

*Withholding of Grain Payments*

the law and to continue breaking it at its will with impunity; whether this government will be permitted by this Parliament, because apparently we are hamstrung and have no way out, to continue in its breach of the law without protest and without an accounting through a careful investigation of the situation by an appropriate committee of Parliament.

I appreciate that there are some legal problems about this kind of issue being an issue of privilege. I appreciate that it is Your Honour's duty to deal with these procedural matters, but there are times in the development of the law, as every student of the law knows, when existing precedents and existing legal strait jackets have to be ignored in order that justice may be done instead of the mere dry form of the law being applied. I suggest to you, as a student of the law, that it is simply beyond acceptance for us to decide that this Parliament cannot send a matter like this to the relevant committee of this House to be studied, that we are helpless, without remedy and that the government, merely because it has a majority in the House of Commons, can use its majority to railroad through a breach of the law with impunity.

**Some hon. Members:** Oh, oh!

**Mr. Lewis:** I therefore suggest to you, Mr. Speaker, that as a result of the statements made by the Prime Minister and the minister in charge of the Wheat Board, there is a new situation which requires new thought and that it would be a great contribution to Parliament, to the parliamentary process and to the notion of democracy and law in this country, if Your Honour found ways, as I think there are if precedents are ignored, to permit the following motion which I would move:

That the admitted default of the government in violation of the Temporary Wheat Reserves Act be referred to the Standing Committee on Privileges and Elections.

**Mr. Speaker:** The hon. member for York South (Mr. Lewis) has given the Chair the required notice of his intention to raise this matter by way of a question of privilege. This, as usual, has given me the occasion to think again about the very important issues which lie behind the matter raised by the hon. member for York South. It is not the first time that this matter has been raised for the consideration of the Chair. The hon. member for York South himself has referred to the many instances during the last two weeks or so, indeed since the opening of this session, when the matter has been brought before me for consideration through questions which were raised on the first day by a number of hon. members, in motions which were made subsequently, in an adjournment motion, in a submission that the matter should be considered by way of breach of parliamentary privilege, and a request for the impeachment of certain members of the government. All these, of course, have given the Chair several opportunities to reflect on all aspects of this very serious matter.

With respect I suggest to the hon. member that it is very difficult for the Speaker, who is required to interpret and administer the rules and procedures of this House, the Standing Orders of the House and the precedents by which it must function, to say that the situation now exists where the Chair must disregard or disobey those rules. I forget the exact words of the hon. member, but his

[Mr. Lewis.]

suggestion is that the time has come for the Chair to ignore our procedural precedents. I suggest that the hon. member is asking a great deal of the Chair.

It seems to me that when this matter was raised originally by way of a question of privilege, I indicated to hon. members what the precedents were and under what conditions the matter might be brought for consideration by a committee under the guise of a question of privilege. If I remember well, I quoted the well known precedent going back to the days of Mr. Speaker Michener when a similar matter was brought before the House and the rule was set down by the then Speaker as to what procedure was to be followed to have the conduct of a minister or ministers impugned and considered by a committee.

I suggest that this has not been done by the motion now proposed by the hon. member for York South for consideration by the House. His contention is that statements which have been made outside the House since yesterday or during the past few hours change the situation, that such ought to be taken into account by the Chair in ruling that there is a prima facie breach of parliamentary privilege. I understood that this was the essence of the argument of the hon. member for York South, and indeed that was the way his notice was given to the Chair. The hon. member in his notice said that he wanted to raise a question of privilege related to statements made in and out of the House yesterday concerning the government's attitude toward the requirements of the Temporary Wheat Reserves Act. I do not see how I can take into account the precedents to base a prima facie case of privilege on statements made outside the House of Commons.

There are many precedents on this account. Hon. members may well remember an interesting precedent which goes back to June 10, 1964, when a similar matter was raised by the hon. member for Yukon who suggested that the Chair could not found a prima facie case of privilege, could not ask for the withdrawal of certain words, because such statements had been made outside the House of Commons. This is reported at page 4139 of *Hansard* of June 10, 1964 and is based on a number of precedents. The hon. member for Yukon at that time, among other references, quoted Beauchesne's Fourth Edition at page 57 where the following citation is found:

The Speaker's jurisdiction does not extend to words outside the House.

• (2:20 p.m.)

I would not think that in the circumstances, in view of this additional precedent, that it is incumbent upon the Chair to follow the advice of the hon. member to ignore the legal precedents, to ignore the rules, and to say that we ought to consider the matter he has raised by way of breach of parliamentary privilege.

I have thought about the matter very seriously, and as objectively and as fairly as I could when the matter was raised originally, I believe by the hon. member for Peace River (Mr. Baldwin), by way of a question of privilege, but I cannot see that the additional factors brought to light by the hon. member for York South in support of his proposed motion should change the decision I reached on the previous occasion.