

National Security Measures

might take except for a reference to lawlessness and violence in society which might endanger the existence of government. What government? Federal government? Provincial Government? Municipal government? And what jurisdiction does this Parliament exercise over governments other than ours, except in certain circumstances—for example, those reflected in the Criminal Code? It seems to me one of the reasons my hon. friend put forward his amendment was to give the motion the substance which is necessary if the committee is not to find itself up on cloud nine.

I think the amendment amounts to a very appropriate extension of the motion. I find it almost impossible to convey that this House would instruct a committee to talk about something which might happen in the future without defining the time or the situation in specific terms. After all, there is no limit on the future; the future has a quality of infinity about it. Unless the motion is amended in some way so as to define more specifically the task of the committee, it will become engaged in an unrealistic and hypothetical discussion. As it is, the terms of reference are so vague that any report the committee might make based on those terms would be totally unsatisfactory.

If the amendment is found unacceptable, I submit that some other form of motion will have to be introduced in order that the committee may be given concrete terms of reference, in the absence of which the motion before us and the discussion arising from it are indeed a sham.

Mr. Deputy Speaker: When the hon. member for Calgary North (Mr. Woolliams) proposed his amendment this afternoon the Chair sought the assistance of hon. members on the procedural aspects of the question. I wish to thank those who assisted the Chair in that respect.

As I indicated in my opening remarks, this is essentially a question of whether the amendment introduces a new or substantive matter or whether it is an extension, an amplification of the motion which now stands before the House for debate. I also pointed out that the Chair has to take into account parliamentary jurisprudence covering this situation, and that unless an amendment is framed in such a way as to make clear that it does not introduce a new or substantive matter it is difficult for the Chair to accept it.

Before making my ruling I would refer to a citation in Beauchesne's, an authority which all hon. members will recognize and which must be taken into account by the Chair. It is citation 291, which reads as follows:

When the House is considering a motion of which notice has been given for the appointment of a select committee a member cannot move to amend that the committee be given wider powers than those which are set out in the notice.

The question for the Chair to consider is whether the amendment proposes to give wider powers to the committee, whether in fact a new and substantive question is raised or whether it is an extension or amplification of the motion before the House for consideration. If it is a substantive motion, then of course notice would be required and it would not be acceptable from a procedural standpoint.

[Mr. MacDonald (Egmont).]

The hon. member for Calgary North, the hon. member for Peace River (Mr. Baldwin) and the hon. member for York South (Mr. Lewis) have argued very forcefully that the amendment does not put forward a substantive matter; that it is merely an extension or an amplification of the motion. This is the question the Chair must decide.

It might be helpful if I were to read the motion which is now before the House. I shall read only that part which is pertinent to our consideration at this time:

That a Special Joint Committee of the Senate and House of Commons be appointed 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 by reason of lawlessness or violence in Canadian society and that endanger the existence of government or the maintenance of the peace and public order—

In amendment thereto, the hon. member for Calgary North proposed the following:

That the motion be amended by adding at the end of the first paragraph thereof the following:

"and, for better assuring the purposes of such report with respect to emergencies that endanger the existence of government, inquire into and first report upon all the circumstances anticipatory of and giving rise or purported to have given rise to the proclamation of the War Measures Act on October 16, 1970, as well as all the circumstances thereafter following and thereto related which may have or presently or in future may endanger the existence of any government, whether federal, provincial or municipal."

In his submission, the hon. member for Calgary North argued with respect to Standing Order 47—and the Chair is prepared, on consideration, to accept the argument—that this Standing Order is in itself not an impediment to any decision the Chair may take as to the acceptability of the amendment. I did mention in my preliminary remarks that the parliamentary jurisprudence based essentially on the citation I have quoted is definitive in the matter: if the amendment introduces a substantive or new matter, it cannot be accepted.

I wish to refer to a ruling made by Mr. Speaker Michener, quoting a previous ruling by Mr. Speaker Macdonald, as follows:

I could give the hon. member many more citations and rulings by Speakers. There is one by Mr. Speaker Macdonald which appears in *Journals* for April 4, 1951, at page 243. He ruled "An amendment cannot be moved giving the committee wider powers than those which were set out in the Notice of Motion. Then, there is another ruling of Mr. Speaker Macdonald's on November 2, 1951, as contained in the *Journals* at page 67. He said, and I quote: "I might say at this time that if the minister himself proposed an amendment which would widen the terms of the resolution I could not allow it to stand unless with the unanimous consent of the House."

The Chair would have some difficulty if the argument were put—and it has not been so presented—that the motion could be considered in an abstract manner. It would seem to me that the motion now before the House is one which must be considered in relation to events of the past.

The hon. member for York South put forward a very forceful argument. He referred to events in Canadian history. I think he referred to the Riel rebellion, and the Winnipeg strike of 1919 in the context of the events