

Public Order Act, 1970

would be holding meetings along lines that are prohibited by clause 6.

I cannot see why we should be fearful of this clause. I do not think it constitutes an abrogation of academic freedom in any way. I cannot agree with anyone in this chamber who wants to protect those who knowingly permit an assemblage of persons to advocate or promote unlawful acts against the state. I feel that when society is endangered, as at present, we must take adequate steps to protect it. I believe that clause 6 is one of those necessary steps. Before I sit down I would ask the minister to answer the question I asked as to whether there is a loss of academic freedom involved in this clause.

Mr. Broadbent: Mr. Chairman, I will not go over all those arguments that have been raised, arguments with which I do not think the hon. member for Ontario dealt. I wish to make an important correction. I do not wish to imply in any way that the actions of the Parti Quebecois have anything to do with the FLQ. Their only aim in common seems to be their commitment to an independent Quebec. My point was that precisely because of this common ground there may be real danger of the democratic Parti Quebecois being harassed as a result of this clause, simply because some of its ideas in certain respects correspond with some of those of the FLQ. Their ideas correspond in certain respects, just as the ideas of all parties in this House correspond in certain respects.

A discussion of the question of separatism might be just enough to bring about abuses by the wrong kind of policemen. That, really, is what we must be concerned about. The law, when it is framed, must take cognizance of the fact that the wrong kind of policemen may act. I am not suggesting that all policemen are bad policemen, but we must consider what would happen if they were overzealous. For instance, they might apply the same arresting powers, initially, to an assemblage of the Parti Quebecois as they could legitimately apply to the FLQ or an association of the FLQ. That, precisely, is the major point of the amendment.

Mr. Barnett: Mr. Chairman, I should like to add a word or two to what has been said by the hon. member for Oshawa-Whitby. The point that may be of concern to us, since the question of the FLQ and the Parti Quebecois has arisen, is that clause 6 deals with the question of owner, lessee, agent or superintendent of premises. Some of us have very vivid recollections of situations in which we tried to rent the only hall in a community. In that situation, because owners of certain premises at one period in the history of this country equated the CCF with the Communist Party, it became impossible for some of us to rent premises in communities for the purpose of holding public meetings to discuss public issues.

This is the kind of unnecessary restriction upon the freedom of democratic discussion in this country that some of us are concerned about, partly because we have had personal experience of how this can happen. We do not want to see this bill become a vehicle whereby freedom of discussion of the kind in which the Parti

[Mr. Cañik.]

Quebecois is engaged in the province of Quebec is restricted and suppressed. This is the very practical concern of some of us, especially because of the manner in which this clause is worded. It has to do with those people who have in their hands the right to rent or refuse to rent premises for public assemblies.

Mr. Gilbert: Mr. Chairman, I should like to direct a question to the Minister of Justice. He is going to answer the hon. member for Ontario and I have a question on this clause. I think we all agree that any owner, lessee, agent or superintendent who would rent to an illegal association knowingly would be guilty of an offence. Also, any owner, etc., who would rent to an assemblage of persons some of whom wish to advocate the violent overthrow of the government or who have similar ideals, would be guilty of an offence.

However, the question that arises in my mind and to which I ask the minister to direct his mind is this. Let us suppose an owner or lessee does not know that the assemblage of persons to whom he is renting is going to advocate force, and so on. Does that impose upon him the duty to attend and supervise these meetings and, if he finds out subsequently, as opposed to prior knowledge, that some of the members advocated the overthrow of the government by force, of telling them to get out? Does he have to stop the meeting and call the police?

If that is to be the effect of the clause, it certainly imposes a tremendous restriction upon people renting premises. And not only that. It would mean they would have to supervise every meeting in order to see that none of these things happened. It would certainly, as the hon. member for York South said, impose tremendous restrictions upon universities and all political parties, most of which advocate the democratic process in order to bring about change. I have directed my question to the minister and I should like him to consider it.

Mr. Turner (Ottawa-Carleton): Mr. Chairman, I am supported in my view that the word "knowingly" applies not only to the word "premises" but also to "unlawful association" in the first part of the clause, and to the words "assemblage" and "promote the unlawful acts of", etc., in the second part. I am supported by the hon. member for York South in that view.

Mr. Gilbert: That is prior knowledge, then?

Mr. Turner (Ottawa-Carleton): That is my answer to the question.

Mr. Gilbert: Mr. Chairman, with respect, the Minister of Justice answered the first part of my question about prior knowledge but he has not answered the second part about subsequent knowledge. Once a man has rented premises, does the clause put upon him the duty of supervising the meeting to determine whether certain members of the assemblage are going to advocate the overthrow of the government by violence? If he happens to overhear such conversation, must he inform the police,