

HOUSE OF COMMONS

Monday, June 18, 1973

The House met at 2 p.m.

TRANSPORT AND COMMUNICATIONS

CONCURRENCE IN THIRD REPORT OF STANDING COMMITTEE—RULING BY MR. SPEAKER

Mr. Speaker: Order. On Friday last the hon. member for Winnipeg North sought to move concurrence in the third report of the Standing Committee on Transport and Communications. On a point of order some doubt was cast on the procedural acceptability of the report and, more particularly, on the hon. member's right to move concurrence in that report. A number of members took part in a procedural discussion, at the end of which it was agreed that the Chair should be given an opportunity to study the arguments advanced, both in support of and in opposition to the procedural acceptability of the hon. member's motion.

There is little doubt that only the functions and powers of the Committee of Supply were transferred to the standing committees in relation to the estimates when the Standing Orders were amended in 1968. Section 14 of Standing Order 58 reads as follows:

In every session the main estimates to cover the incoming fiscal year for every department of government shall be referred to standing committees on or before March 1 of the then expiring fiscal year. Each such committee shall consider and shall report, or shall be deemed to have reported, the same back to the House not later than May 31 in the then current fiscal year.

Standing Order 59 reads as follows:

A motion, to be decided without debate or amendment, may be moved during routine proceedings by a minister of the Crown to refer any item or items in the main estimates or in supplementary estimates to any standing committee or committees and, upon report from any such committees, the same shall lie upon the table of the House.

The old standing order 57, which preceded the present Standing Order 59, reads as follows:

A motion, to be decided without debate or amendment, may be made without notice during routine proceedings by a minister of the Crown withdrawing any item or items in the estimates from the Committee of Supply and referring the same to any standing or special committee and, upon report from any such committee, the said item or items shall stand referred to the Committee of Supply.

Prior to 1968 the Committee of Supply could consider, reject, reduce and adopt estimates, but the ultimate concurrence in the estimates rested in the House after report from the Committee of Supply. In like fashion, standing committees may now consider, adopt, reject, reduce and report to the House on estimates but, as was the case with the Committee of Supply, the ultimate concurrence in the estimates still rests with the House.

It will be noted that there was no enlargement of the powers of standing committees on estimates by virtue of

the new Standing Order 58. The only alteration was that which was necessary in House procedure by the abolition of the Committee of Supply.

There can be no doubt that standing committees are empowered to make reports in relation to their study of estimates. The first example of such a report was that of the fourth report of the Standing Committee on Miscellaneous Estimates made February 28, 1969, concerning the use of one-dollar items for the purpose of legislating. That report followed upon the adoption of the revised rules in December, 1968.

● (1410)

It is interesting to comment here that that report is the only instance of a committee report on estimates being brought into consideration under the provisions of Standing Order 58.

The fundamental question to be considered is whether the House or the standing committee is to remain paramount. Will the committees direct the House by virtue of their reports or will the House direct the committees by means of orders of reference?

If a standing committee is permitted to make reports of a substantive nature when considering the estimates of a department, it would follow that no limit could be placed on the number of reports from a committee. Surely the House would be hard pressed to consider all of such reports on motions during the daily routine of business.

It has been suggested that the powers and scope of committees should be and have been enlarged under the recently adopted procedure, but surely it cannot be contended that the committees have powers which exceed those of the House.

It could be said that the "report of a committee, both in its form and as to its substance, ought to correspond with the authority with which the committee is invested".

To illustrate what the Chair has in mind, it is suggested that reference be made to the comments by the hon. member for Winnipeg North Centre in the discussion which arose on April 10. The hon. gentleman in particular then referred to a report of the Standing Committee on Veterans Affairs in relation to a document known as the Woods Report, which report, in the hon. gentleman's own words, contained "literally scores of recommendations which, if they were implemented, would involve the expenditure of money". That report was the order of reference to the committee and as such the committee could do nothing except to consider and recommend on the desirability of making such payments. The form and substance of the report could not be otherwise. It should be also noted that the committee recommended that certain proposals be implemented; in other words, a direct order to the government was not involved.