

and to whom we delegate authority, must inquire into this issue. Probably it would also be wise to authorize the committee to look abroad and examine legislation in other jurisdictions to determine what are the criteria that permit other jurisdictions to enact regulations under emergency legislation.

We are faced with the fact that in October the government made a declaration that there was a crisis, an apprehended insurrection, and that therefore they were invoking the War Measures Act. What were the facts that existed then? What did the Prime Minister know? What did the Minister of Justice know? What were they advised? If the committee as our agent is to be inhibited and prevented from examining those facts, then this whole thing is a complete travesty, a farce. The hon. member for Calgary North is not seeking to bring up a matter that is foreign to the main issue; he is seeking clarification. By his amendment he is seeking to have the House declare that this motion means that, in addition to looking ahead, the committee can look back. I suggest that that is the basis of his motion.

The hon. member could just as easily have moved this type of amendment, namely to add the words "that such inquiry shall include the right to examine emergencies which have arisen in the past and the steps taken to deal with them". But rather than move that amendment, which I submit would fall squarely within the ambit of the present motion, he has narrowed it to asking the House to direct the committee to look in particular at the situation that existed in October. Without that direction being given to the committee, I suggest that the committee will be sterile and its deliberations will be futile. The hon. member is not striving to have the committee go off in a new direction; he is keeping it within the direction laid down by the motion, namely to examine, inquire into and report upon the nature and kind of legislation required to deal with emergencies that may arise from time to time in the future. But the hon. member says that in order that the committee may do that competently it should look at the situation that existed last October.

It may well be that the government intends that to be done; but I have the feeling, one that I think I am entitled to, that this government is not anxious to do that. I have a feeling this government has deliberately couched the motion in terms to inhibit and prevent any kind of examination of the situation or what took place last October. If that is the case, let the government stand up and say so. If it is not the case, with the greatest respect, I suggest that this amendment of the hon. member for Calgary North falls squarely within what is allowed and permissible under our rules.

**Mr. Lewis:** Mr. Speaker, I rise to support the opinions expressed by the hon. members for Calgary North (Mr. Woolliams) and Peace River (Mr. Baldwin). May I first do so in very simple language, if I can. As a lawyer I have always believed that unless the application of a rule makes common sense, either the application or the rule is not very sensible.

The problem as you have stated it, Mr. Speaker, is whether or not the amendment is a substantive one

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which would require notice. I ask you first, Mr. Speaker, with great respect, to look at the amendment. I ask you to assume that the motion is not on the order paper, to assume that the hon. member for Calgary North moved nothing else but his amendment. Is it a substantive motion? Does it make sense? Would it make sense if there were no motion on paper and all you had before you was the amendment moved by the hon. member for Calgary North? Would a motion which said that certain things must be done to better assure the purposes of such report with respect to so and so make sense? Would it be a substantive motion?

Therefore, Mr. Speaker, in the first place I would suggest to you as a matter of simple logic that before Your Honour can hold this to be a substantive motion it has to stand on its own feet. It cannot be a substantive motion unless it does. If it cannot stand on its own feet, it is not a substantive motion. Then, it is attached to the motion that is now before the House and amends it.

The second point I wish to make also seems to me to be common sense. What this amendment does—and it clearly sets out its purpose—is to say that this inquiry that is ordered by the motion before the House can be improved if the inquiry extends to certain events that have taken place. That is all the amendment says. It does not interfere with the inquiry. It does not interfere with the purpose of the inquiry. It does not interfere with the substance of the motion which is now before the House. It interferes with nothing that is basic and central to the motion before Your Honour. It is purely a procedural motion and in no way substantive. It merely says that, in addition to looking at the kind of legislation that we need to deal with emergencies in the future, the committee should be empowered to look at events in the past that will guide the committee in arriving at proper legislation to deal with emergencies in the future. That is all the amendment means and it is clearly procedural. Clearly, it is not an amendment that interferes at all with the substance of the motion. I respectfully submit that I cannot see any way—perhaps Your Honour will teach me later on—in which Your Honour can hold this to be a substantive motion.

May I make a third point? The rules of any society, of any organization, are to serve a constructive purpose. The rules are there in order to prevent the society or organization from failing to deal with matters before it in a proper and constructive way and to arrive at a conclusion.

**Mr. Baldwin:** To be construed liberally.

**Mr. Lewis:** And they are always to be construed liberally. If this amendment is not allowed, since I assume that the chairmen of the committee and the majority on the committee will be government members from this House and the Senate—and I shall have something to say about this when I speak to the main motion—if they say that no witnesses can be called in regard to anything that has happened in the past, never mind October 1970 but that the committee cannot discuss what happened at the Riel rebellion, or what happened in Regina during the unemployed marches of the 1930's, or the situation surround-