

Chair can properly entertain an amendment to that Clause. If the Chair would indicate specifically the authorities it has in mind, perhaps I might answer his reservations more fully.

• (1810)

The Deputy Chairman: The Chair has been referred to two copies of the House of Commons *Debates* which have been placed before me. The first reference is to page 5385 of the *Debates* for December 3, 1963, and I will read the relevant sentence only in order to guide Hon. Members. The second reference is to page 4219 of the *Debates* for October 31, 1963. In both cases, just to summarize the matter, the issue was whether or not the amendment was relevant to the Clause which it proposes to amend. Clause 4 of the Bill before us proposes to establish the control of the Public Sector Compensation Restraint Act, and the Hon. Member's amendment proposes to delete that Clause altogether and to provide for arbitration proceedings. There does not necessarily seem to be a relation between them.

I refer the Hon. Member for Yukon to Beauchesne's Fifth Edition at page 233, wherein Citation 773(1) states:

An amendment is out of order if it is irrelevant to the bill, beyond its scope or governed by or dependent upon amendments already negatived.

I would also refer to Erskine May's Nineteenth Edition at page 521, wherein subparagraph (1) states:

An amendment is out of order if it is irrelevant to the subject matter (d) or beyond the scope of the bill (e), or if it is irrelevant to the subject matter (f) or beyond the scope of the clause under consideration (g).

The issue is whether or not the amendment goes beyond the scope of consideration under Clause 4, which relates to the Public Sector Compensation Restraint Act.

Mr. Nielsen: Mr. Chairman, I thank you for enlightening me as to the reasons for the reservations of the Chair. I thought that they would be far more serious. My submission is that the rule as to relevance really is not applicable in this instance at all. That rule certainly does not apply to these circumstances.

What we are dealing with here is a Bill, the principle of which is to put the ports of British Columbia back to work. The manner in which those ports are put back to work is something else again. Clause 4, in its present form, deals with the manner in which the Government intends to put those ports back to work. We are dealing with that matter in a different form, indeed a radically different form, which would preserve the rights and freedoms of the workers of this country, which the Government seems to want to destroy in one fell swoop while at the same time intruding on the private sector through the six and five program.

I have a much deeper reservation with respect to Clause 4, one which I will certainly not raise here as a means of knocking it out, one which I draw to the Chair's attention in the form of a caveat.

The question is whether or not the words of Clause 4 in the form they are used are *intra vires* the process at all. It raises the question as to whether the Public Sector Compensation Restraint Act itself must be amended by an amending section to that Act rather than through an attempt to smuggle it in

through an amendment in a brand new Bill in Parliament. I simply raise the caveat, but I do not raise it as an objection at this stage.

I do suggest that the amendment proposed by the Hon. Member for Rosedale is in order under Citation 425, which will be found at page 153 of Beauchesne's Fifth Edition. It states:

The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original which must, however, be relevant to the subject of the questions.

I would therefore submit that this amendment falls squarely within the meaning of Citation 425, it being the objective of the amendment put forward by the Hon. Member for Rosedale to modify the question in such a way as to increase its acceptability, certainly to all Hon. Members on this side of the House. And, more strongly, the amendment indeed modifies the Clause in such a way as to present to the House, to use Beauchesne's words, "a different proposition as an alternative to the original". In my respectful submission, that does not mean that the amendment must be relevant to the proposition set forth in the existing Clause 4. Indeed, Beauchesne goes on to use those words. One can make a proposition quite different from the one we find in Clause 4. Beauchesne states "but it must be relevant".

If the Chair interprets that phraseology in Beauchesne to mean that a different proposition is only acceptable if it conforms to the wording of the existing Clause 4 of the Bill, then those words in Beauchesne have no meaning at all. The relevance is relevance to the Bill and not to the Clause. I see some doubt expressed on your face, Mr. Chairman. Consider those words and I think the Chair will agree that an amendment can put forward an entirely "different proposition as an alternative to the original". The original proposition here is that the Public Sector Compensation Restraint Act will apply to the workers going back to work in the ports.

What the Hon. Member for Rosedale is doing in his wording is putting forth an entirely different proposition, as Beauchesne sets forth. Beauchesne goes on to say that the proposition must "be relevant to the subject of the questions". The subject of the questions, I submit, is not the subject of the Public Sector Compensation Restraint Act. It is the subject, the question, the principle, of the Bill itself.

This amendment does not negate Clause 4 whatsoever. It proposes a different method of dealing with the bargaining process. The Government wants to treat it in a mandatory, unilateral way and impose a wage ceiling upon the workers. We want to treat it in a different way, one which will give the collective bargaining process a chance to work and, failing that, after 14 days to implement arbitration proceedings.

The Chair made one other point when citing Beauchesne and Erskine May. I believe the phrase used by the Chair was that "no amendment had been negatived yet". That is not a necessary precondition of the Chair's acceptance of this amendment. One must not negative an amendment before it