

Bill that you come to the compensation which is the other part of this Bill. One is to put them back to work; how do they go back to work? This is one of the conditions.

Surely, Mr. Chairman, the amendment of the Hon. Member for Rosedale is most relevant, again to use your word, because the amendment does not refer to the Public Sector Compensation Restraint Act, adopting that by reference; it is adopting, admittedly, another procedure. It is adopting the arbitration procedure, which is relevant because instead of having the Public Sector Compensation Restraint Act adopted as a condition to these people having to go back to work under this law, we are trying to substitute and use the age-old words "deleting and substituting therefore", which is quite acceptable, and I must say I was surprised when the Chair wondered why the amendment was even being made.

Again, to try to simplify this, because of the hurried way the Bill was drawn up, surely if the Hon. Member for Rosedale does not succeed at this stage, then perhaps we should go right back to Clause 3. Again, in talking about terms and conditions, of going back to work, which are in Clause 3, in effect the same amendment could be, for all practical purposes and under the rule of common sense—not the bureaucracy of Beauséjour—adopted in Clause 3 to put the same amendment as to the conditions. You either have a collective agreement under paragraph (a) or you have the amendment put by my friend, the Hon. Member for Rosedale, paragraph (b). Then, again to use the words of the Chair, voting on that amendment would thereby negative the existing paragraph (b), so you would not have to worry about Clause 4.

Now, surely with common sense you can do it either through the front door or you can do it through the back door. Surely there must be some procedure whereby we can have a mechanism of arbitration to substitute, without getting perjorative as to what I might think about the Public Sector Compensation Restraint Act, for the six and five procedure.

So I certainly lay that on the Table. You cannot do it now because of some of the hurdles from Beauséjour which you have raised, and we have not passed Clause 3, which clearly states the terms and conditions—one term is the collective agreement, which we all know became impossible once the Government disclosed it is going to impose six and five. So the next term is paragraph (b). Subclause (4) refers to Clause 4. Our amendment there could refer to the amendment moved by the Hon. Member for Rosedale which is not Clause 4, that is, the public restraint bill six and five. It is the arbitration procedure which must be, I submit, most acceptable to the Chair.

● (1830)

**Mr. Deans:** Mr. Chairman, I am following this debate with great interest. Just so that we might have it more clearly before us what the issue is, I wonder if maybe the Official Opposition could provide us with a copy of the amendment.

**The Deputy Chairman:** There are other Members to my left who may wish to rise, but may I repeat a point, particularly in

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view of the remarks made by the Hon. Member for Annapolis Valley-Hants. I quote again the reference in Erskine May. It reads:

Amendments which are irrelevant to the clause under consideration should, as a general rule, if they are within the scope of the bill be moved as new clauses.

It seems to me that the Chair has provided an opportunity, particularly to the Hon. Member for Rosedale and the Hon. Member for Yukon to consider whether that might be a convenient way of dealing with the matter. The advice the Chair has received from the Table is consistently that the amendment is not consistent with the Clause that is out of order. I have to recognize other Hon. Members for a few moments.

**Mr. Howie:** Mr. Chairman, I just have one small point to make. It is that if the amendment is moved as a separate clause, I submit it will by implication amend Clause 4 of the Bill. The Bill before us does not seek to amend the Public Services Restraint Act. Clause 4 seeks, instead, to incorporate some provisions of that Act by direct reference. They are the monetary provisions.

I submit that the relevance of the amendment is that it too deals with remuneration by setting out a formula, and that we are not here looking at an amendment to the Public Service Restraint Act. We are looking at a brand new act which simply by reference sets out the formula in part of this Act, the six and five formula.

What our amendment does is to deal directly with that formula in this Act only. It does not come in conflict with the Public Service Restraint Act. Whether we deal with this amendment by proposing to wipe-out Clause 4 and substitute it or whether we propose it as a separate clause is not really relevant. If we propose it as a separate clause, we will by implication also amend Clause 4. I submit we are looking at a distinction without a difference.

**Mr. Nielsen:** Mr. Chairman, I was ready for the observation that you made, that an amendment is possible in another way. I had that process all ready for you but I considered this to be the simplest method of approach because it is in precisely the same words that the Government used in its legislation in the Great Lakes shipping strike.

Logically, there has to be a follow-up on the amendment which we propose to Clause 4 by moving an amendment to Clause 5. Once the arbitration process has been concluded, what does the arbitrator do? What happens to the collective bargaining agreement? My friend from Rosedale has a copy of our proposed amendment to Clause 5, and will provide it immediately to the Government.

Those words are exactly the same as the words that are used in the Act which ended the Great Lakes shipping problem which was assented to on October 24, 1978 and which are to be found in the Revised Statutes of Canada for that year, commencing at page seven. The words that are used in our amendment to Clauses 4 and 5 commence on page 9 under the