

The fifth edition also states in citation 764(1):

A committee is bound by the decision of the House, given on second reading, in favour of the bill, and should not, therefore, amend the bill in a manner destructive of this principle.

It goes on in citation 764(2):

The committee may so change the provisions of the bill that when it is reported to the House it is in substance a bill other than that which was referred. A committee may negate every clause and substitute new clauses, if relevant to the bill as read a second time.

It is also provided in citation 754:

(1) Every public bill, when it is read a second time, is referred to a committee before any amendments are made to it.

(2) To 'commit' a bill means to refer it to a committee, where it is to be considered and reported.

It should be noted that citation 885 of the fifth edition states:

(1) It is the duty of every committee to report to the House a bill that has been committed to them and not, through long adjournments, to withhold from the House the result of their proceedings.

(2) If a committee does not report back a bill, the House should take cognizance of the matter.

Although these statements are made in the context of private bills, it is submitted that they are equally applicable to any bills, public or private.

The authority for this statement is page 614 of Bourinot's *Parliamentary Procedure and Practice*, fourth edition, where the principles are set forth generally:

"It is the duty of every committee to report to the House the bill that has been committed to them," says the best English authority, "and not by long adjournments, or by an informal discontinuance of their sittings to withhold from the House the result of their proceedings. If any attempt of this nature be made to defeat a bill, the House will interfere to prevent it."

The fundamental point is that a bill having received second reading has been approved in principle by the House. The purpose of referring it to a committee is to iron out the details. That is why in the words of Standing Order 113(5), legislative committees are given a power "to send for officials—whom the committee deems to be competent to appear as witnesses on technical matters" and so forth.

The committee has to consider the bill, but it also has a duty. It has a duty to report back the bill. It cannot ignore the bill or do nothing. The committee is required to

Privilege

report back to the House. It can make amendments. It can even change the bill significantly, but it must return the bill to the House. This is clear from the wording of Standing Order 113(5).

• (1510)

Any legislative committee shall be empowered to examine and enquire into the bills referred to it by the House, to report the same with or without amendments—

This is consistent with parliamentary practice as far back as Bourinot, whose fourth edition 1916 sets out the principle clearly at pages 520–521:

Every committee on a public bill is bound to report thereon. The house alone has power to prevent its passage or to order its withdrawal.

The 21st edition of Erskine May at page 654 is to a similar effect:

A select committee to which a bill has been committed has no power to put an end to the bill—

Applying those general principles to the present case, the members of Legislative Committee H decided to adjourn consideration of Bill C-203 *sine die*. I understand that this means it cannot be brought back for consideration, either by the chairman or by the members of the committee. To all intents and purposes, this means that the committee has chosen not to report the bill back to the House. The members of the House who supported this motion have thus prevented the House of Commons from further considering a bill that was approved in principle by the same House.

This is far worse than if they had reported the bill back with amendments, even if these had significantly changed the bill. At least in that case, the members of the House could have proposed amendments at report stage and the bill could have been considered and disposed of by the House itself.

Legislative committees are supposed to assist the House, not to substitute their own judgment for that of the House. The actions of the legislative committee have prevented the House from voting on the bill; either approving it or voting it down. The subject matter of Bill C-203 is very difficult, both morally and legally, but it is unconscionable that a committee has taken away the right of the House to decide that matter.