

Transportation

In his ruling the chairman made the following statement, reported at page 12,240 of yesterday's *Hansard*:

The problem which the Chair has to decide is whether or not the amendment moved by the Minister of Fisheries is sufficiently different from subclause 329 of clause 50 as to constitute a substantially different question.

In fact, most of the arguments advanced in opposition to the minister's amendment were founded on this approach. I am wondering, however, if this is entirely correct. The problem which the Chair has to decide is not only whether the amendment is different from subclause 329 of clause 50, which in its entirety has been negated by the committee, but also if the amendment is inconsistent in whole or in part with the committee's recorded decision. The relevant citation is in 406(c) of Beauchesne's fourth edition, which is a restatement of the rules cited in May's seventeenth edition, page 549. The citation from Beauchesne is the following:

Amendments are out of order if they are—

(c) inconsistent with a decision which the committee has given upon a former amendment;

The statement in May's seventeenth edition is the following:

An amendment must not be inconsistent with, or contrary to, the bill as so far agreed to by the committee... nor must it be inconsistent with a decision of the committee upon a former amendment.

I am in full agreement with the chairman that there are many substantial differences between this amendment and the section formerly deleted by the decision of the committee. This, however, does not necessarily satisfy the requirement of the citation to which I have just referred.

In his argument the minister has quite rightly pointed to the differences between the two proposals. These differences possibly are substantial; I am sure that any number of other additional substantial changes might have been tacked on the amendment. The cumulation, however, of all these added changes does not obviate the basic requirement that no part of the new proposal should be inconsistent with the committee's previous decision.

Some hon. Members: Hear, hear.

Mr. Speaker: Order, please. The committee has voted against a review of certain statutory rates and, contrary to this, the amendment would provide for such a review in certain circumstances. This seems confirmed by the minister's statement of this afternoon. The

[Mr. Speaker.]

minister this afternoon showed that in the one case there is a mandatory review, and in the other that he calls a facultative—

Mr. Pickersgill: Facultative.

Mr. Speaker:—review. In the one case there is a one-shot review; in the other a continuing review. These, I admit, are substantial changes and I might even be prepared to admit that the objectives of the original clause and of this amendment may differ. But from my limited understanding it seems that the adoption of the amendment would reinstate in part a clause which has already been rejected in its entirety by the committee.

Hon. members of course are all agreed on the most important rule of procedure, that a question which has once been negated cannot be proposed again in the same session. I am not suggesting that there is a clear, unimpeachable case one way or the other. I do suggest, however, that the application of citation 406(c) of Beauchesne's fourth edition is enough to raise a serious doubt about the legality of the proposed amendment. I am prepared to interpret the doubt in favour of the most important principle in the citation and to reject the amendment.

NATIONAL ANTHEM

POINT OF ORDER RESPECTING TWO ITEMS OF BUSINESS ON SAME SUBJECT

Hon. E. D. Fulton (Kamloops): Mr. Speaker, before you call the orders of the day may I raise another point of order. I apologize for doing so at this moment without giving notice to Your Honour, although I did raise the matter on an earlier occasion. It has to do with the motion to set up a committee to consider the resolution respecting O Canada and God Save the Queen.

Your Honour will recall that on the earlier occasion I raised a point of order about the propriety of introducing a motion to refer this matter to a committee when there was already on the order paper under government order a motion for consideration of the same matter by the house. Last evening at the hour of adjournment, six o'clock—I was not in the house—the motion to refer the matter to a committee was called and adopted. Neither Your Honour nor I had an opportunity to consider the matter again at that time. I had understood that Your Honour had deferred your ruling on the point of order already raised until the matter would come up for the consideration of the house. The result is that the motion has now been passed.