

West Coast Ports Operations Act

heading "Arbitration", Clause 6 in that legislation and going on to page 7, Clause 7 of that legislation. The words are exactly the same, the proposal is quite different.

It would, in my submission, be much simpler for the Government to reject, as is their wont, the amendments that we propose now that they have had a full explanation of them. Indeed, they were the authors of those very two sections.

I suggest it would be much simpler to accept the amendments in their present form, vote on them and get them out of the way. The Chair in its wisdom does not propose to do that. As I indicated, I am ready to propose an appropriate amendment which would probably give rise to more procedural arguments and delays. We could dispose of these very quickly and simply, if the Government does not accept their own principles of 1978.

Mr. Gamble: Mr. Chairman, I listened with considerable interest to your suggestions about the addition of entirely new paragraphs that conceivably might have the same effect. Let me draw your attention, if I may, to the kind of process that would be involved.

What we would do is suggest that Clause 3(2) be amended by adding a further subparagraph which would be (c). Subparagraph 3(2)(c) would provide for the full provisions of the amendments that have been added by the Hon. Member for Rosedale. We would then provide under a new clause, which would be Clause 6, a provision which would say that the provisions of Clause 3(2)(c) shall be immediately imposed by the Government prior to the proclamation of Clause 4. If I may analyse mechanically what that would do, it is this. Having regard to the fact that Clause 3(2)(c) would now provide that of three provisions, the first one that applies should be the one that governs. Those would now be, if I may suggest it, a revised collective agreement as the Clause now provides, the proclamation in force of Clause 4 or, adding the new amendment, the establishment of binding arbitration.

We would have provided that the Government must indeed establish the binding arbitration mechanism before it proclaims Clause 4, which has the effect of bringing within the ambit of this entire Bill the provisions of the Public Sector Compensation Restraint Act.

Let me suggest that, upon reflection, what we have here is not a negative provision. We do not have an irrelevant provision. If we analyse what the Bill intends to achieve, it is surely one thing, the establishment of peace on the waterfront in the western ports.

The issue as to compensation is but ancillary to the main purpose of the Bill. If I may take you through an analysis, Mr. Chairman, if the Government were to invoke the provisions of Clause 4, for someone who was earning currently \$30,000 a year, the effect would be an \$1,800 increase. If the provisions of the amendment are brought into effect, what this amendment does is to replace that sum with a sum to be determined. Accordingly, a mechanism of determining that sum is but ancillary to the main purpose of the Bill and, accordingly, should not be regarded as being irrelevant or negative to the main purposes of the Bill.

● (1840)

Mr. Caccia: I do not speak on a point of order, I speak on the substance of the amendment, whether or not you are accepting it.

The Deputy Chairman: The subject matter on the floor of the House at the moment is the question of whether or not the amendment proposed by the Hon. Member for Rosedale is in order. I have to dispose of that issue before we can have debate on another matter. I do not see any other Hon. Members seeking the floor.

I want to indicate that the Chair has obviously listened to the argument of several members. The advice the Chair has received, as I indicated earlier, is consistent. It seems to me, I am faced with the proposition that the Hon. Member for Rosedale would like to see the proposals contained within his amendment brought before the House, given consideration and possibly voted upon. I have offered Hon. Members an option by which that might be done; that is, rather than by way of amendment of Clause 4, a new clause could be brought in on a motion by the Hon. Member, or by some other Hon. Member.

I am concerned that the Hon. Member and his supporters not be deprived of the opportunity to bring the matter to a vote, but I am satisfied that he can bring the matter to a vote, so I will proceed.

I have already listed Citations of Beauchesne and Erskine May. I do not think it will benefit the House by taking up any further time. Accordingly, the motion to amend Clause 4 of the bill as proposed by the Hon. Member for Rosedale is ruled out of order.

Shall Clause 4 carry?

Some Hon. Members: No, no.

The Deputy Chairman: The Hon. Member for Yukon on a point of order.

Mr. Nielsen: Mr. Chairman, in the hope that we can save some time, and in order that the issues which the Member for Rosedale wants to be placed before the committee can be discussed, I am going to propose that the committee accept the procedure of discussing the substance of the amendments to be proposed by the Hon. Member for Rosedale to Clause 4 and Clause 5, which are going to be combined in one new Clause, Clause 6, with existing Clauses 6 and 7 renumbered 7 and 8. The amendments dealing with the creation of an arbitration board, and the function of that board after it has performed its function, will be dealt with together. That will be done by submitting an amendment to existing Clause 5 of the Bill, making Clause 5 subject to the operation of the new Clause 6.

The wording of that amendment would be that Clause 5 be deleted, for the sake of expediency, and new Clause 5 substituted, subject to renumbered Clause 6 of the amended Bill. Clause 4 of the measure shall come into force on a day to be fixed by proclamation. In other words, what the whole process is concerned with is that Clause 5, the power to proclaim Clause 4, will not operate until after the arbitration process has been exhausted. What I am asking for now is the consent