

Transport and Communications

has been consolidated with another, on which fees are paid, or because it is a mere amendment to a previous act.

The only vehicle available to committees, on a bill for presentation to the House, of such recommendations is a report. The House has consistently received from committees dealing with private bills, reports containing recommendations without challenge. The fact is that if the Chair refuses to seize the House of the second report of the Standing Committee on Transport and Communications it would probably be establishing a new rule for which it would be difficult to find a precedent. Should the Chair allow itself to be placed in a position where it would be substituting its judgment for that of a committee on grounds other than procedural grounds? The question is of some importance because there does exist an analogous precedent in recent years, at least as far as procedure is concerned.

It is true that the mode of relieving a company of charges levied under standing orders is different, but that is a matter of judgment to be decided by the House and not a matter of procedure to be decided by the Chair. On May 30, 1967, the House referred to the Standing Committee on Transport and Communications, Bill C-104, an act respecting the Bell Telephone Company. On October 20, 1967, the committee submitted to the House the following report:

Your committee has before it Bill C-104, an act respecting the Bell Telephone Company of Canada.

Your committee unanimously recommends that the capital stock charges in the amount of \$150,400 collected and paid to the Receiver General of Canada, and deposited in the Consolidated Revenue Fund in the course of the past session (1966-67), by the Bell Telephone Company of Canada, be applied to the capital stock charges levied at this session.

The said report was concurred in on October 24, 1967. The Chair then had no objection whatsoever to the moving of a motion for concurrence in the said report. It is therefore difficult to understand why any objection should be raised to a motion for concurrence in a similar report at this time. The Chair is now being asked to rule out of order what the House declared in order only a few years back. Should the Chair decide that committees cannot submit recommendations in any form to the House in connection with their consideration of bills, then there will undoubtedly arise problems of a practical nature. May I quote, as one example, the report submitted by the Standing Committee on Railways, Canals and Telegraph Lines on March 24, 1960, which was concurred in by the House on the same day:

Your committee reported this day Bill S-16, an act to incorporate Matador Pipe Line Company, Ltd., as its fourth report.

Clause 3 of the bill provides for capital stock of one hundred thousand common shares without nominal or par value.

Your committee recommends that, for taxing purposes under Standing Order 94, each common share shall be deemed to be worth one dollar.

By unanimous consent, on motion of Mr. Howe, seconded by Mr. Baldwin, the said report was concurred in.

If committees are not permitted to report recommendations to the House, then in such cases there can be no application of the provisions of Standing Order 91 inasmuch as there would be left no vehicle whereby the committee could ask the House to agree to an evaluation of shares. The same would be true of Standing Order 105.

[Mr. Campbell.]

May I assure you, Mr. Speaker, and the House that the committee, in ordering the presentation of its second report to the House acted in good faith and within the four corners of parliamentary tradition. If Your Honour decides to take under advisement the objections raised, then may I suggest that the following points be considered. First, there is little basis for the contention that committees charged with the consideration of a bill cannot submit recommendations to the House. Second, dealing with private bills specifically, there would appear to be no precedent where a committee report was ruled out of order on the grounds that the bill was the order of reference and recommendations could not be received. Third, the report submitted to the House by the committee is procedurally consistent with each and every report of the same nature submitted by this or any other committee in the past. It has not been brought to the attention of the Chair that any such report was ever ruled out of order, and the Chair might not wish to impose upon committees conditions which the House itself did not impose either through its Standing Orders or its decisions.

Fourth, a decision to deny committees considering bills, public or private, the right to submit from time to time reports containing recommendations would necessarily entail far reaching consequences in several areas: For instance, where a committee submits that a bill be divided, that a witness has refused to appear, that the order of reference should be expanded, that the bill should more properly be considered by another committee, that the committee be allowed to travel, etc.

In conclusion, the committee which honoured me by electing me its chairman has taken a unanimous decision which it hopes will be submitted to the judgment of the House. Decisions of the Chair are not subject to appeal, and should the decision of the Chair be that the report of the committee is out of order there would be no opportunity left for the members of the committee to justify, in parliament, their position. The committee felt that it was acting within its capability, competence and responsibility and hopes that its decision will be concurred in by the House.

I would respectfully request that the motion be put, but if there are misgivings it would be my suggestion that all the matters raised today in this respect be referred for immediate consideration either to the Standing Committee on Procedure and Organization or to the Standing Committee on Miscellaneous Private Bills and Standing Orders.

Mr. John M. Reid (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, may I at the outset indicate my support for the position which the committee has taken in this report, namely, that the company concerned should not have to pay the very extravagant fee which is apparently required in this case. However, there is a procedural point of some importance here. It concerns the powers of parliamentary committees to make representations to the House of Commons. Your Honour will recall that your predecessor, Mr. Speaker Lamoureux, on June 18, 1973 delivered a ruling on the nature and the ability of a committee to make a report on the estimate. Taking that as the beginning, I submit that the restriction on a committee to make reports on bills