

Fisheries Improvement Loans Act

The title of the bill having been changed, it is not possible to proceed under the Governor General's recommendation for this bill or the recommendation for the earlier bill. The resolution on Bill C-151, now chapter 20, does not support the provisions of the present bill; while the resolution on Bill C-195 applies to an act to amend the Fisheries Improvement Loans Act. This is obvious by reference to the resolution and to the drafting phraseology of the bill itself. The resolution does not apply to an act to amend an act that was passed earlier this session.

In summary, Mr. Speaker, the title of the bill must be amended to take advantage of the provision in the Interpretation Act, which overcomes the parliamentary rule that the house cannot again consider a question upon which the house has already made a decision in the same session. Changing the title involves no expenditure of public funds.

If this point of order is accepted I would request that Your Honour put to the house the proposed amendment standing as No. 3 in my name.

Mr. Thomas S. Barnett (Comox-Alberni): Mr. Speaker, I should like to say a word on the point of order. I have made a brief examination of the question raised as a point of order, in view of the fact there is an amendment standing in the name of the hon. member who just spoke in this regard. I have not prepared any statement of reasons along the line of that just given to the house, but I have examined the subject matter of the two bills in relation to their various clauses and also in relation to the wording of the recommendations from the Governor in Council introducing the bills.

Let me suggest to you, Mr. Speaker, that as far as I can determine there is no infringement upon the basic principle, with which I am sure we all agree, that the house be not asked to reach a determination on the same question twice in the same session. In other words, as far as I can see it, Bill C-195 does not ask the house to repeal or alter in any way the provisions of the earlier bill C-151. Therefore I would suggest that this is really not a serious point of order and that the time of the house should not be devoted to debating a question as to whether the title to the current bill should be amended.

Mr. Speaker: I thank the hon. member for South Shore (Mr. Crouse) for bringing this very interesting point to the attention of the Chair, and also the hon. member for Comox-Alberni (Mr. Barnett) for his participation in

[Mr. Crouse.]

the discussion. I thank all hon. members for their confidence in the Chair in allowing me to reach a decision. The hon. member for South Shore was generous enough to indicate to the table and the Chair some time ago a point of order which he proposed to raise, and which worried him. This has given me an opportunity to look into the matter.

As the hon. member for South Shore has pointed out, the Interpretation Act does provide the possibility that an amendment may be debated at the same session with respect to an act of that session. The hon. member suggests today that to do that and conform with the Interpretation Act the title of the bill should be amended. I really do not see how a simple changing of the title of the bill would bring this particular legislation within or put it outside the scope of the Interpretation Act. I think the proposed bill must stand on its own merit.

I cannot imagine how a simple change in the words of the title of a bill would make it acceptable or unacceptable. I had some serious reservations initially as to whether it was in order to move an amendment to the title of the bill at this stage. I have looked at the precedents and there are very few to support the hon. member's contention that the title of the bill can be changed in the way he suggests.

I am quite willing to overlook this slight difficulty that may exist and, when we reach the proposed amendment, allow the hon. member's motion to be put to the house and let the house decide whether or not the title should be changed. However, I have an additional serious reservation in regard to the point of order raised by the hon. member for South Shore. The house will have reached a rather late stage in the consideration of this bill. The bill has already received second reading. I am wondering whether it should be said, when we have had the bill reported from the committee, that it is not in order and that it should be changed in some material way.

For that reason I would have serious reservations about accepting the hon. member's position that this bill is not properly before the house at this time. I do recognize that there is a very interesting point, and I assume that the law officers of the Crown will want to study very closely the point made by the hon. member. This would perhaps be of assistance when similar legislation is drafted in the future.