

Business of the House

• (1630)

Mr. Andre, seconded by Mr. Cadieux, pursuant to Standing Order 53(1), moves:

That notwithstanding any Standing Order and usual practices of the House; that, the House sit without interruption till 10 p.m. every evening, beginning September 16, 1991 to September 18, 1991, and that the proceedings on Private Members' Business and the Adjournment Debate be suspended for the duration of that period; and

That, Bill C-29 be called for debate at second reading, at the conclusion of this urgent matter and that all questions to dispose of the said bill at that stage be put without further debate or amendment no later than 10 p.m.; and that the bill be referred to a committee of the whole;

That, on Tuesday September 17, 1991, at 10 a.m., immediately after Routine Proceedings the House shall begin its study at committee of the whole of the said bill and that all questions to dispose of the said bill at that stage and the report stage be put without further debate or amendment no later than 10 p.m.;

That, on Wednesday September 18, 1991, immediately following Routine Proceedings, the House shall begin consideration of Bill C-29 at third reading, and that all questions to dispose of the said bill at that stage be put without further debate or amendment no later than 10 p.m.

I will now hear the hon. member for Kamloops on a point of order.

Mr. Nelson A. Riis (Kamloops): Mr. Speaker, of course I have no question with the appropriateness of proceeding under Standing Order 53 and welcome an opportunity to participate in the debate.

However, I am not a lawyer so I seek some guidance. The guidance that I am seeking has to do with the decision of the Public Service Staff Relations Board earlier this day. I want to take just a short moment to quote from the comment made by the board. It says: "This Board, in general, shares the views expressed in the cases cited above. The obligation provided under the Public Service Staff Relations Act to bargain in good faith and make every reasonable effort to conclude a collective agreement is not substantially different for this employer than it is for any other employer in any other jurisdiction in Canada. The insistence on conditions precedent to negotiating terms and conditions of employment at the bargaining table is incompatible with the requirement to make every reasonable effort to negotiate a collective agreement." This is a critical comment. Accordingly, the Board declares that the employer has acted contrary to section 51 of the act and orders the employer to comply with section 51 of the act.

I simply seek guidance on this point. This decision by the board obviously indicates that the government's action contradicts the spirit of the law and maybe we would even say it contradicts the letter of the law. I really seek guidance.

Now that this decision has been made is it appropriate for us to continue on as though no decision has been taken by the board?

Mr. Speaker: I am interested, of course, in what the hon. member for Kamloops has raised, but I would ask the House to bear with me for a moment so that I can explain the procedural position that we are in.

The hon. member for Kamloops is, in effect, asking the Chair to make a legal ruling and that of course the Chair is not empowered to do. The hon. member for Kamloops puts forward with some eloquence and precision arguments which could easily be used and probably will be used in debate which support the position taken by some members in the House that the legislation referred to by the minister and the notice ought not to be passed by the House, but that is essentially a question of debate.

I understand perfectly well why the hon. member has raised this. There would seem to be, at first blush perhaps, an inconsistency in the House proceeding given what the board has said.

It is not my place nor do I have the authority to make a ruling that would prohibit, or for any reason interrupt the normal proceedings of the House.

I thank the hon. member for presenting his case in a succinct way.

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, on the same point, I follow you and I understand your position. But I think we have to realize that we have a board, the Public Service Staff Relations Board, a creation of this Parliament under the Public Service Staff Relations Act which has said today clearly that the government, through Treasury Board, broke the law.

That is what it said in its decision today. The point is that the discretion of allowing the debate on this whole question is yours, Mr. Speaker.

I want to quote Standing Order 53(3):