

receiving a statement from the FLQ to the effect that they are completely willing to surrender and to release Mr. Cross would not have the right to communicate it.

Third, a citizen would not be able, without infringing subclause (e) and particularly the words:

"to anyone for the benefit of the unlawful association"

to supply funds for the services of a lawyer.

I therefore suggest that the following words be added to line 14:

without justification or legitimate excuse, the burden of the proof bearing on him.

I should like also to point out an apparent incoherency in the sentence. Indeed, clause 4 stipulates that the maximum penalty is five years for a person who resorts to the use of force, is a member of the FLQ, communicates information to the FLQ or advocates the use of force to attain the aims of the FLQ.

Clause 6 says that such a person is liable to a fine of five thousand dollars and to imprisonment for a term of five years. Since clause 4 specifies a maximum term of five years and clause 6 mentions a term of five years and a \$5,000 fine, there is an apparent incoherence between the two clauses.

As far as I am concerned, I think both clauses 4 and 6 should provide the same penalty, and I quote:

—is guilty of an indictable offence and liable to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding five years or to both.

Finally, Mr. Chairman, I think we should add to clause 4 two subclauses to cover the offence defined in clause 6, because clause 5 deals with an accomplice after the fact while clause 6 deals with another offence which should be included in clause 4 under subclause (h) which could read as follows:

An owner or lessee of any building, room, premises or other place or a person having the charge or the surveillance of any building, who knowingly permits therein any meeting of persons who violate one of the preceding paragraphs.

And as in clause 8—

**The Deputy Chairman:** Order. Merely to assist the hon. member, I still feel he should limit his remarks to clause 4, which is now before us. I do not believe that it can be helpful, at the present stage, to put forward amendments to clauses 6 and 8.

I will point out to the hon. member that the Chair does not have in hand the text of the amendment to clause 4.

**Mr. De Bané:** Mr. Chairman, I would not want to discuss clause 6 before we get to it. However, it seems strange to me that clause 4 should list offenses, clause 5 deal with accomplices after the fact while clause 6 goes back to deal with persons who would encourage the FLQ or other unlawful associations to meet on their premises, or allow them to do so.

#### *Public Order Act, 1970*

And that is why I said that it might be advisable to add clause 6 to the enumeration of offences already mentioned in clause 4. Subclause h) should be added to clause 4 and would read as follows:

takes part or is present at a meeting of members of the unlawful association

In conclusion, Mr. Chairman, I would suggest that subclauses b) to g) read as follows:

- b) fait ou déclare faire office de dirigeant d'une association illégale,
- c) communique des déclarations, soit au nom de l'association illégale, soit à titre de représentant réel ou déclaré de cette dernière,
- d) appuie l'association illégale, préconise ou encourage le recours à des moyens illégaux pour la réalisation des desseins ou la mise en œuvre des principes ou lignes de conduite d'une telle association,
- e) fournit une contribution quelconque, sous forme de cotisations ou autrement, à l'association illégale ou à qui que ce soit à l'avantage d'une telle association,
- f) sollicite des souscriptions ou contributions au profit de l'association illégale, ou
- g) préconise, encourage ou pratique le recours à la force ou au crime comme moyen de réaliser ou contribuer à réaliser au Canada un changement de régime politique identique ou analogue à celui que préconise l'association illégale.

I want to say that I would support subclause (c) were it to be amended in such a way as to read "en faveur" instead of "pour le compte de". May I point out that the legislation read "pour le compte de" and in the press release issued by the department, it was "en faveur de". Here the word "pour" is used. The translation as it now stands is slightly ambiguous, I think. It should read instead, in subclause (c):

communique des déclarations, soit au nom de l'association illégale, soit à titre de représentant réel ou déclaré de cette dernière.

So I submit to you, Mr. Chairman, copies of all the amendments I propose.

● (5:40 p.m.)

**The Deputy Chairman:** Order. It is not easy for the Chair to find its way among the amendments. First of all, I should suggest to the hon. member that he cannot introduce alternate amendments to the House.

I believe that the Chair should now put the question on a series of amendments or an omnibus amendment. Thereafter, if the hon. member feels that the substance of his alternate amendments is not somewhat similar to the former amendments, he can introduce another amendment.

The hon. member for Matane (Mr. De Bané) moves that the last three lines of clause 4 be deleted and replaced by the following:

is guilty of an indictable offence and liable to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding five years, or to both.