

West Coast Ports Operations Act

finds acceptability by the Chair. I presume the reason that citation was mentioned by the Chair was in support of the proposition that perhaps we should pass Clause 4 before dealing with our amendment. But I respectfully suggest to the Chair that the authorities are quite abundant—if the Chair is not prepared to concede that point I will turn them up for him—that it is improper to entertain an amendment to a Clause once it has passed. For those reasons, Sir, knowing that we are all here to vote on the matter, I would suggest if the Government is not prepared to accept the amendment, we should vote on the matter now.

● (1820)

I would add my encouragement to the Government and urge the Minister to accept that approach. It was an approach adopted by a predecessor Liberal Government in office. The wording the Hon. Member for Rosedale has put in his amendment is, word for word, verbatim, the wording that the Government of that day put forward in order to end the Great Lakes shipping strike. I seldom commend any Liberal Government, but certainly the Government of that day was to be commended for the efforts it made to preserve the collective bargaining process which will be utterly and completely destroyed if the House accepts the approach of the Government unilaterally to impose a settlement, which it has given a clear indication it intends to do next Monday unless a collective bargaining agreement is reached between the parties.

What the Government is doing is using this device as a club over the heads of the workers. It is saying to the workers in British Columbia: you guys get back to the bargaining table. If you do not, and if you do not reach an agreement by next Monday night, we are going to impose a ceiling of 6 per cent on you, far less than the last offer by management. It seems to me that is a very iron-fisted approach, and the Government would not want to take that approach in view of the destruction which would be caused to the process of collective bargaining in this country.

Failing Government acceptance of that very reasonable proposal, Mr. Chairman, I urge you to find the amendment in order for the reasons expressed.

The Deputy Chairman: I see the Hon. President of the Privy Council rising to contribute to the point of order. I wonder if I can reduce the amount of time spent on the issue by pointing out some options available to Hon. Members and the House as to how to proceed.

Quite obviously the amendment presented by the Hon. Member for Rosedale seems to have the support of a considerable number of Members, and presumably his party. Nothing prohibits the Hon. Member from attempting to amend the Bill with the contents of that motion, and I would refer again to Ersking May, Seventeenth Edition, Page 549, which says that 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.

So having offered that as one option on which the Hon. Member and others may wish to proceed, the Chair still has some difficulty, despite the arguments of the Hon. Member for Yukon, as to whether this proposed amendment may or may not be in order.

The Chair would be pleased to listen to other contributions on the subject.

[*Translation*]

Mr. Pinard: Mr. Chairman, I just want to refer you to citations 426 and 428, Beauchesne's Parliamentary Rules and Forms, Fifth Edition. Citation 426 emphasizes that every amendment must be relevant to the question on which the amendment is proposed. Citation 428 explains the amendment procedure, and it certainly does not provide for removing an entire clause. The citation is as follows:

428. (1) A motion may be amended—

—either by—

—(a) leaving out certain words—

—certain words and not every single word—

(b) leaving out certain words in order to insert other words;—

—or by—

(c) inserting or adding other words.

That is the amendment procedure.

There is also citation 436 which I think is quite relevant and which reads as follows:

436. (1) An amendment proposing a direct negative,—

I submit that is the case we have here.

—though it may be covered up by verbiage, is out of order.

Therefore I submit that the verbiage indulged in by the opposition is being used to camouflage a direct negation of a clause of the bill, and we fully agree with the Chair when it says that the correct procedure is not to request removal of one clause in order to substitute an entirely new proposal, something which is against the Rules of the House and against parliamentary procedure, and that the Chair should be asked to rule whether it is appropriate to add a clause to this bill.

[*English*]

Mr. Nowlan: Mr. Chairman, we all know that you can prove anything with figures and you can get almost any argument you want out of Beauchesne to prove a point. But surely, Mr. Chairman, using your own words and trying to reduce this to basic common sense so we can get on and vote on the issue without getting tied down in the paralysis of procedure, as I understood it, the Chair mentioned that there could not be anything irrelevant to the Clause. Surely, as I read this Bill, the amendment being attempted amends Clause 4, which adopts by reference, in effect, the compensation which is going to be paid under the imposition of this Bill. The title of the compensation itself in effect refers to Section 3 of the Public Sector Compensation Restraint Act. It is by reference to that