

Ruling by Mr. Speaker

however, was based on precedents and citations of Canadian and British authors, and specifically recognize the authority of the Speaker to divide a motion. There appears to be no precedent in Canadian parliamentary practice to support the proposition that the Speaker is at liberty to decree, on his own initiative, that a motion will be considered in committee of the whole rather than by the house, or by the house rather than by the committee.

The hon. member for Winnipeg North Centre has submitted that the Speaker would have authority to direct that the proposed procedural changes be studied in committee of the whole, by virtue of standing order 50, which reads as follows:

Whenever Mr. Speaker is of opinion that a motion offered to the house is contrary to the rules and privileges of parliament, he shall apprise the house thereof immediately, before putting the question thereon, and quote the standing order or authority applicable to the case.

I would not think it could be argued reasonably that the motion to be proposed by the hon. member for Grenville-Carleton is contrary to the rules of parliament. Is it contrary to the privileges of parliament? The hon. member for Winnipeg North Centre contends that it is and that the procedure now contemplated would adversely affect the privileges of hon. members.

The question arises as to whether hon. members would have greater opportunity to debate and amend the report in a committee of the whole. The scope for debate and amendment, in my view—and I suggest this to hon. members—is as great with the Speaker in the chair as it would be in committee of the whole. There is no limit to the number of amendments that can be proposed at this stage. Each individual proposition may be the subject of an amendment by way of a direction to the special committee. Hon. members may wish to refer to citation 221 of Beauchesne's fourth edition which refers to permissive instructions and mandatory instructions. Citation 221 (2) reads as follows:

● (2:40 p.m.)

The object of mandatory instructions is to define the course of action which the committee must follow.

In view of this it seems to me the privileges of hon. members would not be diminished by conducting the debate with the Speaker in the chair.

My conclusion therefore is that the privileges of parliament are not affected in a way which would justify the Chair's intervention on the basis of standing order 50.

[Mr. Speaker.]

PRIVILEGE**MR. MCGRATH—OMISSION OF RESOLUTION
FROM TRANSPORT COMMITTEE REPORT**

Mr. James A. McGrath (St. John's East):

Mr. Speaker, I rise on a question of privilege affecting the rights and privileges of every member of the house. In so doing I refer to the second report of the standing committee on transport and communications which was presented to the house on Tuesday, December 3, but in relation to which there has been no motion for concurrence. On December 3 the then chairman of the standing committee, the hon. member for Manicouagan (Mr. Blouin), introduced under routine proceedings a notice of motion that he would move concurrence in the report on Thursday next, which would have been December 5. To date there has been no such motion for concurrence.

My question of privilege relates more particularly to the fact that parliament has before it a document, the report of the committee on transport and communications, and it is my understanding that such report must constitute an accurate reflection of what took place in the committee and must at the very least record the various motions and resolutions forming part of the minutes of proceedings. The report now before the house does not contain the resolution moved by myself and adopted by the committee on Thursday, November 28. On Friday, December 6, the standing committee met and had as the first item on the agenda the motion moved by the hon. member for Notre-Dame-de-Grace, which reads as follows:

Resolved: That the resolution passed at the meeting of the standing committee on transport and communications held on Thursday, November 28, 1968, be now rescinded.

I might point out that this motion has not been voted on by the committee. I would point out for your information, sir, and for the information of the house, that the motion was an important one relating to the visit of the committee to the Atlantic provinces, authority for which is requested in the committee's second report. My motion called for deferment of any action by the C.N.R. in curtailing rail passenger service in Newfoundland until such time as the committee had an opportunity to visit Newfoundland with a view to examining the situation at first hand. I might point out that the matter is one of some urgency since the decision to phase out rail passenger service in Newfoundland has gone into effect as of December 2.