

*West Coast Ports Operations Bill*

that matter superimpose the long arm of the government upon management, in any way. When the hon. member rises to enter into a picayune debate with me on this grave occasion I certainly think less of him than I did prior to his remarks. However, being of a generous nature I shall forgive him for his remarks on this particular occasion following the victory of the New Democratic Party yesterday.

**The Deputy Chairman:** Is the House ready for the question?

**Some hon. Members:** Question.

Amendment (Mr. Horner) negatived: Yeas, 22; nays, 103.

**The Deputy Chairman:** I declare the amendment lost.

Clauses agreed to.

Clause 6 agreed to.

On clause 7—*Employers association and Union to negotiate*.

**Mr. O'Connell:** Mr. Chairman, I should like to move an amendment to clause 7 which would have the effect of producing a new subclause to provide that any new collective agreement entered into in amendment or revision of existing collective agreements to which Part I applies shall, unless the parties thereto otherwise agree, have effect on and from August 1, 1972.

In some respects it might be argued that this amendment is not necessary and that in the ordinary course of collective bargaining the parties would come to an agreement that the terms and conditions would in fact be retroactive. However, to remove any doubt, to add clarity and certainty and to confirm the government's earnest desire that equity prevail in an evenhanded way during this extended period, I am very pleased indeed to move this amendment, which was first proposed by the hon. member for York South. I move the following:

That Clause 7 of Bill C-231 be amended by adding thereto the following subclause:

Terms and conditions of new collective agreement	'(2) Notwithstanding section 5, the terms and conditions of any collective agreement entered into in amendment or revision of the collective agreement to which this Part applies shall, unless the parties thereto otherwise agree, have effect on and from August 1, 1972.'
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**Mr. Baldwin:** Mr. Chairman, I would like to ask the minister a question. In view of the fact that there is a recommendation from His Excellency with regard to this matter can the minister assure us that this will be satisfactory to His Excellency in light of the fact that the Prime Minister may be asking a favour of him later on during the week?

**Mr. Lewis:** Mr. Chairman, forgive me, but you have not put the amendment. Perhaps before I speak to it you might want to put it.

[Mr. Horner.]

**The Deputy Chairman:** Shall the amendment proposed by the hon. minister carry?

**Mr. Lewis:** I wish merely to express the appreciation of my colleagues and myself that the minister has accepted the suggestion I made to him earlier this afternoon. Indeed my hope that he would act in this way was raised when one of his assistants requested a copy of the amendment we proposed to move. I want to say to the minister that this change is necessary not only for the purpose of clarity and certainty. He may have been informed that in the normal course of events the parties would agree to make the provisions retroactive. If he has been so informed he has been misinformed. I have been involved in many negotiations where the question of retroactivity was a pretty serious subject. There was no certainty at all that the employers would agree to make any part of the agreement retroactive, particularly in the absence of any possibility of the men taking strike action. Therefore this change is important not merely for the purpose of clarity and certainty; it is important for the purpose of giving some justice in return for the right that is being taken away from the longshoremen on the west coast. I hope this clause will pass quickly along with the rest of the bill at this stage. I am simply expressing the appreciation of my colleagues and myself of the NDP to the minister for having seen the justice of the suggestion and acting on it. I am very glad he has.

• (2140)

**Mr. Horner:** Mr. Chairman, I hope this piece of legislation passes this evening but as an old parliamentarian I regret that important legislation such as this has to pass in a committee of the whole where such a bi-partisan position is taken by hon. members. This amendment is evidence that the government has failed to dot all the i's and cross all the t's in drafting its legislation.

There is a customary statement in legislation that it shall begin at or be retroactive to such and such a date, August 1 in this case. I hope in passing this amendment the government acknowledges the fact it has not fully thought out the problems which may arise as a result of such legislation. I hope it is an indication that the government is prepared to accept other amendments put forward in the spirit of co-operation with the intention of improving the legislation for the whole of Canada. Some of these amendments are necessary because the government has not thought out all benefits such as the one covered by the present amendment. Like the leader of the NDP I hope this measure can pass so that operations on the west coast can return to something near normal at the very earliest possible time.

Amendment (Mr. O'Connell) agreed to.

Clause 7, as amended, agreed to.

On Clause 8: *Termination*.

**Mr. Skoberg:** Mr. Chairman, before we proceed with Clause 8 I think we should consider something that pertains to the future. Many of us have expressed an opinion on more than one occasion about the importance of recognizing grain as being extremely important to our national economy. Before we pass Clause 8 we should give some direction to the government in respect of the future move-