

Prairie Grain Stabilization Act

Mr. Baldwin: The hon. member's argument I accept thoroughly. I concur in it and urge it on Your Honour. The government is indulging in impudent, fraudulent intimidation of the worst kind.

Some hon. Members: Shame.

Mr. Baldwin: It is attempting to litigate by legislation, something which is frowned on in many circles. Actually, an amendment standing in the name of the minister indicates that the act, which was to come into force on August 1, 1970, will now come into force on a date to be set by proclamation.

I suggest that the government accept my hon. friend's point of order that we not proceed with clause 33, which provides that the Temporary Wheat Reserves Act is repealed, effective July 31, 1970. The minister ought to agree with the contention advanced by the hon. member for Winnipeg North Centre, a contention which I support. I hope he will agree that this particular clause will not be amended or will not come into effect until such time as the litigation, properly begun by citizens who have the right to bring an action before the courts, has been carried to the courts and has received final judgment. I suggest that that is the only fair way to deal with the matter, unless the government intends to seek an amendment which will pardon it retroactively for its 14 months of lawbreaking. It may be that the minister will seek such an amendment. As a member of the bar he may realize that it is essential, if the government is to be pardoned for the lawbreaking it has engaged in and in which it continues to engage. Apart from that, I support my hon. friend's argument and ask Your Honour to give careful consideration to what he said.

Mr. Speaker: Are hon. members rising on the point of order raised by the hon. member for Winnipeg North Centre?

Mr. McCleave: Yes, Mr. Speaker.

Mr. Speaker: I hope we do not spend the next three hours on the point of order because, to my way of thinking at least, it will not be too difficult to make a ruling on it. The hon. member for Winnipeg North Centre was thoughtful enough to give notice of his intention to raise his legal point, and I have spent a great deal of time giving it serious thought. At the same time, if hon. members think that their contributions will assist the Chair, of course I will be glad to hear them. I will not limit their right to make their contributions.

• (3:20 p.m.)

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, perhaps I can be forgiven for taking two or three minutes in this debate. I think it was my contribution the other evening that started this whole process. I suggest if any member has a vested interest in this, I am that member. I wish to make four points to Your Honour. I will do so as quickly as I can.

First, it should not be possible for someone in Canada to issue a writ to halt a discussion in Parliament of the law being questioned. For example, although some members may not be aware of it, a gentleman on the west coast has tried several times to file writs in court dealing with the

[Mr. McCleave.]

status of the Canadian flag. I hate to think that all discussions of issues of Canadian nationalism would have to come to a halt because someone issues a writ, even though I may think that person's writ has some substance to it.

Second, the court should decide on the substance of the issue rather than merely on the issuance of a writ, so that we at least are not put in the position of trying to influence the judge or appeal court. Short of that, we should surely be allowed to have our say.

Third, we should not inhibit Parliament at any time from changing the law, attempting to change the law or Members of Parliament from asking about the law as it exists when it is not being carried out.

Finally, we should be very careful about any steps being taken by the government or Parliament which would denigrate from the fact that we, after all, are the ultimate court in the land.

Some hon. Members: Hear, hear!

Mr. A. P. Gleave (Saskatoon-Biggar): Mr. Speaker, I will be brief. I am concerned about the possible effect on farm people if we proceed with this bill at this time. There are certainly two or three facts that are well known. One is that a writ of mandamus has been issued by four farmers in the province of Saskatchewan with, I understand, the consent or knowledge of the attorney general of Saskatchewan. This is known. It has been publicly admitted by the Prime Minister (Mr. Trudeau) that this government stands in default of certain payments which should have been made. It is under these circumstances that this Parliament is being asked to consider this bill.

What is the situation? If, for example, the bill is considered, passed by this Parliament and becomes law, the transitional payments are distributed under clauses 32 and 33 and this writ of mandamus is in force, what will happen? The government will find that it must pay out under this bill. If the transitional payments were made, would they have been made legally or illegally? If the writ prohibits the payments under clauses 32 and 33 of this bill, will any payments that have been made be made illegally? Would it then be incumbent on some legal agency to go to the farmers to whom the money has been paid and collect that money? This is what bothers me. I have a letter on my desk from a farmer—

Mr. Speaker: Order, please. It is up to the hon. member, but it seems that what he is now saying does not relate precisely to the point now before us as to whether this is a sub judicial matter and, being a sub judicial matter according to the established procedures of either the Canadian or British houses, questions might be asked about the matter, motions might be made and bills considered. I suggest that this is strictly a procedural question. I doubt whether we should get into the background of the situation or consider what will happen if the writ is granted, and so on. I suggest to the hon. member that is not the point before us. I do not in any way want to restrict the debate on the procedural point, because this is very important, but as much as possible we should limit our contribution at this time to this very limited point of procedure.