

Everyone in this country knows that the Canadian Parliament makes the laws in this country and that these are the laws to be observed.

Here we have a law which Parliament made. The government admits it is not carrying out the law and gives us the excuse that it is asking Parliament to rescind that law. I am just about through with my presentation, Sir.

Some hon. Members: Hear, hear!

Mr. Knowles (Winnipeg North Centre): I knew that at least that statement would get applause from the other side. I make the point again, Sir—it is to Your Honour I am addressing myself and not the other side; we will take them on when we get into debate on the motion if it takes place—that I am not asking you to make a decision regarding the facts. There is no dispute between us about the facts. I am not asking you to make a decision whether the government is right or wrong, but I ask you not to say that the government is right by saying that there is no wrong.

Some hon. Members: Oh, oh!

Mr. Knowles (Winnipeg North Centre): I do ask that the provisions in *Beauchesne* be observed, namely, that if there is a *prima facie* case of privilege Your Honour will leave it to the House to decide. If Your Honour does make that decision and if you permit a motion, may I simply read the motion I would make. I know quite well that I cannot make the motion at this time, but I think it should be on the record. If Your Honour finds that I have a *prima facie* case of privilege, I would make the following motion:

That the matter of the non-payment by the Minister of Finance to the Canadian Wheat Board, since August 1, 1970, of certain moneys payment of which is specified in the Temporary Wheat Reserves Act, being chapter 2 of the Statutes of Canada for 1956, be referred to the Standing Committee on Privileges and Elections for consideration and report.

I ask Your Honour to note that in that motion, as in my statement, I have avoided alleging anything that is in dispute. I do not try to settle the issue; I simply ask that Parliament be given the chance to refer this matter to the Standing Committee on Privileges and Elections so that that committee can consider the matter and make its report on this very important issue.

Some hon. Members: Hear, hear!

Mr. Speaker: I see that the minister seeks the floor. I should like to suggest to hon. members that while I do not want to prevent a minister from replying on behalf of the government, the suggestion which has been made and the practice followed over the years is that only in instances where a minister's conduct is involved do we allow that minister to reply to a question of privilege. I doubt very much if any point would be served or any advantage achieved by allowing the minister to reply at this time. Again, I want to be fair and I do not want him to feel aggrieved in any way by not being allowed to reply at some length or briefly, as he might wish, to the presentation by the hon. member for Winnipeg North Centre.

I do feel that on questions of privilege hon. members have to rely pretty well on the judgment of the Chair as to whether there is a *prima facie* case, and if it were the

Withholding of Wheat Payments

decision at any time that there was a *prima facie* case, then hon. members on behalf of the government and other hon. members on behalf of the opposition would have an opportunity to take part in a full-fledged debate on whether the matter should be referred to a committee as suggested by the motion proposed by the hon. member who has raised the question of privilege. So at this point I really have to ask the indulgence of hon. members to allow the Chair to make the decision now.

I might say that I am in a particularly good position in this instance to make a decision now because of the terms of the notice given by the hon. member for Winnipeg North Centre under the provisions of Standing Order 17, subsection (2). The hon. member was kind enough to indicate at some length what the points were that he proposed for the consideration of the House and of the Chair. This was to my advantage, and I am grateful to the hon. member. I am not sure whether it was to his advantage also. Certainly it gave me an opportunity to look at precedents and to reflect for some hours on this very important issue.

• (2:30 p.m.)

I want to tell hon. members that I am not in any way belittling the importance of the matter which has been brought once again to the attention of the House. I might say that many of the points made by the hon. member for Winnipeg North Centre have been made already in the course of debate and in questions put by the hon. member for Vegreville and the hon. member for Saskatoon-Biggar, both of whom suggested last week that the regular debates of the House be adjourned under the dispositions of Standing Order 26 for the purpose of considering this important matter. The hon. member for Winnipeg North Centre suggested that this matter is so large and so big that it should impress the Chair that it should be considered by way of a question of privilege. I cannot agree at all with this argument. I would think some questions would be so immense or at least would be so considerable in terms of national importance and national interest that the Chair would not be justified in suggesting that they be considered by the House by way of a question of privilege.

Again I thank the hon. member for the notice he has given me under the terms of the Standing Order and for the fact he has gone so generously into some detail in explaining . . .

Some hon. Members: Oh, oh!

Mr. Speaker: I am referring to the notice which was given to the Chair and which explained so generously for the guidance of the Chair what the points were that the hon. member proposed to put to the House.

On numerous occasions, as hon. members know, the Chair has cited the definition of parliamentary privilege as "the sum of the fundamental rights of the House and of its individual members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords". This definition, of course, is taken from May's work. It is a long-standing definition which has never been contradicted, and although we might change the citation because, this being a British citation, it refers to the House of Lords, it applies, generally speaking, to our own proceedings.