

HOUSE OF COMMONS

Tuesday, December 3, 1974

The House met at 2 p.m.

ROUTINE PROCEEDINGS

[Translation]

REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Fourth report of Standing Committee on Regulations and other Statutory Instruments—Mr. McCleave.

[Editor's Note: For text of above report see today's Votes and Proceedings.]

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[English]

TRANSPORT AND COMMUNICATIONS

MOTION FOR CONCURRENCE IN SECOND REPORT OF STANDING COMMITTEE

On the order: Presenting Reports from Standing and Special committees:

November 29, 1974 Mr. J. CAMPBELL (LaSALLE-ÉMARD-CÔTE SAINT-PAUL) chairman of the Standing Committee on Transport and Communications:

That the second report of the Standing Committee on Transport and Communications, presented to the House on Thursday, November 21, 1974, be concurred in.

Mr. Speaker: Yesterday, in reference to this subject matter, it was indicated that the Chair was in considerable doubt as to the propriety of the report from the procedural point of view. I invited hon. members who wanted to do so to contribute to that subject today. It would be my intention to hear hon. members who wish to make a contribution and probably to reserve whatever judgment I propose to deliver until some time later this week.

Mr. John Campbell (LaSalle-Émard-Côte Saint-Paul): Mr. Speaker, last Thursday apparently there was procedural difficulty regarding this recommendation brought before the House. We have been able to gather some material that I believe will be helpful to the Chair in reaching a decision. During the consideration of private members' business last Thursday there was an indication that the Chair might be asked to rule at the appropriate time on whether or not the second report of the Standing Committee on Transport and Communications could be received. Before such decision is taken I would seek from the Chair permission to make some comments.

● (1410)

It was argued last Thursday that it was beyond the capability of a standing committee to make a report of this nature to the House since its order of reference was only to consider Bill S-11. The authority cited was Beauchesne's Fourth Edition, citation 304, where it is stated:

- (1) A committee may only consider those matters which have been committed to it by the House.
- (2) A committee is bound by, and not at liberty to depart from, the order of reference.

Beauchesne himself cited his own authority, which was the Fourth Edition of Bourinot's Parliamentary Procedure, page 469. It appears that the House may have strayed from the original principle in recent years to the point where it may be useful to quote the original authority *in extenso*: I believe most hon. members are aware that the two paragraphs I have mentioned go beyond Bourinot's Parliamentary Procedure. There are two sentences in this citation which should be considered very closely. The first is:

Consequently, if a bill be referred to a select committee it will not be competent for that committee to go beyond the subject matter of its provisions.

It would appear clear that committees are not restricted to the provisions of a bill but can also consider the subject matter of the provisions of a bill, public or private. Accordingly, committees should indeed be competent to submit to the House recommendations dealing with the subject matter of the provisions of a bill. Should the judgment of the committee be challenged, then it should be through a decision of the House and not a decision of the Chair. The second sentence or part thereof which warrants attention is the following:

No such restrictions apply to committees on private bills . . .

There may be some who would argue that this citation finds no application, but the fact is that there appears to be no precedent where the House or Mr. Speaker have refused committees the right to submit to the House reports of the nature of the report now brought before it. Dealing in particular with recommendations submitted by committees in relation to private bills, Bourinot at pages 603-604 reads as follows:

In case the bill is withdrawn or otherwise fails to become law, the fee of \$200 is refunded, generally and properly on the recommendation of the committee on the bill. Sometimes the committee will recommend that it be refunded on other grounds:

Because a bill has been rendered necessary by the action of the general legislature. Because the necessity for its passage arose from no fault of the promoter, but from circumstances beyond his control. Because the committee have materially diminished the powers asked for. Because it is not liable to the fee and charges levied on private bills. Because it is a mere amendment to the general act respecting banks and banking. Because a project is of a great public benefit to a locality, because the promoters of the bill have agreed to accept the provisions of a general act passed that session: because it has to a great extent been superseded by the provisions of a public bill. Because a bill