

*Transport and Communications*

service is as good as the train service was. It has not yet made a decision, but a committee of this house has come along and suggested—and after all that is what the recommendation means—that that trial period be extended, and that no final order be made until the committee has completed its discussion of the matter.

I suggest that there is no interference with a judicial decision involved in that kind of a recommendation, that there is no attack on the Canadian Transport Commission, and that it is really not an argument of any weight to say that this report must not be allowed because somehow or other it offends the sub judice doctrine.

I come now to your second question, namely as to the form of the report. Like the hon. member for Peace River I recognize that the language of the report is not the language that we usually employ. Usually, to be on the safe side, we say in reports or in private members notices of motion that we ask the government to consider the advisability of doing such and such. In this case the committee shortened its language and simply said "we recommend". It recommends two things: first of all, that the freeze on the maritime freight rates be extended to December 31, 1969, and second, that the trial period, so far as the Canadian National Railways operation of certain trains in Newfoundland is concerned, be extended beyond April 15.

Your Honour is concerned lest by our dealing with such a report, and perhaps passing it, we put these things into effect. I submit that this is not the case at all. Granted that it is different language than we usually employ, surely what Your Honour has to consider is what the effect would be if we were to concur in this report. I submit that the effect is very clear. We would simply say the same thing that the committee said. We, the House of Commons, would not be passing a bill and would not be putting a statute into effect; we would be doing exactly what the committee did, that is to recommend, with the weight of the House of Commons, that subsection 4 of section 335 of the Railway Act be amended and the freeze extended to December 31, 1969, and that the trial period with regard to bus versus the railway service in Newfoundland be continued beyond April 15 until the committee has discussed the matter in full.

I see in this something analogous to what we do at the report stage of bills. When a committee reports a bill, we go through a

[Mr. Knowles (Winnipeg North Centre).]

procedure at the report stage. If an amendment is put down, we have a debate; if there is no amendment, we do not have a debate, but in either case in the end the house passes a motion concurring in the bill. It does not pass the bill and it does not put it into effect. That has to be done in the way that is provided, namely by a motion for its third reading. Not only that, it also has to go to the other place and in due course it must receive royal assent. So, to suggest that there is anything mandatory about this, I think is unfair to the committee. The committee has recommended to us that two things be done, and the chairman, by moving the motion for concurrence, is asking us to say the same thing: to recommend that those two things be done. If we pass this report, it will be making that same recommendation to the government. The third question that Your Honour raised had to do with the terms of reference and with whether or not the committee report goes beyond the terms of reference that were given to it. I find that hard to credit when one looks at those terms of reference. They were given to the committee on January 17. I believe the hon. member for Peace River read the terms of reference, but let me repeat them. I will read from the *Votes and Proceedings*, of January 17, 1969, page 599. They read as follows:

On motion of Mr. Macdonald (Rosedale), seconded by Mr. Hellyer, it was ordered,—That the Standing Committee on Transport and Communications be empowered to consider and report upon the problems of transportation in the Atlantic Provinces,—

There is no limitation of any kind there.

—and that, for the purposes of its inquiry, the Committee be empowered to adjourn from place to place within Canada and the Clerk and the necessary supporting staff be authorized to accompany the Committee.

Surely those terms of reference are wide enough to include recommendations by the committee that something be done about two things that seemed to the committee to be relevant to the problems of transportation in the Atlantic provinces. Because the recommendations are within the terms of reference, I feel that Your Honour should allow this report.

As I said earlier, the case in 1874 on which Beauchesne's citation is based was one which was resolved by the Speaker asking the member to withdraw the motion. It was not specifically ruled out of order. In this case, I agree with the hon. member for Peace River that the wording of the report is not the wording that is usually employed, but if there is