

Transport and Communications

of this during the course of the deliberations of the Committee on Privileges and Elections or during the deliberations under the present reference of the Transport Committee from the house. No suggestion was made as to whether this matter was not clearly defined as being a legitimate subject for study by the committee in carrying out its reference from the house, to study transportation in the Atlantic provinces.

There was extensive examination of witnesses in connection with this matter. The President of the Transport Commission, some senior officials of this commission and officials of the Canadian National Railways were examined and gave evidence in this regard. At no time was there any suggestion, Mr. Speaker, that this matter was sub judice. I will not deal with the other argument. As Your Honour said, they have been dealt with very extensively by the hon. member for Peace River, the hon. member for Winnipeg North Centre and other hon. members of this house.

I remind Your Honour it is not entirely inappropriate to discuss this matter today because the terms of union deal with the matter of rail transportation in Newfoundland, and the disposal of the Newfoundland Railway, one of the assets of the Newfoundland government when it became a province of Canada. The commission at that time felt obliged to make reference to it. They referred to term 31(a) of the Terms of Union with Newfoundland.

Mr. Speaker: Order, please. I have to interrupt the hon. member and remind him that at the present time he is not dealing with the point of order before the house.

● (4:10 p.m.)

Mr. McGrath: Well, Mr. Speaker, I may not be an expert on the rules but I would point out to Your Honour that I have some interest in this matter as a member of the committee. You have not heard any members of the Transport Committee today. You have heard those with an established reputation in the house as experts on the rules, but I say to you with great respect that there are other hon. members of the house who have a vital interest in this matter and who have every right to make a comment upon it.

Mr. Speaker: Order, please. I have to remind the hon. member that hon. members ordinarily have a right, according to our rules, to make a comment on what is before the house. However the report is not

[Mr. McGrath.]

before the house. When the report is before the house the hon. member, as he says, as an interested member in this matter, will have the right to make extensive remarks, but at the present time the only thing before the house is a very limited procedural point, and thus I took the liberty of inviting the hon. member to restrict his remarks to this limited aspect of the matter.

Mr. McGrath: Before concluding, Mr. Speaker, I wish to deal with just two points that were raised by the President of the Privy Council (Mr. Macdonald). First of all he suggested that parliament has no jurisdiction over this matter because it is still rightly before the Canadian Transport Commission. I would submit that the Canadian Transport Commission is a commission that operates under authority delegated from parliament, and in my humble submission parliament always has jurisdiction because parliament in essence is the final authority.

The second point I would like to deal with is that the President of the Privy Council stated that in his view the matter was sub judice because no appeal had been made to the Governor in Council under section 53 of the Railway Act. I would like to correct him on that, and I suggest he check with his colleague, the Minister of Transport, because an appeal was submitted to the Governor in Council on March 28 by the six Progressive Conservative members of parliament who sit on this side of the house. We felt constrained and obliged to make that appeal because the people of Newfoundland, by unanimous resolution of the Legislature of Newfoundland on February 28, recommended that the implementation of the C.T.C. decision be delayed for two years.

Mr. Speaker: I thank hon. members for their advice, forbearance and co-operation with the Chair when I suggested that we might limit ourselves this afternoon to a very limited aspect of the very important matter now before the house.

I have listened with attention to the arguments advanced by the President of the Privy Council (Mr. Macdonald), which were essentially a restatement of the interesting points made when the matter was initially raised last week. I have also heard the hon. member for St. John's East (Mr. McGrath) and the other hon. members who took part in the debate. They referred to the three points which I had mentioned when the matter was first brought up in the house namely 1, whether the committee report goes beyond