

Prairie Grain Stabilization Act

Mr. Gleave: Thank you, Mr. Speaker. I will do so. I only wanted to point out the danger to the ordinary farmer. I know of one case where a farmer is being asked to return money which he was paid under the Lift program. I am aware of the niceties of the law. I am not a lawyer, but I am aware of the vulnerability of the farmer if we persist in dealing with this bill while the legal situation is in question.

Mr. John L. Skoberg (Moose Jaw): Mr. Speaker, I rise on the point of order. During the question period, I asked two questions. Your Honour suggested the first question was not in order and allowed the second one. I will use that as an analogy in dealing with the situation we are faced with under this point of order. The question is whether there has been any request by the minister responsible for the wheat board for the postponement of the writ of mandamus. Possibly Your Honour did not allow my first question because this matter is now before the courts. If we proceed with this bill, how can we possibly fit the question that is now before the courts in the form of a writ of mandamus into our discussion.

The reason Your Honour did not allow me to ask the question which referred to the Minister of Finance (Mr. Benson) and the Minister of Justice (Mr. Turner), who are included in the writ of mandamus, must have been based on some past practice or ruling of this House. I wonder how we can possibly expect to discuss this bill, if we wish to discuss it, when this question is still before the courts in this particular form. The only reason I am drawing this to Your Honour's attention is to use the question I asked today as an analogy to the question now before the House. The only reason the question was asked was to find out whether we were in fact faced with a double-cross by the government.

Mr. Speaker: I think that—I apologize to the President of the Privy Council (Mr. MacEachen). I am sure he has very interesting comments to make which, I am sure, will be helpful to the House and to the Chair.

Hon. Allan J. MacEachen (President of the Privy Council): After that introduction, Mr. Speaker, I am hesitant to even make a point. However, I do not want it to be understood that we accept the point of order raised by the hon. member for Winnipeg North Centre (Mr. Knowles) or that we agree with the validity of his point of order.

Mr. Knowles (Winnipeg North Centre): It came from your side.

• (3:30 p.m.)

Mr. MacEachen: I understand the point was based on Citation 149 (c) of Beauchesne which says that a member whilst speaking must not refer to any matter on which a judicial decision is pending. The key phrase seems to be the words "on which a judicial decision is pending." One thing I know is that no judicial is pending with regard to this bill, Bill C-244. There is certainly no judicial decision or writ or legal action in progress with respect to the report stage of the bill. I know, too, by a process of elimination, that there is no legal action in process or judicial decision pending in connection with any of the amendments which are set down for discussion by the House today. Whatever might be that matter which will

unfold itself on Wednesday, it will not be the bill or the report stage or any of the amendments which are now to be discussed.

I would suggest that if the rule of relevancy were strictly observed by all of us it would perhaps be possible to discuss the report stage and dispose of the amendments without the necessity of referring to the matter which will be commenced in the courts on Wednesday, as I understand it. It seems to me we should not be asked to withdraw from a discussion simply because something is to happen in the courts, when that discussion could properly be handled without reference to those proceedings—unless, for other reasons, it might be difficult not to refer to what is happening elsewhere having regard to the broad political situation. I am not a member of the bar, as some hon. gentlemen are, but I would assume the quotation merely implies that a member in speaking cannot refer to a matter on which a judicial decision is pending. I would probably ask the leader of the New Democratic Party to assist me by confirming my conclusion that a judicial decision can only be pending after evidence has been taken and arguments have been made by opposing counsel—the point at which the judge says he is about to decide the case. The purpose of the citation is, presumably, if there is any sense to our proceedings in this House at all, to impose a structure against Members of Parliament making comments from that point on in connection with the pending decision, comments which might amount to an interference with the independence of the judiciary. Otherwise, there would be no sense to the rule.

Consider how idiotic we would appear on Wednesday if, having said we cannot proceed to discuss this subject because the matter was pending in the courts, the judge, after hearing the initial arguments, were to say that the process had been wrongly put together and that he would not proceed with it until it had been put together in proper form. I suggest that whatever situation this citation is expected to cover, it really does not cover the situation which is now before the House as it is called upon to deal with the report stage of a bill, or, more strictly speaking, with amendments thereto. Certainly, none of these form the subject matter of the legal action.

I could continue, Mr. Speaker, and make further arguments, but I have said enough to convince, at least myself if not hon. members of the opposition, of the unsoundness of this particular point of order. I note that the hon. member for Halifax-East Hants (Mr. McCleave) coming from a good legal city, has reached the same conclusion as I have reached, namely, that this is not really a serious point of order and that we should be in a real mess if debate in this House could be stopped because somebody had taken legal action in some court. We would have to close our doors.

Some hon. Members: Hear, hear!

Mr. Speaker: I thank all members who have taken part in this interesting discussion. As I mentioned a moment ago, the hon. member for Winnipeg North Centre (Mr. Knowles) had given me notice of his intention to raise this matter today. I have given it serious thought and looked at precedents which enabled me to make a ruling. I think I should apologize to the hon. member for Halifax-East Hants (Mr. McCleave) for appearing at one point to cut off