

National Security Measures

Mr. Deputy Speaker: The hon. member for Calgary North (Mr. Woolliams) has indicated he would like an opportunity to present arguments directed to the procedural aspects of his amendment should the Chair have any difficulty in deciding whether or not it is procedurally acceptable.

I must say to the hon. member and to other hon. members that I do have such a difficulty, and I would invite the hon. member for Calgary North and other hon. members to assist the Chair. I might say that the kernel of the problem is whether the proposed amendment goes beyond the scope of the motion, in other words, whether it raises what might be called a new and substantive question. If this is the case, then, of course, notice would be required under the Standing Orders. The hon. member asserts that this is merely an elaboration or extension of the main motion, and I think this is the question to which hon. members should direct their thoughts when assisting the Chair. I might say there is already parliamentary jurisprudence on this point to be taken into account. Speakers in former Parliaments and, indeed, in this Parliament, have indicated they would look very closely at an amendment such as this which proposes to amend a motion setting up a standing or special or select committee. Thus, it seems to me, argument should be directed to the Chair bearing in mind the parliamentary jurisprudence I am required to keep in my mind when making a decision.

Mr. Woolliams: Thank you very much, Mr. Speaker. I appreciate that, as you have said, there is jurisprudence to the effect that the substance of such a motion as is before us may not be changed. I will read the relevant Standing Order again:

A motion to refer a bill, resolution or any question to a committee... shall preclude all amendment of the main question.

I invite Your Honour to direct attention to the words "the main question". You were not here when the Minister of Justice began his speech. He said he was dealing with this issue in the light of events which took place last October. As I understand it, the motion asks that a committee be set up of Members of Parliament and members of the Senate to determine whether we need emergency legislation for the future. That is the substance of the motion. A crisis might arise similar to the one encountered last fall. The only crisis we have experienced since confederation in which the War Measures Act has been used in peacetime was the situation we encountered on October 16. In order to determine whether we need new legislation at all, and, if so, what kind of legislation is needed, whether an amendment to the Criminal Code or a new public order measure with more teeth in it than is presently the case, we must have evidence, and the only evidence we find on the tracing board is the evidence of the crisis in October. We agree with the motion entirely.

I think I should wait for a moment, because I wish to argue this case before the Speaker.

Mr. Deputy Speaker: Order. The Chair is listening to the hon. member.

[Mr. Woolliams.]

Mr. Woolliams: The meat of this motion is the proposal to set up a committee to ascertain whether any legislation is necessary to deal with a possible crisis in the future similar to the one encountered last fall. How could such a conclusion be reached in the absence of the proper evidence? My amendment simply enlarges the motion in a declamatory way to improve the procedure when we get to the committee. We want this committee to have the right to call witnesses and to examine the records of that crisis in October, not because we want to examine the crisis itself, but in order to determine whether or not we need a new law.

The Prime Minister says the Criminal Code covers the situation. I believe the committee is entitled to know whether the Code covered the situation on October 19. Is there need for additional legislation? I am anxious to see a committee which will produce the best results. If the Minister of Justice would rise and assure us that the direction contained in his motion covers what is asked for in the amendment, there would be no need for my amendment to go forward. But think of the narrow approach the other minister took toward this issue yesterday. I repeat, this is not an amendment designed to change the motion in substance; it is merely intended to give direction to the committee and help it to function more precisely.

Mr. Baldwin: I wish to support what my hon. friend from Calgary North has said. In dealing with this question Your Honour must, of course, be guided by precedent and by our Standing Orders, including Standing Order 47, which, as my hon. and learned friend from Calgary North has said, deals with the main question at issue. You must also take into consideration, Mr. Speaker, what was said by the President of the Privy Council in whose name this motion stands. You cannot, as I assume the committee would not—and certainly it is not likely that the co-chairmen of the special committee would—ignore the comments made by the President of the Privy Council who, speaking in response to a question by the hon. member for Calgary North, indicated beyond any doubt that in his view the committee was limited to looking to the future.

● (4:40 p.m.)

How in the name of heaven can a joint committee examine what it proposes to do in the future regarding emergencies of this kind unless it examines the precedents of the past? I do disagree with my hon. friend in one respect. He said that this crisis of October was probably the only crisis we have had for some years. I would add to that the crisis we had in June 1968 when this government was elected.

On this particular issue, surely the committee not only has the right but the duty cast upon it to examine the conditions under which this country, certainly last October and possibly at other times, was precipitated into a crisis by a certain combination of circumstances that might have led to the necessity for imposing some type of emergency measures over and above certain provisions in the Criminal Code. Certainly, the committee as our agent,