

*Transport and Communications*

After listening at some length to the debate, Mr. Speaker expressed the opinion that it did go beyond the terms of reference; that it did ask for something that only a minister could propose. While he did not make a precise ruling that the report was out of order, he suggested to Mr. Bunster that the motion to adopt the report might be withdrawn. Mr. Bunster agreed and that seems to be the end of the story.

But I submit that we have changed things a bit since 1874. I think I could make a case that there is quite a difference between that report of 1874 and the report that is now before us. That report was made by a committee that was asked to consider ways in which the Canadian tariff was affecting things in British Columbia, but instead of doing that the committee came back and recommended a special tariff for that province. In our case a committee has been asked to study the whole transportation problem in the Atlantic provinces and it has come back with two specific recommendations.

But the main point I want to make about this is in line with something the hon. member for Peace River (Mr. Baldwin) has already said. This is the reason I presume to take a bit of time on this issue. My point is that not only have there been changes because of the passing of time, the normal kind of changes that take place, but we in this parliament have deliberately set about to upgrade our committees system. Perhaps, Mr. Speaker, I may now draw your attention to a paragraph of the third report of the Special Committee on Procedure of the House which was presented by the hon. member for Grenville-Carleton (Mr. Blair) on Friday, December 6, 1968.

• (3:40 p.m.)

I should like to read this paragraph. It is paragraph 12 at page 434 of the *Votes and Proceedings* for that day:

It will be apparent from the recommendations already made in relation to supply and the legislative process that your Committee envisages a significant extension of the functions of the Standing Committees and in consequence a substantial strengthening of their importance and influence. They would become the forums in which the details of expenditure and legislation would be closely considered. They would investigate the operations and continuing programs of government departments and would develop areas of subject specialisation. We would expect debate in the Standing Committees to be well-informed and pertinent; their members to become influential in the areas of their specialized experience; and their reports to the House to assume a critical significance related more closely to the national interest as a

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whole than to simple political differences. We also anticipate that the business of the House would be greatly expedited and handled more efficiently through exploiting the potential of the committee system of the House to the full.

This is a report that was made in parliament. Hon. members are aware that what we are trying to do is to upgrade our committee system to give more importance to our committees. I know that we still impose upon them certain limitations and we still have a system of responsible government, but we have moved a long way from 1874. We do want our committees to be constructive, critical, significant, pertinent and all the other things that were spelled out in the paragraph which I read. I think, therefore, that it is unfortunate that when this committee comes in with some specific recommendations a member of the government objects to that report being made. You do not upgrade a committee by slapping it down when it makes a recommendation the government does not like.

I should like to speak now on the three particular questions that Your Honour asked us to consider when you spoke on this matter last Thursday. They were, first of all, the sub judice question, second, the form in which the report is drafted, and third, the question as to whether or not the report goes beyond the terms of reference given to the committee.

Dealing first of all with the sub judice question, there is not much I need to add to what the hon. member for Peace River (Mr. Baldwin) has already said, but again I would like to read the citation that you drew to our attention on Thursday, namely citation 152 (2) in Beauchesne's fourth edition, which reads as follows:

The Board of Railway Commissioners is a court of record and therefore may not be attacked except by way of impeachment.

We accept the fact that whatever applied to the Board of Railway Commissioners in this book applies now to the Canadian Transport Commission. But I submit that in no sense and by no stretch of the imagination can it be said that the committee report is attacking the Canadian Transport Commission. I think there are times when this sub judice doctrine is really pressed too far. As I understand it, it means that people should not be allowed to express opinions that interfere with the making of a judicial decision. What is involved in this? The Canadian Transport Commission has already given the Canadian National Railways until April 15 to see whether its bus