

# HOUSE OF COMMONS

Monday, September 13, 1971

The House met at 2 p.m.

## PRIVILEGE

### MR. KNOWLES (WINNIPEG NORTH CENTRE)— WITHHOLDING BY GOVERNMENT OF PAYMENTS UNDER TEMPORARY WHEAT RESERVES ACT

**Mr. Stanley Knowles (Winnipeg North Centre):** Mr. Speaker, I rise on a question of privilege, having given Your Honour notice under the terms of Standing Order 17(2). The basis of my question of privilege is to be found, in the first place, in two answers to written questions given by the minister in charge of the Wheat Board last Wednesday and appearing in the *Hansard* we received on Thursday. My question of privilege arises also out of answers to oral questions given on Thursday on the same subject. It might be suggested that the appropriate time to have raised this question of privilege would have been on Friday, but as a matter of fact neither the minister in charge of the Wheat Board nor the Minister of Finance, who is also involved, were scheduled to be in the House on Friday, so it seems to me that under the provisions of citation 104(3) of Beauchesne's Fourth Edition this is the earliest opportunity for me to raise the matter.

The answers which were given on Wednesday, September 8, should, I think, be placed on record at this point. The first one appears in *Hansard* at page 7596 in response to a question by the hon. member for Moose Jaw (Mr. Skoberg). The question was as follows:

• (2:10 p.m.)

Are payments being made on a monthly basis to the Canadian Wheat Board under the provisions of the Temporary Wheat Reserves Act and (a), if so, are the payments still being made; (b), if not, for what reason?

The reply of the minister responsible for the Canadian Wheat Board was as follows:

Payments are not being made to the Canadian Wheat Board under the provisions of the Temporary Wheat Reserves Act on a monthly basis because the government has a bill before the House to rescind that act effective August 1, 1970.

A similar question and answer are to be found at page 7609, the questioner in this case being the hon. member for Regina East (Mr. Burton). The written answer, which is the important part of the exchange, is as follows:

Although funds were appropriated in the estimates for the fiscal year ending March 31, 1972, expenditures have not been authorized because the government has a bill before the House to rescind the Temporary Wheat Reserves Act effective August 1, 1970.

There were oral questions and answers on this matter on that day, and further questions were put on Thursday, including a question asked by the hon. member for Regina East of the Minister of Finance and to be found at page 7660 of *Hansard*. Part of the question was:

... has the Minister of Finance ... asked the Minister of Justice for a legal opinion on the validity of the action or lack of action by the Minister of Finance and has a legal opinion been given?

To which the Minister of Finance replied:

Not to me, no, Mr. Speaker.

If I may state my question of privilege—

**Some hon. Members:** Hear, hear!

**Mr. Knowles (Winnipeg North Centre):** —as succinctly and narrowly as I can, it is this. My question of privilege relates to the non-payment of moneys which it is specified in the Temporary Wheat Reserves Act are to be paid by the Minister of Finance to the Canadian Wheat Board; and, more particularly, the action of the government in telling this House that the reason it is not carrying out the provisions of the law is that it has a bill on the order paper.

**Mr. Turner (Ottawa-Carleton):** That is not a question of privilege.

**Mr. Knowles (Winnipeg North Centre):** My hon. friend suggests that this is not a question of privilege. I submit that anything which in a court would be regarded as contempt can be regarded as privilege in this House. I further suggest that when the government admits to Parliament that it is not carrying out the law and tells Parliament the reason it is not carrying out the law is that it has a bill on the order paper to rescind that law, a bill which has not yet been passed, then the rights and privileges of Parliament are being affronted.

**Some hon. Members:** Hear, hear!

**Mr. Knowles (Winnipeg North Centre):** My case today has, of course, to be made not to those opposite but to Your Honour. I would point out that there are certain things that a question of privilege must not do—and I think I am avoiding those things. In the first place a question of privilege must not be a dispute over facts. We must not ask Your Honour to judge as between the opinions of members regarding certain facts. I think it will be clear as I develop my case that there is no dispute over the facts. My authority for saying that I must not ask Your Honour to judge as to facts is, of course, citation 104(2) of Beauchesne's Fourth Edition.

It is also a clear provision of the procedural citations about privilege that one must not ask Your Honour for a legal opinion. I must not ask you to state whether the government is right or wrong in not carrying out the provisions of the act. But I do suggest that when the government says to Parliament that the reason it is not carrying out the clear provisions of the statute is that it has before Parliament an unpassed bill which would rescind that statute a serious question of privilege is