemed not to be an infringement