

RULING BY MR. SPEAKER

MR. SPEAKER: I thank honourable Members for their assistance to the Chair in the making of a ruling on this very important point which was brought about by the motion of the honourable Member for Skeena (Mr. Howard) to move concurrence in the Sixth Report of the Standing Committee on Transport and Communications. As I said at the outset, the fact that the motion proposed by the honourable Member for Skeena is being questioned procedurally, is not by any stretch of the imagination a reflection on the proceedings in the Committee or the excellent work which all Members agree has been done in that Committee by its distinguished Chairman. Knowing the honourable Member's independence of thought I am sure that he will continue to rule unhindered, as I think he said, by any decision of the Chair but I think in respect of this the Chair has to make a ruling on the basis of my understanding of the Standing Orders.

The objection of the Chair is not necessarily to the Report. The Report came forward; it appears on the Order Paper and there was no objection raised although the Chair might have the doubts the honourable Member for Crowfoot (Mr. Horner) himself and other members of the Committee obviously had after the motion was amended, but the notice of motion to concur in the Report has come before us, and has appeared from day to day on the Notice Paper along with a number of other notices on which no motions for concurrence as yet have been submitted to the Chair.

I have previously indicated my difficulties in respect of these motions. The honourable Member for Crowfoot has referred to the fact that in a number of instances there have been similar reports and he is quite right. There is no doubt whatsoever that this has happened before and the example he gave was "right on", as honourable Members say from day to day in supportive statements by the relevant people, that there was a Report which came from the Standing Committee on Veterans Affairs as reported in the Journals of the House for February 16, 1971 at page 333. This Report was a substantive report. It was perhaps even more subject to question than the one now before us because it had financial provisions. The honourable Member for Crowfoot and others have referred to them but honourable Members would appreciate that there is no motion for concurrence in this Report. This is where the difficulty comes up. The Chair would have been placed in a rather awkward position if at that time there had been a motion for concurrence in the Report of the Standing Committee on Veterans Affairs as it appears at page 333 of the Journals of the House to which I have referred.

The Chair might well have had to reach a decision on whether committees had before them, as this particular Committee has had before it, a bill. The situation is quite different when the committee has before it a general reference, such as an annual report of a department, when there is greater latitude in the submitting of substantive recommendations to the House. With respect

I suggest to honourable Members there is no authority to support the contention that a committee of the House when considering a bill should report anything to the House except the bill itself.

This is the difficulty that we have now, that a recommendation which has been made which may very well have been relevant to the bill but it has come to the House by way of a substantive recommendation.

My thought would have been, as has been suggested by honourable Members and I believe by the President of the Privy Council (Mr. MacEachen) that if that recommendation were relevant as it might possibly, or probably should be, to one of the clauses of the bill, the amendment should have been introduced in the Committee.

I refer honourable Members if I may to a few citations. Citation 304 paragraph (2) of Beauchesne's fourth edition, reads as follows: "A committee is bound by, and is not at liberty to depart from, the order of reference. In the case of a Select Committee upon a Bill, the Bill committed to it is itself the order of reference to the committee, who must report it with or without amendment to the House."

At page 494 of May's eighteenth edition, it is stated: "The function of a committee on a Bill is to go through the text of the Bill clause by clause and, if necessary, word by word, with a view to making such amendments in it as may seem likely to render it more generally acceptable."

If the substance of the report now before the House is founded on or related to the Bill, it would follow that the Bill in one form is before the Committee when that question in another form is before the House. I refer honourable Members to section (1) of citation 414, of Beauchesne's fourth edition which states as follows: "The House is not supposed to be informed of the proceedings of a Committee on a Bill until the Bill has been reported; and discussion of the clauses, with the Speaker in the chair, when the Bill is still before the Committee, is consequently irregular."

I would have thought such a substantive recommendation as that contained in the Report now before the House could not be proposed either in Committee of the Whole or at the report stage.

I suggest again that what might have been proposed by the Committee would have been an amendment to the Bill, so that the Bill, once reported, would have included that amendment. My difficulty is that what we have now before us is a substantive recommendation—with which I do not quarrel—I do not quarrel with the proceedings of the Committee and I have no objection to the ruling made by the Chairman of that Committee in any way—but when it comes to proposing that we should consider the matter as a substantive recommendation I suggest to honourable Members that there are ways and means under our Standing Orders for a substantive proposition to be considered by the House. However, this could not be done, I suggest, by way of a recommendation from a Committee studying a Bill.