

*Public Order Act, 1970*

proclamation of the War Measures Act, but there is a termination date in this bill.

**Mr. Barnett:** That reminds me of a phrase one sometimes hears, that it is not really safe to be just a little pregnant. That covers the substance of the argument as far as I am concerned. But I must say I found myself resenting the suggestion by a minister that our position in relation to a bill should be influenced by whether or not the government has control over the business of the House.

Amendment to the amendment (Mr. Lewis) negated: Yeas, 26; nays, 65.

**The Deputy Chairman:** I declare the amendment to the amendment lost. Is the committee ready for the question on the amendment moved by the hon. member for Fraser Valley West? The hon. member for Halifax-East Hants.

**Mr. McCleave:** Mr. Chairman, I was about to ask a question after this particular matter had been disposed of. Perhaps I might retain that right.

Amendment (Mr. Rose) negated: Yeas, 33; nays, 58.

• (8:20 p.m.)

**The Deputy Chairman:** I declare the amendment lost. Shall clause 15 carry?

**Mr. McCleave:** Mr. Chairman, thank you for retaining my dubious point of privilege in this matter. May I ask the Minister of Justice a question, which I think is a rather serious one, arising out of the effect of the act or regulations—

**The Deputy Chairman:** Order. Is the hon. member rising on a question of privilege?

**Mr. McCleave:** No; the hon. member is rising to ask a question of the Minister of Justice. Now I shall have to start all over again, Mr. Chairman. What I wanted to ask the Minister of Justice was a very serious question arising out of the fact that sooner or later either the regulations passed under the War Measures Act or under this particular legislation will cease to have force and effect. I should like to know what happens when we reach the deadline for the operation of this legislation, and I presume of the regulations, of April 30, 1971. Supposing a person is serving a 15-month term, by reason of his membership in the FLQ, which expires beyond April 30 of next year. I want to find out for the committee and for the country what will be the legal effect of that situation.

**Mr. Turner (Ottawa-Carleton):** Mr. Chairman, subject to any other action taken by Parliament, any action taken under this legislation while it is validly in force will, of course, persist until completion of sentence.

**Mr. McCleave:** Then I ask a supplementary question. Would this legislation remove from that person any right to parole or to time off for good behaviour if the person

[Mr. Turner (Ottawa-Carleton).]

concerned were still serving his sentence when the act and regulations expired on April 30, 1971?

**Mr. Turner (Ottawa-Carleton):** No, sir.

**Mr. Hogarth:** Mr. Chairman, as undertaken by the Minister of Justice a moment ago, I move the following amendment:

That Bill C-181 be amended by striking out lines 18 and 19 on page 9 and substituting the following:

"in which case this act expires either on that specified day or on such other earlier day as may be fixed by proclamation."

**Mr. Knowles (Winnipeg North Centre):** Mr. Chairman, I should like to say that I appreciate the fact that the minister has met the point that I raised just before five o'clock. The amendment that he has proposed seems to do that. We welcome it and shall, of course, vote for it.

**An hon. Member:** Don't commit me.

**Mr. Lewis:** You may have to move a subamendment.

**Mr. Knowles (Winnipeg North Centre):** Mr. Chairman, I am getting some legal, if non-parliamentary, advice to the effect that I should try to move an amendment to add the words, "or if advancing the date is proposed by ten members". But it has been made clear that the government does not look kindly on what ten members might do.

**An hon. Member:** Ten Liberal members.

**Mr. Knowles (Winnipeg North Centre):** Mr. Chairman, one thing we are getting tonight is absolute honesty from members on the other side. A few minutes ago I was told that if only I would consult the government before moving motions under Standing Order 43, they would be all right. Now we are told that if ten Liberal members ask for something, then that is all right. At least we understand the place that the Liberals have in Parliament for anyone who is not a Liberal.

Before I had these interruptions from the right and the left I was merely going to say that I wish the minister had taken the same attitude toward some of the more important points that we have raised during the course of this debate.

**Mr. McCleave:** Mr. Chairman, I think there is a question of paternity here. I think 60 per cent of the credit for paternity should go to the hon. member for Edmonton West, 30 per cent to the hon. member for Fraser Valley West or the hon. member for York South, and 10 per cent to that little, small "1" liberal band that met in Ottawa over the weekend.

Amendment (Mr. Hogarth) agreed to.

**The Deputy Chairman:** Shall clause 15 as amended carry?