

*Prairie Grain Stabilization Act*

discussion before he really had a chance to make what I consider to be a valuable contribution on an important aspect of the subject. May I say that I agree entirely with his submission to the House. I only wish I could make a ruling as clearly as he expressed his views when taking part in the debate.

I cannot agree with the contention of the hon. member for Winnipeg North Centre that a legal proceeding initiated in a court of law in Canada, be it by way of writ of mandamus or any other writ, should prevent the House of Commons or Parliament from continuing or even initiating the discussion of legislation. The hon. member has quoted as his authority citation 149(c) in *Beauchesne's Fourth Edition*, in addition to the prohibition contained in Standing Order 51:

It has been sanctioned by usage both in England and in Canada that a member while speaking must not . . . not refer to any matter upon which a judicial decision is pending.

I think this citation should be interpreted as narrowly as possible. I doubt very much if the Chair should be called upon to intervene whenever a member refers to a matter which is before the courts. Hon. members, in particular the hon. member for Halifax-East Hants and the President of the Privy Council, have suggested that the citation should be interpreted narrowly and that the phrase "judicial decision pending" means that the case has been heard in full and that the court has before it the matter on which a decision will be rendered in the near future, in which case debates in the House might not be interpreted as influencing or attempting to influence the decision of the court.

I do not believe we should go that far. I believe hon. members should look at other citations, for example, at page 400 of *May's 16th Edition*—the same citation is repeated in the 17th Edition:

A matter, whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise. This rule does not apply to bills.

I think it would have been useful had this limitation been included in *Beauchesne*. It seems to me logical, as hon. members taking part in the discussion have indicated, that we should take this view, otherwise the whole legislative process might be stopped simply by the initiation of a writ, or legal proceedings in one or other of the courts of Canada. I can imagine, for example, amendments to the Criminal Code relating to matters of great interest to Canadians being prevented by the issuance of a writ of mandamus in one of the courts of Canada. This would place Parliament in an intolerable situation. I do not think this is an interpretation which hon. members would wish to place on the sub judice rule.

The hon. member for Moose Jaw (Mr. Skoberg) has referred to the fact that the Chair had some doubts as to one of the questions which was asked today. The hon. member will have noted that this matter was handled somewhat gingerly by the Chair. I said I had doubts as to the first question, but that I would allow the second one. What I had in mind was that the question was bearing directly, and perhaps a little too closely, on the case before the court. However, I was not disposed at that point to make a ruling on the matter; I just had some doubt, which is why I felt that if one of the two questions were to be allowed as we approached the end of the

question period, it was easier for the Chair to allow the second than the first. This was the extent of the ruling that I made at that time.

• (3:40 p.m.)

I suggest to hon. members that the citation which applies is that which can be found in *May*, that a matter, while under adjudication by a court of law, should not be brought before the House by a motion or otherwise, but that the rule does not apply to a bill. I suggest that what is now before the House is a bill. A bill is legislation and the sub judice rule should not apply so as to prevent discussion of the bill or an amendment to the bill, or any proceedings under that bill at the present time.

The House resumed, from Friday, September 24, consideration of Bill C-244, respecting the stabilization of prairie grain sale proceeds and to repeal or amend certain related statutes, as reported (with amendments) from the Standing Committee on Agriculture, and motions Nos. 1 and 2 of Mr. Gleave (page 7252).

**Mr. Deputy Speaker:** Order. Hon. members will know that when this matter was last before the chamber we were dealing with a point of order with respect to the amendment proposed by the hon. member for Skeena (Mr. Howard). The Chair had not made a decision, and if there are other hon. members who would like to assist the Chair on that particular point of order I would be very pleased to hear them now.

**Hon. Otto E. Lang (Minister of Manpower and Immigration):** Mr. Speaker, I should like to say a few words on the proposed amendment. It seems to me that one of the fundamental points here relates to the novelty of the proposed amendment in terms of what it would do to the situation facing the House. The motion before the House which the present amendment would purport to amend has been described as vague in meaning, and so on, which I think is the substantial difference between the amendment and the motion before the House. Among other things, the amendment being proposed would eliminate from the original motion the words "and including stabilization payments", which would have the effect of leaving only the proposed deduction of increased production costs. I say that because it would make a substantial difference to the original motion if a matter which could have major significance were eliminated.

It is also quite clear that the amendment in the form proposed by the hon. member for Skeena (Mr. Howard) would be beyond the terms of the recommendation. It may be argued that the motion before the House is already beyond the terms of the recommendation, but I submit that its very vagueness and probable unworkability means that no firm judgment can be made upon it. In its present form, the amendment would clearly go beyond the terms of the recommendation in that it increases the amount of the commitment by the treasury beyond that outlined in the recommendation. It would do this in terms of its impact upon at least one of the clauses in the bill, namely clause 3.

I think this bears further on the point about making a substantive amendment to the definition clause of a bill. Again I suggest, with respect to Your Honour, that this may have been forgivable in the case of the motion

[Mr. Speaker.]