

or must he tell these people to get out? Otherwise he is liable to be charged under this clause.

**Mr. Lewis:** That is a good point.

**Mr. Turner (Ottawa-Carleton):** Mr. Chairman, I am afraid I cannot be placed in the position of trying to give a legal opinion on a whole range of facts. I think these will be for the courts to determine. I think it is clear from the way the words are written that "intentionally" means at the time permission was given.

• (3:30 p.m.)

**Mr. Broadbent:** The minister suggested the hon. member for York South agreed with him that "knowingly" applied to the second part of the clause. I mention this because my hon. friend was not listening at the time. As I recall it, he said that in his legal view the minister's interpretation might be the correct one. This is an important point. If the minister is not clear about it, it should be clarified.

**Mr. Baldwin:** I was interested in the minister's reply to the hon. member for Broadview. Is it the hon. gentleman's view, as presented by his legal advisers, that the word "knowingly" must add to the usual importance of the principle of *mens rea*, proving beyond reasonable doubt, and does it apply to every ingredient of the offence? In other words, is it to be construed not only in conjunction with permitting but with the knowledge of a person charged as to the nature and character of the assembly and what the motives and intentions of the assembly were?

**Mr. Turner (Ottawa-Carleton):** That is the advice I am given, Mr. Chairman, and that is my view.

Amendment (Mr. Broadbent) negatived: Yeas, 9; nays, 47.

**The Chairman:** I declare the amendment lost. Shall clause 6 carry?

[Translation]

**Mr. Laprise:** Mr. Chairman, I should like to move an amendment to clause 6, because in my opinion it is not stringent enough towards criminals.

Those who engage in terrorist activities, whether they be members of the FLQ or other criminals, should be liable to more severe penalties. If the government managed to fight inflation with as much success as it manages to be soft with criminals, the people would have cause for satisfaction.

But as regards clause 6, Mr. Chairman, I think that the act is not stringent enough in the cases we are concerned about. Therefore, I move:

That clause 6 be amended by replacing, in line 22, the words "five thousand dollars" by "twenty-five thousand dollars" and in line 24 the word "five" by the word "fourteen".

[English]

**The Chairman:** I will ask the Clerk Assistant to read the amendment.

*Public Order Act, 1970*

[Translation]

And the Clerk Assistant (legal) having read the following amendment:

Mr. Laprise moved that clause 6 be amended by replacing in line 22, the words "five thousand dollars" by "twenty-five thousand dollars" and in line 24, the word "five" by the word "fourteen".

**Mr. Turner (Ottawa-Carleton):** Mr. Chairman, a few days ago, when the hon. member moved various amendments in order to change the amount of the fines and the terms of imprisonment, I pointed out to him that fines and terms of imprisonment in this bill must agree with those provided in the Criminal Code in respect of kidnapping, murder or mutilation. That is why I suggested to the committee to reject the other amendment of the hon. member. Once again I must urge the committee to reject the principle of this amendment.

[English]

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

**Some hon. Members:** Question.

Amendment (Mr. Laprise) negatived: Yeas, 2; nays, 58.

**The Chairman:** I declare the amendment lost. Shall clause 6 carry?

**Mr. McCleave:** I simply want to draw the attention of the committee and, through *Hansard*, the attention of the country to the fact that we have spent approximately 40 minutes on this one clause, and yet the only useful exchange, the one which dealt with the essence of the whole matter, was the one between the Minister of Justice and my hon. friend from Peace River.

**Some hon. Members:** Oh, oh!

**The Chairman:** Order. The hon. member should not reflect upon the time taken in debate or upon the vote of the committee.

**Mr. McCleave:** I shall not reflect upon the time taken up by debate, but upon the type of arguments which have been used, arguments which have been advanced over and over again—

**The Chairman:** Order. Clause 6 is still before the committee. If the hon. member wishes to relate his remarks to the clause, he may do so; otherwise he is not in order.

[Translation]

**Mr. De Bané:** I hope, Mr. Chairman, that my comments have some bearing on clause 6. There are three things I want to discuss in connection with this clause.

In the first instance, there are translation errors; secondly, there is a possibility of ambiguity, and, thirdly, the matter of strict or objective responsibility.