

Some hon. Members: Claque.

Mr. Horner (Crowfoot): I will quack him.

Mr. Speaker: I thank hon. members for their assistance to the Chair in the making of a ruling on this very important point which was brought about by the motion of the hon. member for Skeena for concurrence in the sixth report of the Standing Committee on Transport and Communications to the House of Commons. As I said at the outset, the fact that the motion proposed by the hon. member for Skeena is being questioned procedurally is not by any stretch of the imagination a reflection on the proceedings in the committee or the excellent work which all members agree has been done in that committee by its distinguished chairman.

● (1440)

Mr. Horner (Crowfoot): That is better.

Some hon. Members: Hear, hear!

Mr. Speaker: Knowing the hon. member's independence of thought I am sure he will continue to rule unhindered, as I think he said, by any decision of the Chair. In spite of this, the Chair has to make a ruling on the basis of my understanding of the Standing Orders.

The objection of the Chair is not necessarily to the report. The report came forward and appeared on the order paper. There was no objection raised although the Chair might have had the same doubts the hon. member for Crowfoot and other members of the committee obviously had when the original motion was moved or after it was amended. But the motion did come before us and appeared from day to day on the notice paper along with a number of other notices on which no motions, for concurrence, as yet have been submitted to the Chair.

I have previously indicated my difficulties in respect of these motions. The hon. member for Crowfoot has referred to the fact that in a number of instances there have been similar reports. He is quite right. There is no doubt whatsoever that this has happened before and the example he gave was "right on", as hon. members say from day to day in supporting statements by their own people. There was a report which came from the Standing Committee on Veterans Affairs as reported in the *Journals of the House* for February 16, 1971, at page 333. This report was a substantive report. It was perhaps even more subject to question than the one now before us because it had financial provisions. The hon. member for Crowfoot and others have referred to that. But hon. members will appreciate that there was no motion for concurrence in that report. This is where the difficulty arises. The Chair would have been placed in a rather awkward position if at that time there had been a motion for concurrence in the report of the Standing Committee on Veterans Affairs as it appears on page 333 of the *Journals of the House* to which I have just referred. The Chair might well have had to reach a decision and make a ruling that what those committees had before them, as this particular committee has had before it, was a bill.

The situation is quite different when a committee has before it a general reference, such as an annual report of a

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department, when there is greater latitude in the submitting of substantive recommendations to the House.

With respect, I suggest to hon. members there is no authority to support the contention that a committee of the House when considering a bill should report anything to the House except the bill itself. This is the difficulty that we have now. A recommendation has been made which may very well have been relevant to the bill but it has come to the House by way of a substantive recommendation.

My thought would have been, as has been suggested by hon. members and I believe by the President of the Privy Council, that if that recommendation were relevant, as it might possibly or probably should be, to one of the clauses of the bill, an amendment should have been introduced in the committee.

I refer hon. members to a few citations. Citation 304, paragraph 2, of Beauchesne's Fourth Edition reads as follows:

A committee is bound by, and is not at liberty to depart from, the order of reference. In the case of a select committee upon a bill, the bill committed to it is itself the order of reference to the committee, who must report it with or without amendment to the House.

At page 494 of May's Eighteenth Edition it is stated:

The function of a committee on a bill is to go through the text of the bill clause by clause and, if necessary, word by word, with a view to making such amendments in it as may seem likely to render it more generally acceptable.

If the substance of the report now before the House is founded on or related to the bill, it would follow that the bill in one form is before the committee when that question in another form is before the House. I refer hon. members to section 1 of citation 414 of Beauchesne's Fourth Edition which states as follows:

The House is not supposed to be informed of the proceedings of a committee on a bill until the bill has been reported; and discussion of the clauses, with the Speaker in the chair, when the bill is still before the committee, is consequently irregular.

I would have thought such a substantive recommendation as that contained in the report now before the House could not be proposed either in committee of the whole or at the report stage of the bill. I suggest again that what might have been proposed by the committee would have been an amendment to the bill so that the bill, once reported, would have included that amendment.

My difficulty is that what we have now before us is a substantive recommendation, with which I do not quarrel—I do not quarrel with the proceedings of the committee and I have no objection to the ruling made by the chairman of that committee in any way—but when it comes to proposing that we should consider the matter as a substantive recommendation I suggest to hon. members that there are ways and means under our Standing Orders for a substantive proposition to be considered by the House. However, this cannot be done, I suggest, by way of a recommendation from a committee studying a bill.

I would hope that hon. members who feel strongly about this matter might consider possible reconsideration of the matter in the committee itself since the bill has not yet been reported to the House. This is a point which the hon. member for Crowfoot has indicated is a possibility.