

designed in the same way as the Criminal Code, I would be inclined to support his position. In view of the temporary nature and the importance of the problem the bill is designed to resolve, I feel it is imperative that anyone aiding and abetting someone who is guilty of these criminal actions should be subject to these regulations. After all, they are designed to protect the interest and security of everyone in the nation.

For this reason, and despite my good feelings for the hon. member for Matane who I hope will respect my judgment, I find it impossible to support this amendment.

**Mr. McCleave:** Let's vote and cut out the guff.

**Some hon. Members:** Question.

**Mr. Gleave:** Mr. Speaker, are the members of the FLQ supermen, so that we must set aside all the ordinary considerations for human beings which the hon. member for Matane mentioned we had held for centuries? Can they do things that no ordinary criminals have ever been able to do over the years?

**An hon. Member:** They did.

**Mr. Gleave:** They did? They did kidnap people, but this has been done before. They have murdered people, and this has been done before. Are they supermen who can make themselves invisible or do something that makes it necessary for us to set aside all human considerations? It is suggested that the measure is temporary, but if you abridge a law is it important whether you do so for six months or six years? The ordinary human considerations will be abridged for the same length of time. I think the hon. member for Matane has a point.

**Mr. Peters:** I should like to ask the minister a question. An argument has been made by the hon. member for Matane and answered by the hon. member for Ontario. The Criminal Code affords this protection to a spouse, but the bill we have before us does not afford the same protection. Both hon. members feel there is some justification for this situation. Why is it not possible for the minister to move an amendment which would adopt this protection directly from the Criminal Code rather than having this exception?

**Mr. McCleave:** He doesn't want to do it, that's why.

**Mr. Turner (Ottawa-Carleton):** This bill, having the specific purpose of immobilizing the FLQ, grants certain departures from the regular provisions of the Criminal Code for a limited period of time. Among those are extended powers of arrest without warrant, detention before a charge, suspension of bail except at the instance of the attorney general of the province, search without warrant and other powers allied to this apprehending and investigatory process. These powers are unusual and extraordinary, and they are so because we are dealing with what we believe to be an extraordinary situation. I do not want to go over the debate on second reading again, but that is the reason the particular exclusion referred to in the amendment of the hon. member for Matane is made.

#### *Public Order Act, 1970*

**Mr. Peters:** Am I wrong in assuming that a person who is charged under the Criminal Code for a serious offence will still have this protection, and that the protection will not apply to those charged under this act with things which are really of a relatively simple nature? Serious crimes, such as murder and kidnapping, will still come under the Criminal Code so the people charged with those offences will still have the protection but the protection will not be provided for people who are guilty of simple things, such as membership in an organization. I do not see how affording this protection to a married person would interfere at all with the purpose of the bill.

**The Deputy Chairman:** Is the committee ready for the question?

**Some hon. Members:** Question.

**The Deputy Chairman:** All those in favour of the amendment will please rise. All those opposed will please rise.

Amendment (Mr. De Bané) negatived: Yeas, 17; nays, 39.

**The Deputy Chairman:** I declare the amendment lost.

The Chair has a second amendment by the hon. member for Matane.

**Mr. De Bané:** Mr. Chairman, I would be ready to withdraw my amendment after asking a question of the hon. minister. Is it proper to suggest that in a bill it would be advisable to use the same words in both languages, or that the words should be translated in identical terms? For instance, the minister has given us a very good explanation which indicates that "trial" in English might mean "judgement" in French. In clause 7 we see the word "trial" used five times, whereas in the French version we see the word "procès" used five times. Is it not advisable that in the same bill the same word should be translated exactly the same, from a technical drafting point of view?

**Mr. Turner (Ottawa-Carleton):** Not necessarily, Mr. Chairman. The same word in English may be used in different ways and in each way it would be translated by a different French word. Reciprocally, there are words in French which may be used in different ways and each way would require a different English word to meet that use. So, in clause 5 it may be that the word "trial" has a more substantive and global meaning than it does in clause 7 which deals with the procedure of a trial during the course of that trial. The procedure of a trial during the course of a trial is perhaps more accurately translated by the word "procès" but a reference to the trial from beginning to end is probably better translated by the word "judgement".

• (2:40 p.m.)

**Mr. De Bané:** I withdraw my amendment.