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**Thursday, November 9, 2006**

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**Chair**

Mr. Gerry Ritz

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Thursday, November 9, 2006

• (1230)

[English]

**The Chair (Mr. Gerry Ritz (Battlefords—Lloydminster, CPC)):** Order, please.

Ladies and gentlemen, we're moving on to Mr. Easter's motion. We've had the 48 hours' notice.

The one concern I have, Mr. Easter, as the chair, is that I would have to rule this out of order. I told the steering committee the other day I would ask for a legal opinion. I have that and I'm happy to give you a copy of that. Under the Canadian Wheat Board Act, as it stands now, it's under the purview of the minister to develop the question and the voters list. I'm happy to share that with you. I'm just going by what's in the act.

**Hon. Wayne Easter (Malpeque, Lib.):** I understand that, Mr. Chair, but this would be a recommendation. It's very clear that this is what the committee recommends. The minister can take it or leave it. The fact of the matter is that we all know the Canadian Wheat Board issue is very controversial. What is key in terms of the farm community is that there be a vote on a clear question. I guess to be honest about it, we don't trust the government or the minister to come up with a clear question.

This recommendation is really to encourage the minister to do the right thing and have simply as clear as possible a question for producers to make a decision on the future relative to the Canadian Wheat Board, as the minister is supposed to do under the act. But he's done a lot of things that I would suggest aren't really in accordance with basically democratic principles. I would object to your ruling it out of order, because it is in fact a recommendation of committee. It's not binding on the minister, but it is a recommendation.

**The Chair:** I take your point. You certainly have the right to appeal.

Is there any other discussion? Mr. Miller.

**Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC):** It's obvious when you get a legal opinion.... What do you get one for, if you don't address it?

I mean, this motion is nothing short of grandstanding. I could probably agree to the A part of it because of the word "ability" in there. If ability was in the B part as well...because what ability indicates is having a choice, so to speak. The bottom line is that the government has no intention of doing it that way, and here you are distorting the thing totally. Regardless of whether it's out of order or not, the motion is ridiculous. You know what you're doing there.

**The Chair:** Okay. Is there any other discussion?

Mr. Atamanenko.

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** I have a question to Wayne in regard to the motion. In part one, you separated it into four points A, B, C, and D. As it stands now, the minister has committed to C and D for barley. I'm not sure what the plan is to have it all together because he's saying already that he's in agreement with doing the second part. Should it not just be one motion including both? I'm not sure what you're....

• (1235)

**The Chair:** Mr. Easter.

**Hon. Wayne Easter:** Yes, on your point, Alex, it would be nice if the government called a vote on both wheat and barley together. I don't think it's their intention to do so. The minister has already announced his intention to go to a barley vote. I do not believe for a minute that the minister's question that he asks producers will be along the lines of C and D, which makes it clear-cut in terms of what they're voting for. So that's why the motion, so that this committee can basically recommend to the clarity of what the question should be.

There was in fact a vote on barley marketing in 1995. It was a clear question. I'm worried that this question will not be clear from the minister, and I think we should recommend to how clear it should be.

**The Chair:** I just asked the clerk to supply us with a copy of the question of 1995 and the voters list that was used, if we want to compare.

Ken.

**Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.):** Thank you very much.

I don't know if it's necessary to challenge the ruling of the chair, but whether there's a legal opinion or not, this is a recommendation. This committee should be entitled to recommend whatever they feel to the minister as advice, as a standing committee. Consequently, on whether it requires a vote for us to actually decide if the chair's ruling is in order or not, I would hope we wouldn't have to go that way. I feel very strongly that this is a committee recommendation. We are not saying that we are going to set this and do this extra-parliamentarily from the minister, having it done with the Wheat Board. To me, the resolution is perfectly in order.

**The Chair:** Why don't you take that up with a lawyer?

Mr. Anderson.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Well, it's been ruled out of order, so it's obviously not perfectly in order. But I have a couple of comments on it.

**Mr. Ken Boshcoff:** Then my—

**Mr. David Anderson:** The chair's ruled it out of order, Mr. Boshcoff, so it is out of order.

**Mr. Ken Boshcoff:** Then my first statement that I challenge the ruling of the chair means we have to vote on it.

**Mr. David Anderson:** I'll finish my statement, then.

First, it is out of order. It's obviously way beyond our mandate or your mandate, or whatever. Second, the act clearly gives both of these issues to the minister; they're under the minister's purview. In section 47.1 he's clearly given direction to develop a question and to supervise that. He's also controlled by section 47.1 as far as the voters list goes. Number two here is not accurate; you can't limit it to these people who are in here. That is not allowed under the act, so as it's written, you're running contrary to the act here as well.

