

Air Traffic Controllers

The Chairman: I do not disagree with the hon. member's point of view but I must be guided by the rules and precedents of the House. I have to be guided by one citation in particular—the hon. member will find it in both May and Beauchesne in different words. But it reads in Beauchesne's citation, 246(3) as follows:

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication to which the royal demand or recommendation is attached must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of a charge but also its objects, purposes, conditions and qualifications.

I am seeking to determine whether the wording of the amendment might have an effect which is contrary to this citation.

Mr. Fraser: Thank you, Mr. Chairman. On the notice paper the recommendation reads:

His Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and amounts and for the purposes set out in a measure entitled "An Act to provide for the continuation of air traffic control services".

That is a very general order and, besides, there is nothing specific in the legislation to determine the exact amount of money required. This is not in any ordinary sense a money bill. The thrust of the legislation is to require a return to work of employees within a bargaining unit who are legally on strike. The bill sets out certain terms in accordance with which remuneration would be worked out. If, in dealing with legislation of this sort, no amendment can be made by members of the House of Commons, I can only say we have been brought back here from all parts of the country at great public expense to little purpose. The government is telling us, in effect: do not suggest that there should be any amendment to the bill.

The citation the Chair has just read suggests that the House is completely unable to effect any amendment to this legislation, the intent of which is to return to work, under certain conditions, people who are legally on strike. The thrust of clause 5(4) is to establish a means of working out by arbitration adjustments in a certain schedule. The principle we want recognized is that there ought to be no limits to the aggregate amount in that schedule, and in the absence of anything specific in the order or in the legislation I would ask you, Mr. Chairman, to find that the citation which you have read from Beauchesne is not applicable in this case.

The Chairman: I do not disagree with the purpose the hon. member is seeking to achieve but I have to be guided by the terms of the recommendation and it is impossible for the Chair to dissociate the recommendation from the bill. Clause 5(4) sets a limitation upon the arbitrator. It would allow him to make changes as long as the aggregate compensation provided for by the schedule was not altered in total. The hon. member's amendment seems, in my view, to open the door to the expenditure of more money. If the hon. member is able to convince me otherwise, I am willing to accept the amendment. Indeed, if there is any doubt in my mind I am ready, with some reservations, to let the committee decide.

Mr. Fraser: Let me draw this to your attention, Mr. Chairman, with respect. In 1973, when the House considered a bill to provide for the return to work of railway workers, amendments which changed the basis of the payments were found acceptable. The difference, of course, was that the dispute on that occasion concerned a private corporation. Nevertheless, the principle is the same. The process of debating this matter and considering the legislation becomes very ineffectual indeed should Your Honour follow the course which you may feel is necessary on the narrow basis of the precedent just read to the House.

Mr. Baker (Grenville-Carleton): I do not intend to deal at any length with the argument advanced by my hon. friend as to the breadth of the Royal recommendation which, framed as it is, really places an iron band around the legislation. If Your Honour rules in the way which you seem inclined to do at the moment we shall find it almost impossible to make an amendment, and having regard to our tradition perhaps you ought to consider carefully whether it is acceptable to limit our deliberations upon a statute in such a way because of the nature of the Royal recommendation.

There is another point I wish to make. It has to do with Your Honour's concern that the amendments might increase the amount of money directly payable under the bill. In my view, that is not the case. The amendment would not increase the amount of money directly payable under the bill. It allows steps to be taken which are already provided for by statute and in the estimates whereby the government would negotiate with the union, if necessary see that an arbitrator is appointed and, in the end, arrange for a hearing by the AIB.

● (2140)

The settlement being enacted by the bill sets the floor, but the amendment would allow other steps to take place. If any increase were permitted, it would be paid from the contingency fund established for that program and that purpose. The amendment does not sanction expenditures as such. It removes a discriminatory clause which would deny to one particular group the opportunities for arbitration and the opportunities for appeal which are already sanctioned by statute and the estimates which would apply to any other public service union not affected by the direct legislation.

The provision to encompass that with which Your Honour is concerned is already there but with this legislation in the form in which it is, unlike any other union in the public service, this union cannot take advantage of it. For those reasons I hope Your Honour could direct his mind away from finding the amendment an improper one.

The Chairman: I wish to thank the hon. member for Grenville-Carleton who has made some very interesting points. The first one concerning the Royal recommendation is something the Chair should consider in this type of situation. At the same time, the second point referred to the existing statute which permits negotiation and the provision of moneys for these negotiations upon settlement of labour disputes. If I accept the