

● (1425)

Senator Haidasz: In view of the fact that one of the deals in that transaction was performed by a Greymac corporation, one of which has recently been sold to a Mr. William Player, a realtor from Elmvalle, Ontario, can the minister tell this chamber whether the depositors in the Greymac companies are endangered in any way above the \$20,000 insured by the Canada Deposit Corporation?

Senator Olson: I shall have to take that question as notice, too. But when I do make the reference, I am not sure that we can get an immediate response because I expect that some judgement will have to be made, after some investigation, before a reply can be given.

Senator Flynn: That is not your position anyway.

**INTERPRETATION ACT
BILLS OF EXCHANGE ACT
CANADA LABOUR CODE**

SECOND READING—SPEAKER'S RULING ON POINT OF ORDER—
DEBATE CONTINUED

The Senate resumed from yesterday the debate on the motion of Senator Olson, for the second reading of Bill S-30, to amend certain acts in relation to Canada Day.

[Translation]

The Hon. the Speaker: Honourable senators, on November 16 Senator Flynn raised a point of order with respect to the motion by the Honourable Senator Olson for the second reading of Bill S-30, intitled: "An Act to amend certain Acts in relation to Canada Day". Senator Flynn's point of order was as follows, and I quote from page 4992 of the *Debates*:

My point of order will be to ask the Chair to rule whether this Bill, in order to pass, would have to receive the approval of two-thirds of the senators present; and, if it does not, whether it should be considered as having been defeated. This is the main question.

Senator Flynn's argumentation was based on the provisions of rule 47 of the Rules of the Senate of Canada, which reads as follows:

47. (1) A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

(2) An order, resolution, or other decision of the Senate may be rescinded on five days' notice if at least two-thirds of the senators present vote in favour of its rescission.

[English]

Senator Flynn argued that the text of Bill S-30 is identical to the amendment which he proposed to Bill C-201. Since his motion in amendment to the third reading of the bill had been defeated, he feels that it is irregular that the same text can be

offered during the present session and he is, therefore, asking for the strict application of Rule 47.

For his part, Senator Olson recognizes that Bill S-30 covers substantially the same subject-matter as the rejected amendment proposed during the debate on Bill C-201. However, Senator Olson feels that the bill now under debate covers only in part the rejected amendment. The question, therefore, is whether the omitted section—that is to say, that part of the amendment which does not appear—is sufficient to establish whether or not the question is substantially the same.

Before I made my ruling, I wanted to study the rationale of Rule 47. The purpose of this rule is to prevent the house from repeating the same debate—that is, going over the same material—at a time when the conditions surrounding the debate have not sufficiently changed. On this point I have to acknowledge that the lapse of time between October 25 and November 2 does not meet this condition. On the other hand, I remember reading that Senator Flynn said that it was not a matter of delay but a matter of having Rule 47 apply.

The main question remains to be answered, namely, the degree of similarity necessary for the application of this restrictive rule, which must be interpreted to the letter.

After having studied the two texts submitted to me, I have concluded that they sufficiently differ, and that Rule 47 does not apply. To be very strict, the purpose of the motion of Senator Flynn was to amend a bill, while Bill S-30 has as its purpose the amending of an act, but I do not want to rely on this distinction. I would rather rule that Bill S-30 does not contain the first three paragraphs of the amendment offered on October 25, paragraphs which constituted much more than a preamble and implicitly constitute the rejection of what was intended to be amended. In fact, it was a question of not amending the bill but of replacing it by another bill.

In other words, if the amendment offered on October 25 had only requested the consequential amendments and had not attempted to amend the title and the first clause of the bill, I would be obliged to conclude that the two texts are similar. There is no doubt that there is similarity between the two texts. As the present bill proposes only the consequential amendments, there is no need to invoke the application of Rule 47.

These differences are essential and I would refer honourable senators to the following authorities. *Bourinot*, 4th edition, page 546, states:

Or, if a bill be altered in any material point, both in body and in title it may be received a second time.

May, 19th edition, page 492, states in paragraph (i):

When previously decided question related to an amendment on second reading.—On 31 March 1859 an amendment was proposed, but not made, to a proposed amendment on the second reading of the Representation of the People Bill, expressing an opinion in favour of the ballot; but this was held not to preclude a motion on a later day for bringing in a bill for the taking of votes by way of ballot.