

Withholding of Wheat Payments

This definition is further expounded by Sir Erskine May at page 42 of the seventeenth edition of his work on parliamentary practice:

The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and the vindication of its own authority and dignity.

At page 43 the learned author states as follows:

When any of these rights and immunities, both of the members, individually, and of the assembly in its collective capacity, which are known by the general name of privileges, are disregarded or attacked by any individual or authority, the offence is called a breach of privilege, and is punishable under the law of Parliament.

The duty of the Chair in the present circumstances is to determine whether there is a prima facie case of breach of privilege. That is a point that was made very ably by the hon. member for Winnipeg North Centre. The Chair is not authorized to say whether there is a question of privilege or a breach of privilege but whether the circumstances are such as to justify a judgment by the Chair that there is at least a prima facie case.

The facts are simple. Again, as the hon. member said, they do not appear to be in dispute. The dispositions of the Temporary Wheat Reserves Act are a matter of record well known to hon. members on both sides of the House. The fact that there is before the House legislation which in some way relates to the dispositions of the existing statute is also well known to hon. members.

Whether the government has an obligation under the terms of the existing law to make certain payments is not a question for the Chair to decide. The hon. member, in making his submission, has also pointed out that the Chair is not required to make a determination as to the law. This is a matter of judicial interpretation and is far beyond the jurisdiction and certainly far beyond the competence of the Chair.

In reply to certain questions members of the government have given their interpretation of the facts of the case. Whatever this interpretation may be, I again suggest that this cannot be the basis for a question of privilege.

The crux of the whole matter, as I understand it, is that the government is withholding payments authorized by an existing statute until a new statute has been adopted. Either what the government is doing is or is not contemplated, or anticipated, or authorized by the existing statute. Its action may well be subject to censure, but that would be a decision for the House to take on the basis of a non-confidence or censure motion.

Whether it is in order to use this method to induce the adoption of alternative government legislation can again be the subject of debate, but I suggest that this should not be done within the framework of a debate on a question of privilege.

Some time last week the hon. member for Vegreville and the hon. member for Saskatoon-Biggar sought the adjournment of the House under Standing Order 26 for the purpose of debating what was termed then "the failure of the government to carry out the explicit instructions of the Temporary Wheat Reserves Act". The reasons which were given by the Chair to suggest that such a

[Mr. Speaker.]

debate should not be initiated under Standing Order 26 would apply to the suggestion by the hon. member for Winnipeg North Centre that a debate on this contentious issue should be launched by way of breach of privilege.

While the Chair recognizes the importance and urgency of the situation, and also the anxiety of many hon. members to initiate a debate on the subject, I cannot agree that there has been a prima facie breach of parliamentary privilege, at least on the basis of my understanding of parliamentary privilege.

ROUTINE PROCEEDINGS**GRAIN**

WITHHOLDING BY GOVERNMENT OF PAYMENTS UNDER TEMPORARY WHEAT RESERVES ACT—REQUEST FOR UNANIMOUS CONSENT TO MOVE MOTION UNDER S.O. 43

Mr. Don Mazankowski (Vegreville): Mr. Speaker, under the provisions of Standing Order 43 I would like to move a motion, seconded by the hon. member for Edmonton Centre (Mr. Paproski):

That the matter of the failure of the government to observe the law with respect to the provisions of the Temporary Wheat Reserves Act be referred to the courts for immediate consideration.

Mr. Speaker: Hon. members have heard the motion proposed by the hon. member for Vegreville. I do not have before me a copy of the motion in writing. I assume the hon. member has one before him. But in any event if there is unanimous consent—

Some hon. Members: No.

Mr. Speaker: —the hon. member can provide the Chair with a written copy of the motion. Is there unanimous consent for the motion proposed by the hon. member for Vegreville?

Some hon. Members: Agreed.

Some hon. Members: No.

Mr. Speaker: The hon. member has heard, as I have, that there is not unanimity and consequently the motion he has proposed cannot be put at this time.

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FAMILY INCOME SECURITY PLAN

MEASURE TO PROVIDE BENEFITS IN RESPECT OF CHILDREN

Hon. John C. Munro (Minister of National Health and Welfare) moved for leave to introduce Bill C-264, to provide for the payment of benefits in respect of children.

Motion agreed to, bill read the first time and ordered to be printed.