

*Health Insurance*

until one might say a word or two about the point that Your Honour has raised. First of all may I say I noted your statement that you have read in its entirety the debate on the points of order that arose in committee with regard to the amendments moved by my friends to the right. If you did so you probably noticed that although I do sometimes get into discussions on points of order, I did not take part at all in those discussions. The implication that can be drawn from that silence is correct. Though I agreed with my friends of the Progressive Conservative party as to the substance of their amendments I did feel they were out of order at that stage because they would have had an operative effect on the balance of ways and means. Since I felt their amendments were not in order there was no point in my taking part in that discussion; but I do feel there is a difference when you come to third reading and when you rely on citations 708 and 709 of Beauchesne's third edition which permit reference back, and when in this situation all that the house has presented to it is a proposal for reconsideration by the committee.

Your Honour said a moment ago that if an amendment such as this carried and we went back into committee and the government refused to move the appropriate amendment what would be the result of that process. I suggest that reconsideration should be recognized as another form of consideration. That indeed is what the whole process of parliament is about, considering matters that are laid before us. The whole process of debate is a matter of trying to persuade the house to accept a proposal that has been made or to alter a proposal. In other words, a request for reconsideration is a request for a further opportunity in committee of the whole to try to persuade the government to take a certain course. If this amendment were to carry and we went back into committee of the whole on this clause no private member could move to change the clause reconsideration of which is suggested. It could only come about if, as a result of further consideration, if as a result of that discussion and debate, we convinced a minister of the crown that such a change should be made.

Your Honour knows that the distinction between operative motions and motions that ask for consideration runs through a great many matters that arise in terms of procedure. I remember quite well the instance in 1952 to which Your Honour referred when the present Leader of the Opposition (Mr. Diefenbaker) moved an amendment on third

reading of a bill having to do with foot-and-mouth disease. I remember the pronouncement that Mr. Speaker Macdonald made the next day. But may I remind Your Honour that on March 8, 1954, the late Mr. Noseworthy moved an amendment on third reading for a reference back to committee of a bill having to do with housing. The purpose, as stated in the amendment, was to fix a limit on the rate of interest to be charged under the National Housing Act.

This is something that was beyond the scope of the royal recommendation but you, sir, allowed it despite the warning that had been given. My contention is that that was in order because it merely sought reconsideration of that point.

I have notes of a number of other such incidents but they were prior to the incident in 1952. However, perhaps I should mention them briefly. One was on February 20, 1948, at page 1560 of *Hansard* when Mr. Bracken moved an amendment on third reading of the Foreign Exchange Conservation Act. It dealt with a matter involving the expenditure of money which was beyond the scope of the royal recommendation. Another instance occurred on June 8, 1948, as reported at page 4890 of *Hansard* when I moved an amendment for reference back on the third reading of the Customs Tariff Act having to do with the proposal for cancelling the lifting of tariff on certain British goods. Here quite clearly was a matter that had financial implications but because it merely sought reconsideration of the point the motion was allowed, was considered in order, debated and voted on.

I have references to a number of other such examples that have taken place across the years. I confess I have some instances that went the other way as well but no doubt Your Honour has them and I do not have to bring them to your attention.

It seems to me that the point has been established on a number of occasions. Obviously, Mr. Speaker Macdonald was troubled about it but at least on one occasion he felt that it was proper to accept such a motion. The principle that has been established is that if a private member is merely seeking what it has always been the right of every hon. member in the house to seek—that is merely reconsideration and not something that has an operative effect—that is in order.

Despite my strong feeling that this matter is in order, in recognition of the extent to which it is troubling Your Honour I am going to make a suggestion. I know that on a number of occasions during this parliament while Your Honour has been in the