

### Food Prices

Toronto-Lakeshore is limited within the four corners of the question of food prices. It is limited within the rights originally given the committee to make recommendations in respect of food prices and not in respect of anything else.

May I draw Your Honour's attention to some of the citations which bear on this question. One might well look at citation 323, paragraph (2) of Beauchesne's Fourth Edition to establish something that cannot be done which perhaps is not necessary to the argument but which we might as well have clear. That subparagraph reads:

A report from a committee cannot be amended by the House, but it must be referred back to the committee.

We all know this, but it is as well to have on the record that we cannot here on the floor of the House amend the report of the committee, but can refer the report back to the committee. This is precisely what the amendment of the hon. member for Toronto-Lakeshore (Mr. Grier) proposes.

Then, you will notice the following words in Citation 322 of Beauchesne's Fourth Edition:

● (1640)

When the motion to concur is proposed the report may be referred back to the committee for further consideration or with instruction to amend it in any respect.

That is precisely what the amendment proposes, namely, that the report be referred back to the committee for the purpose of considering or reconsidering a question which comes within the four corners of the original terms of reference. Citation 322 goes on as follows:

It is not competent for a committee to reconsider and reverse its own decision,—

We accept that the committee made its own report and it cannot change it by its own motion.

—but if the House resolves that such reconsideration is necessary, the correct procedure is for the House to give the committee instructions which will enable it to consider the whole question again.

I do not see how we can argue about it at all. That is precisely what the amendment is asking, that the report be referred back to the committee and that the committee be given the authority to consider again the whole question of the powers that should be recommended for the Food Prices Review Board.

There are one or two other citations that underline the right to refer reports back to the original committee. Citation 325(4) reads:

When a motion is made for concurrence in a Select Committee report, it is competent for the House to adopt it, reject it, refer it back to the committee or decide that consideration of the report will take place "this day six months".

There is a citation that gives four choices. We have chosen one of them, namely, the right to refer the report back to the committee. Likewise, in Citation 326 we read:

The report of a Standing Committee should be considered final only when it is adopted by the House, because, until then, the House can refer it back to the committee with instruction to amend it in any particular.

That is where we are. This report has not yet been adopted by the House, it is not yet in final form because at

[Mr. Knowles (Winnipeg North Centre).]

this moment the House has the right to refer it back to the committee with an instruction to amend it in any particular. We even refrain from the arbitrariness of the language that it be instructed to do so and so, and instead we give it the authority to reconsider the whole question of whether one of its recommendations should not be that the Prices Review Board have the power to consider and order rollbacks.

There are other words of wisdom in Beauchesne to be found in Citation 220 on page 182, but it is a lengthy paragraph and I do not think I will read it now because the gist of it was summed up in my earlier remarks on this point, namely, that when a report is referred back to the committee or when an instruction is being given to the committee in the first instance, in the second instance, or in any other instance, it cannot go beyond the original terms of reference that were given to the committee. Perhaps I should read two or three sentences near the bottom of page 182. The Speaker of the Commons of the United Kingdom said this:

"The principles which guide a limit in the system of instruction on going into Committee may be thus stated: First, an instruction must empower the Committee to do something which the Committee is not otherwise empowered to do. Secondly, the purpose of the instruction must be supplementary and ancillary to the purpose of the Bill, and must fall within the general scope and framework of the Bill.

It is true that this citation relates to a bill, but the same principle applies to a report and I think it has to be accepted that the recommendation back to the committee has to be supplementary and ancillary to the purpose that was given to the committee in the first place. The citation goes on to say:

Thirdly, it is irregular to introduce into a Bill, by an instruction to the Committee, a subject which should properly form the substance of a distinct measure, having regard to usage and the general practice of enacting distinct statutes for distinct branches of law'.

It was on that basis that on April 17 Mr. Speaker ruled out of order the amendment of the hon. member for Northumberland-Durham (Mr. Lawrence), principally because it did not stay within the confines of the subject matter of food prices. Indeed, on page 3392 of *Hansard* he was very strong in the statements he made, in the second column on that page, to the effect that he did not see how it could possibly be considered as an amendment. He was referring to the amendment of the hon. member for Northumberland-Durham. He went on to say:

In the amendment that we have before us is an entirely new question, suggesting that the committee report be not concurred in but that the committee be instructed to consider a number of alternatives which were not referred to in any way in the original terms of reference given to the committee.

As I say, we were fully aware of that ruling and of the general principles that apply to instructions to a committee, and therefore my friend, the hon. member for Toronto-Lakeshore, limited his amendment far more than he would like to have done in terms of our interest. He would have liked to have gone into the question of prices across the board, but we accepted the procedural limitation and moved that the committee simply be asked within its terms of reference, that have to do with food prices, to reconsider a matter that was already dealt with in that committee, namely, whether or not the Food Prices