

*Withholding of Wheat Payments*

raised. Does the government have the right to give us that excuse for not carrying out the law?

As I shall say when I come to the latter part of my case, it seems to me I should not ask you to rule that the government is in the wrong, but neither should you rule that the government is in the right. I submit there is a big enough question, a big enough issue, in this matter that there is a prima facie case of privilege, that it meets the requirements of the procedural citations about privilege and that Your Honour ought to let the House decide. I do not ask you to make a decision that there is an absolute case of privilege. I ask Your Honour to find that there is a prima facie case of privilege and then to let the House decide.

I said, Mr. Speaker, that I am not asking you to judge with regard to the facts. I submit that the facts are not in dispute. In the first place there is on the statute books chapter 2 of the Statutes of 1956 entitled the "Temporary Wheat Reserves Act". It is only a two-page statute but it is a very important one and some of us who are here today were here when that bill was adopted and made law.

Section 4 of chapter 2 of the Statutes of 1965 says:

The moneys payable to the Board—

To the Wheat Board.

—by the Minister of Finance under this Act shall be paid as follows:

There is nothing permissive; there is no use of the word "may". The moneys shall be paid. Then there are two subparagraphs of section 4. The (a) part need not be read because it describes how payment was to be made in the crop year 1955-56. Paragraph (b) of section 4 is the one that is still in effect. Let me read section 4 from the preamble into paragraph (b) in order that it will be complete. This is what it says:

4. The moneys payable to the Board by the Minister of Finance under this Act shall be paid as follows: . . .

(b) in respect of any subsequent crop year, the total amount payable for the crop year shall be paid in equal monthly payments within such crop year.

There is no dispute over that. It is in the statutes and the government does not deny its existence.

The second point that is not in dispute is the fact that the payments have not been made since the end of July, 1970. This has been brought out at meetings of the Standing Committee of Agriculture, and in his answers last week the minister admitted that payments have not been made since the end of July or since August 1, 1970.

The third point that is not in dispute is that the reason given by the government is very simple and straightforward, namely, that Bill C-244 is the reason for not making these payments. Bill C-244 has not yet been passed by the House. It has in it clause 33 which says:

The Temporary Wheat Reserves Act is repealed, effective July 31, 1970.

The explanatory note opposite clause 33 reads:

The repeal of the Temporary Wheat Reserves Act is consequential on the enactment of the stabilization program set out in this Act.

That makes it clear that the government knows that clause 33 does not come into effect until the act as a whole has been passed.

[Mr. Knowles (Winnipeg North Centre).]

• (2:20 p.m.)

One other point I cite in the list of facts is that Bill C-244 has not been passed and therefore authority to act on that basis has not been established by Parliament.

In my view the privileges of Parliament have been attacked by this action of the government. As I said earlier, I am one of those who were here in 1956. The record shows I took at least some part in that debate and agreed to the passing of the bill. As a matter of fact, it was supported unanimously. The Right Hon. C. D. Howe, who piloted the bill, gave the House the assurance that the payments would be made monthly as long as that act was in effect.

Some questions were asked. The present member for Calgary Centre (Mr. Harkness) wanted the payments to be made in a lump sum at the beginning of the year. There are five or six pages of debate in the 1956 *Hansard* on this matter. Mr. Howe did not agree but did make clear that the payments would be made monthly in advance beginning with the first month of the crop year which in every case is the month of August. Because that has not been carried out, I submit we have a point of privilege. Even more directly, however, I suggest it is an affront to the rights of members of the House for the government to give as an excuse the fact that there is a bill on the order paper which has not yet been passed.

You might say, Sir, that this is a legal matter to be dealt with in the courts. There is, of course, a provision in the Criminal Code, section 115, which reads as follows:

Every one who, without lawful excuse, contravenes an Act of the Parliament of Canada by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

**An hon. Member:** There goes John Turner.

**Mr. Knowles (Winnipeg North Centre):** No. It is the Minister of Finance we will miss because the Temporary Wheat Reserves Act says that the Minister of Finance shall make these payments on a monthly basis at the beginning of the crop year. An answer to that might be forthcoming in the sections in Beauchesne regarding privilege which point out that we provide certain defences against arrest or against people interfering with Members of Parliament in the discharge of their duties. In other words, there might be trouble if someone tried to lay an information against the Minister of Finance. We might have to defend him and keep him here. That remains to be seen.

The point I am making is that the place for us to deal with a matter like this and what has been done to us is here on the floor of Parliament. What has been done to us is that we have been told that, although we have passed a law and although it is there and is clear, the government feels it does not have to carry it out because of this other provision, an unpassed bill which it has on the order paper. This I find strange today after a statement made by the Secretary of State for External Affairs on Friday in another context when he was Acting Prime Minister. His words were clear and are found at page 7702 of *Hansard* for Friday September 10. The Secretary of State for External Affairs said: