

*Public Order Act, 1970***GOVERNMENT ORDERS****PUBLIC ORDER (TEMPORARY MEASURES) ACT, 1970****PROVISION OF EMERGENCY POWERS FOR PRESERVATION OF PUBLIC ORDER**

The House resumed consideration in committee of Bill C-181, to provide temporary emergency powers for the preservation of public order in Canada—Mr. Turner (Ottawa-Carleton)—Mr. Honey in the chair.

The Chairman: The committee is now on clause 4. Shall clause 4 carry?

Mr. McCleave: Mr. Chairman, I made the argument before, so I shall simply read my amendment which I hope will find favour. I am sorry I do not have a French translation. It would involve replacing one French word "pour" by several but if my amendment should carry in English presumably the law officers of the Crown would draft the French version. My amendment is:

That clause 4(c) be amended by deleting the words "on behalf of or" and replacing them with the words "with the intention of promoting the interests of".

The purpose of the amendment, very briefly, is to show that the element of intent is clear.

The Chairman: Order. I shall put the amendment. It is moved by Mr. McCleave that clause 4(c) be amended by deleting the words "on behalf of or" and replacing them with the words "with the intention of promoting the interests of". Is the House ready for the question?

Some hon. Members: Question.

The Chairman: The question is on the amendment. Those members in favour of the amendment will please rise. Those members opposed to the amendment will please rise.

Amendment (Mr. McCleave) negatived: yeas, 14; nays, 41.

The Chairman: I declare the amendment lost.

Mr. McCleave: On a point of order, Mr. Chairman, I think there was a vote on the other side in favour of the amendment that was not counted.

[Translation]

Mr. Laprise: Mr. Chairman, I wish to move two amendments to clause 4. I will start with the first one and when it has been decided upon, I will move the second one. I move that paragraph (g) of clause 4 be struck out and replaced by clause 4A which reads as follows:

A person who advocates, promotes or engages in the use of force or the commission of crime as a means of or as an aid in accomplishing the same or substantially the same governmental change within Canada as that advocated by the unlawful association, is guilty of an indictable offence and liable to life imprisonment.

[Mr. Deputy Speaker.]

Mr. Chairman, I move this amendment because we are dealing with an organization whose avowed purpose, according to its manifesto and all sorts of indications given to the Canadian public and to the government, was to overthrow, by force, the government of Canada.

So, Mr. Chairman, as this is an organization that advocates means that are not accepted in the free world, in Canada, we must take drastic measures to bring the revolutionaries to reason and to give cause for reflection to those who might be tempted to imitate or support them.

Mr. Chairman, that is why I propose that the wording of clause 4 be made a little more stringent, as a deterrent for those who would use violence to achieve their purposes.

The Deputy Chairman: Order. The hon. member for Abitibi (Mr. Laprise) moved:

That subclause (g) of clause 4 be deleted and replaced by the following:

A person who advocates, promotes or engages in the use of force or the commission of crime as a means of or as an aid in accomplishing the same or substantially the same governmental change within Canada as that advocated by the unlawful association,

is guilty of an indictable offence and liable to life imprisonment.

Is the House ready for the question?

Mr. Laprise: Mr. Chairman, I only want to say that this subclause should become clause 4A.

The Deputy Chairman: For clarification purposes, the hon. member for Abitibi tells me that his amendment is only designed to delete subclause (g) of clause 4 and to replace it with clause 4A which will read exactly as the amendment I put earlier.

Is the House ready for the question?

Mr. Turner (Ottawa-Carleton): Mr. Chairman, I would like to reply briefly to the hon. member. The five year period with regard to the offences mentioned in clause 4 is the same as the one provided under the War Measures Act. According to section 4 of the latter, a term of imprisonment not exceeding five years may be imposed for violations of the regulations.

I believe that in this case, it is not logical for us to attempt to weaken the legislation altogether, any more than to substitute the five year penalty for life imprisonment.

Therefore, a person who comes under clause 4 (g) to which is related the amendment moved by the hon. member, may at the same time come under the provisions of the Criminal Code dealing with sedition and be liable to a maximum penalty of 14 years.

Thus, the Crown would be free to choose between clause 4 (g) of this bill or the provisions of the Criminal Code. That is why the five year penalty provided in clause 4 (g), compared to that of 14 years under the Criminal Code for sedition, is a little more consistent with the 14 year penalty provided in the Criminal Code