

Transport and Communications

any doubt I implore Your Honour to resolve that doubt in favour of the committee. If the house does not accept that, or if the government wants by an amendment, once the report has been moved, to ask the house to refer it back, then it may do so. But I submit that if that decision is to be made and if this committee is to have its report sent back to it, that is a decision for the house itself to make. It should not be done by the government asking Your Honour to rule the report itself out of order.

● (3:50 p.m.)

Therefore, though there may be arguments on both sides, I feel that on balance the arguments are on the side of the committee, that Your Honour should give the benefit of the doubt to the committee and let us proceed with the motion for the adoption of this report.

[*Translation*]

Mr. René Matte (Champlain): If I may, Mr. Speaker, I would like to recall a few general principles concerning that matter.

With the new procedure adopted at the beginning of this session, the role of the committees was upgraded; they were given greater importance, and it was thought that it would expedite the business of the house.

According to our parliamentary system, the representation within committees ensures a majority of government members. If the government will not accept the report of that committee, it is, in fact, disowning its own members on the said committee.

Here the following question of principle claims our attention: Has the cabinet exclusive control over committee reports? In the affirmative, this is a breach of parliamentary freedom. The question is whether the committees exist or not. The quality of the work and efficiency of the role of committees are here put in question, and I believe that for the sake of the committee principle, this report must be accepted, even if, as some previous speakers have suggested, the House should refer it again to a committee.

To summarize these general principles, there is first of all parliamentary freedom. There is the question of possible disapproval by the government to the work done in a committee. I think that this cannot be condoned in the house, and accordingly, in order to follow this principle, this motion should be withdrawn.

[*English*]

Hon. Donald S. Macdonald (President of the Privy Council): Mr. Speaker, I had an opportunity to put my views before the house on Tuesday last. They are to be found at page 7058 of *Hansard* and following. At that time the question, which was dealt with later in my favour, was with respect to my right to raise the point at that stage. I can only say that the extensive argument, made today by the hon. member for Winnipeg North Centre (Mr. Knowles) might have been directed to the question whether or not I should raise the point at that stage; but the fact is that the Chair already has made a decision against him in that regard. Therefore, his reference to the 1874—I think it was—precedent is really irrelevant.

I would point out to him and also to the hon. member for Peace River (Mr. Baldwin) that while it is true that we have given a greater role to the committees, it is especially important, because of that greater role, that they act within the well established rules of procedure that are followed by this house. For this reason on Tuesday last I raised two points with respect to the particular committee report.

Your Honour has asked that we direct ourselves to three questions: the question whether or not the matter is sub judice; the question whether this is a direction rather than a recommendation; and also the question regarding the terms of reference. I should like to emphasize that at no time on Tuesday last did I take any exception to the report as going beyond the terms of reference. I think if the hon. member for Peace River looks that up he will find I made no objection in that regard.

I should like to refer to the sub judice question first, the question as to what extent the sub judice doctrine applies here. In this regard I should like to put on the record again the actual details of the order that was made. The fact is that on July 3, 1968 the Canadian Transport Commission made an order dealing with rail passenger service in Newfoundland. This order was an interim order and concluded with the following words—and I quote them because I think they are important when deciding whether or not the matter is still before the commission:

If, prior to April 15, 1969, Canadian National Railways fails or is unable to perform any of the conditions enumerated above, or if at any time before that date the Committee is not satisfied that the bus service is at least as good as the present passenger train service, it may upon notice to the applicants and to all parties who appeared