

*Transport and Communications*

mates. My understanding is that when the committee of supply existed, and when the estimates were discussed there, three options were open to the members of that committee; they could accept the estimates, they could reduce them or they could eliminate them; that and nothing more.

Mr. Speaker, I would, therefore, argue that the reference of the estimates to the standing committee which by the reforms of 1968 merely transferred them from the committee of supply to the standing committees, did not change the nature of the reference even though the nature of the committee was changed. The reference of the estimates is a very stringent one, a very limited one and basically the standing committees have within them only the power to make recommendations on the estimates—that is reduce them, accept them or eliminate them. I do not think there can be much doubt about that.

The powers of the standing committees are set out in Standing Order 65(8) which reads as follows:

Standing committees shall be severally empowered to examine and inquire into all such matters as may be referred to them by the House, and, to report from time to time, and, except when the House otherwise orders, to send for persons, papers and records, to sit while the House is sitting, to sit during periods when the House stands adjourned, to print from day to day such papers and evidence as may be ordered by them, and to delegate to subcommittees all or any of their powers except the power to report direct to the House.

The key point here is that standing committees may consider only what has been referred to them. I should like to quote from Beauchesne's Fourth Edition, citation 304 as follows:

(1) A committee can only consider those matters which have been committed to it by the House.

(2) A committee is bound by, and 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.

Notice, Mr. Speaker, there is no reference to making a commentary upon the bill; the committee must report it with or without amendment. The power of the Committee, therefore, is, basically the same as that given by the former reference of the estimates to the committee of supply which now, as it applies to standing committees, is very limited indeed.

I continue to quote:

(3) When it has been thought desirable to do so, the House has enlarged the order of reference by means of an instruction or in the case of a select committee upon a bill by the committal to it of another bill. Mandatory instructions have also been given to select committees restricting the limits of their powers or prescribing the course of their proceedings, or directing the committee to make a special report upon certain matters.

(4) Sometimes a committee may have to obtain leave from the House to make a special report when its order of reference is limited in scope.

That sets out the powers of standing committees in conjunction with Standing Order 65(8), which I read before, so I would argue that the restrictions upon committees when they are discussing estimates are strict and most stringent. If a standing committee, for example, desires to travel, then it must come to the House and seek permission. If a committee wishes enlarged terms of refer-

[Mr. Reid.]

ence, only the House can grant it. When a committee has a reference which it considers to be limited in scope, it must obtain the leave of the House before it can bring in a report which exceeds the scope of its original reference.

I want to deal with the limited scope of a reference and I should like to quote from Beauchesne's Fourth Edition, citation 242. This deals with the powers of the former committee of supply and reads as follows:

(1) The procedure of the committee of supply follows the ordinary usage of a committee of the whole House. No amendments can be moved which is not relevant to the grant under consideration. The votes should be considered in the order in which they stand on the paper distributed to the members of the House; but any vote may be passed over and not moved. Once it is moved a motion to postpone it cannot be entertained. Each resolution for a grant forms a distinct motion which can only be dealt with by being agreed to, reduced, negatived, superseded or withdrawn. The committee may reduce the amount of a grant by the omission or reduction of the items of expenditure of which the grant is composed. Here the power of the committee ceases.

(2) The only motion allowed, when a resolution is under consideration in committee of supply is that the amount be reduced or that the chairman leave the chair (either without making a report or to report progress on certain resolutions).

(3) Each resolution can be dealt with only by being agreed to, reduced, negatived, superseded, or, by leave, withdrawn, and the withdrawal can be made although the decision of the committee has been taken upon amendments proposed to the resolution. Here the power of the committee ceases. It is not allowable to attach a condition or an expression of opinion to a vote or to change a destination of a grant.

Mr. Speaker, these are very stringent restrictions, indeed. However, on several occasions since the abolition of the committee of supply and transferral of its powers to the standing committees of the House, the standing committees have made substantive reports on the basis of estimates referred, similar to the third report of the Standing Committee on Transportation and Communications, the acceptability of which we are debating today. Many of these reports have been requests to travel and several of them have been concurred in by the House. However, more than 20 times since December, 1968, standing committees have used the reference of estimates to make reports of a more substantive nature. The Chair has never had the opportunity to rule on the admissibility of these substantive reports because no motion to concur in such a report has ever been presented. The proper time to object to such a report is the time at which concurrence is sought rather than when the report is presented, so that the contents may be examined before an argument is put forward.

I quote again from Beauchesne's Fourth Edition citation 323(1):

A committee report may be ruled out of order though it has been received by the House, and a motion to concur therein cannot then be entertained.

Mr. Speaker, when the committee of supply was abolished in 1968 and the referral of the estimates was made to the standing committees, it was always assumed that there would be an opportunity to debate the estimates in the House of Commons. There is provision in the standing orders to permit members of the opposition and also members on the government side to move concurrence in committee reports on estimates, so that they can be debated in the whole House. However, this is the first time that a member of the opposition has moved concurrence in a report on estimates. I would argue also that while we can