

**NATIONAL HOUSING ACT, 1954****MEASURE TO EXTEND FORGIVENESS FEATURE  
IN SEWAGE TREATMENT LOANS—  
REPORT STAGE**

**Hon. Robert K. Andras (Minister without Portfolio)** moved:

That Bill C-201, to amend the National Housing Act, 1954, as reported (without amendment) from the Standing Committee on Health, Welfare and Social Affairs on Friday, June 6, 1969, be concurred in.

Motion (for concurrence) agreed to.

**Mr. Andras** moved third reading of the bill.

Motion agreed to, and bill read the third time and passed.

**FISHERIES IMPROVEMENT  
LOANS ACT****AMENDMENT TO INCREASE MAXIMUM ON  
GUARANTEED LOANS—REPORT STAGE**

The house proceeded to the consideration of Bill C-195, to amend the Fisheries Improvement Loans Act, as reported (without amendment) from the Standing Committee on Fisheries and Forestry.

**Mr. Lloyd R. Crouse (South Shore):** Mr. Speaker, before proceeding with this measure I should like to raise a point of order. My point of order in respect of Bill C-195 is that the provisions of this bill are in part inconsistent with certain of the provisions of an act to amend the Fisheries Improvement Loans Act, chapter 20 of 1968-69 Statutes which passed the house in the present session as Bill C-151. The most recent precedents on this point of order are Mr. Speaker's ruling of January 26, 1967, Commons Journals page 1231 with regard to a proposed amendment to a clause in the transport bill and Mr. Speaker's ruling of March 11, 1968, Commons Journals page 753 with regard to Bill C-193 and Bill C-207 which dealt with taxing provisions.

• (10:20 a.m.)

This bill and the earlier bill, now an act, both deal with amendments to the Fisheries Improvement Loans Act. The original act is simple in its scheme: it provides for a government guarantee on loans made to fishermen by lenders. Restrictions of various kinds are then placed on the guarantee, the loan, the fisherman, and the lender.

The earlier bill removed some of the restrictions on the definition of a lender; changed the interest condition of the loan and widened the government liability on the guarantee. In

*Fisheries Improvement Loans Act*

short, out of four elements—the borrower, lender, loan and guarantee—the two bills affect two identical elements; the loan and the guarantee, plus the fact that the present bill by clause 1, subclause 2 affects every element in the earlier bill by extending the life of the original act.

The resolution on the first bill defined the amendments that could be made to that bill and thereby negated the amendments proposed in the present bill. A maxim of interpretation is that "The expression of the one is the exclusion of the other"; when the house approved the resolution and the two clauses relating to the loan and guarantee and, by implication, confirmed the determination of the entire scheme on June 30, 1970, the house negated the further amendment, now proposed in the present bill, to the loan, the guarantee and the extension to the life of the scheme.

There is a loophole, however, that parliament has provided for some—not all—cases of this nature. The present case can be made to come within that loophole.

The Interpretation Act, 1967-68 statutes, chapter 7, section 35(2) provides:

An act may be amended or repealed by an act passed in the same session of parliament.

The effect of this provision is that where one bill has been enacted in a session, a second bill can amend, vary and repeal that act. The mistake that has been made in the present case is that both bills purport to amend the original act which, of course, was passed in an earlier session.

A proper procedure was followed in chapters 7 and 44 of the 1918 statutes which were respectively titled "An Act to Amend the Supreme Court Act" and "An Act to Amend the Act of the Present Session Intituled An Act to Amend the Supreme Court Act". In 1919, chapters 25 and 26 were passed. These were titled "An Act to Amend the Immigration Act" and "An Act to Amend an Act of the Present Session Intituled An Act to Amend the Immigration Act". In the statutes of 1926-27, chapters 34 and 62 were titled "An Act respecting the Department of National Revenue" and "An Act to Amend An Act of the Present Session Intituled An Act Respecting the Department of National Revenue".

An important step to curing the defect in this bill, which otherwise would be unacceptable, so as to bring Bill C-195 within the loophole of the Interpretation Act is to amend the title so that Bill C-195 amends an act of the present session.