

Transportation

On clause 74.

The Chairman: Yesterday, when the amendment proposed by the Minister of Fisheries to clause 74 of Bill C-231 was being considered by the committee, the hon. member for Bow River raised a point of order concerning the validity of the proposed amendment.

In his submission, the hon. member for Bow River contended that a question being made once and carried in the affirmative or negative cannot be questioned again, but must stand as a judgment of the house—particularly in respect of one bill and more particularly in respect of one clause. The hon. member went on to say that the Minister of Fisheries, in his proposed amendment to clause 74, is really trying to repeat what was set out in subsection 329 of clause 50 upon which a decision of the committee had already been taken. The hon. member also suggested that there was not sufficient variance in this amendment to constitute a new question.

Included in the authorities used in support of his point of order, the hon. member referred to citations 284 and 285, Beauchesne's third edition, and to citations 162 and 163 of Beauchesne's fourth edition, which are to be found on pages 136 and 137.

The Chair has read very carefully the submission made by the hon. member for Bow River and the citations to which he referred. Citations 284 and 285 of Beauchesne's third edition are essentially the same as citations 162 and 163 of his fourth edition. I should like to read citation 162 and also 163 of Beauchesne's fourth edition, now, as found on page 136.

A resolution may be rescinded and an order of the house discharged, notwithstanding a rule urged, "that a question, being once made and carried in the affirmative or negative cannot be questioned again, but must stand as a judgment of the house." Technically indeed, the rescinding of a vote is the matter of a new question; the form being to read the resolution of the house and to move that it be rescinded; and thus the same question which had been resolved in the affirmative is not again offered, although its effect is annulled.

To rescind a negative vote, except on the different stages of bills, is a proceeding of greater difficulty, because the same question would have to be offered again. The only means, therefore, by which a negative vote can be revoked, is by proposing another question, similar in its general purport to that which has been rejected, but with sufficient variance to constitute a new question, and the house would determine whether it were substantially the same question or not...

Sometimes the house may not be prepared to rescind a resolution, but may be willing to modify

its judgment by considering and agreeing to another resolution relating to the same object. Thus, a resolution having been agreed to which condemned an official appointment, the house by a subsequent resolution withdrew the censure which the previous resolution had conveyed.

May I now proceed to citation 163:

A mere alteration of the words of a question, without any substantial change in its object will not be sufficient to evade the rule that no question shall be offered which is substantially the same as one which has already been expressed in the current session. It is possible, however, so far to vary the character of a motion as to withdraw it from the operation of the rule.

The Chair considers that citation 163 of Beauchesne's third edition, deals explicitly with the second paragraph of citation 285 of Beauchesne's third edition, deals explicitly with the question of order now before the committee.

The importance of this citation to the question now before the committee was underlined by the right hon. Leader of the Opposition when he specifically referred to it in his submission.

The hon. member for Winnipeg North Centre, in his contribution considered citation 163 as extremely relevant to the point of order before the committee.

In a most interesting contribution by the hon. member for Winnipeg South Centre, reference was made to citations from Bourinot's fourth edition and May's fifteenth edition. In presenting his supporting authorities the hon. member dealt in the main with the proposition that—

—a motion or amendment may not be brought forward which is the same, in substance, as a question which has been decided in the affirmative or negative during the current session. The rule may be fully stated as follows: No question or bill shall be offered in either house that is substantially the same as one on which its judgment has already been expressed in the current session.

The Chair has also carefully considered the contributions made by the hon. member for Medicine Hat, the hon. member for Edmonton-Strathcona and the hon. member for Acadia and, of course, the Minister of Transport as well as other hon. members.

In summary it would appear to the Chair that there is no disagreement either from the minister or from the other members who participated in the debate that a question once decided by the committee cannot be raised again in the same form in the same session. The real question is the application of the