There are other questions that are equally valid, obviously. I guess I can see this for what it is, which is a desperate attempt for attention, as Larry pointed out, simply trying to get attention here.

Number two is out of order as far as the act goes. You cannot limit the list to that. I don't know if you've read the act or not, but you can see that clearly when you read it.

**The Chair:** It's part of the legal ruling, Mr. Anderson.

**Hon. Wayne Easter:** Do you have a copy of the legal ruling?

**The Chair:** I sure do, right here.

Barry Devolin.

**Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC):** Yes, Mr. Easter says he does not have confidence that the minister will ask a fair and balanced question, so he's presuming that the minister's going to tilt the question in one direction. So it seems to me that his recommendation is tilted in the opposite direction.

This doesn't strike me as a clear question. Options B and D are clearly trying to make a point, I would argue, rather than present a reasonable option. Even if you believe that at the end of the day that is what it will eventually end at, I don't think anyone's suggesting that those are the two options that are on the table today. As such, it strikes me as more of a pre-emptive communications strike rather than a good faith effort to put a reasonable question on the table.

• (1240)

**The Chair:** Paul.

**Mr. Paul Steckle (Huron—Bruce, Lib.):** In fairness to the recommendation that's before us, I think there's grave doubt in the minds of many farmers. You may say these faxes have been given to us through one central office. Yes, indeed they have. But they've come from various parts of western Canada, from people who are under the Wheat Board and who are feeling that they have been rejected in terms of their ability to be able to get the minister to understand that there needs to be a fair vote.

They have come to us because they believe we need to be their advocate. I believe we're simply putting some balance to the other

side of the question, given that the minister has already taken his authority to authorize, under his edict, that the Wheat Board not spend any money promoting the virtues of the Wheat Board. Yet the Province of Alberta spent \$1 million telling people why single-desk selling would be a great thing. So I think there has to be some balance.

When you look at the facts that have already occurred in the last three or four months, one would only gather that the minister's not favourably disposed toward keeping a single-desk selling system in Canada, but creating another grain company, which we feel is probably doomed from the beginning.

In fairness, the committee is the master of its own destiny, and with the pleasure of this committee, we can make recommendations. They don't have to be followed. We've done that many times in the past, as even the House makes recommendations and passes motions that are not adhered to. Surely we're not being denied, and whether we should be dealing with the matter of the chairman's ruling is...and I don't often disagree with the chair. The chair hasn't made this ruling, really. He's made the ruling based on a decision that was given to him.

We have to deal with that first. My position stands that we should be given the opportunity to vote on this.

**The Chair:** As chair, Mr. Steckle, I try to maintain balance and fairness. I don't take lightly having to reject a recommendation. As you say, we should be the masters of our own destiny, but we do have to work within a certain framework. The legalities that we are forced to work within, that I'm judging this on, is the Canadian Wheat Board Act. You cannot bend or pervert the act in order to somehow think you're saving the act. It's simply not done that way. So that's the basis for the rejection.

The act is very succinct and very clear on who develops the question and who develops the voters list. It's in the act. So that's the reasoning for the legal opinion. I told you that at the steering committee the other day, that at first blush in seeing this motion, I felt it was going against a certain segment of the act. That's the nature of that. You can certainly appeal my ruling.

I have two more speakers lined up. Ken, did you want to get back on the list?

**Mr. Ken Boshcoff:** No, just call the question—after the speakers.

**The Chair:** I have David still on the list, and Wayne as well. Is there anybody else?

**Mr. David Anderson:** I just think it's completely inappropriate. We have a recommendation here that the minister act in a way that is contrary to an act of Parliament, so I don't see how the committee can recommend that, especially the second item. It is contrary to what the act says clearly. Mr. Easter should know that, and he's recommending that we do that in spite of what the act says. The question's there. He can put what he wants down there. The minister is given the responsibility to lay those out. But the second one is contrary to the Canadian Wheat Board Act and who is allowed to vote in those elections.

**The Chair:** Mr. Easter, I have you on the list.

**Hon. Wayne Easter:** On your point, Barry, about good faith, I find it absolutely amazing that the governing party could talk about good faith relative to this issue, because the governing party and the minister have shown anything but good faith in terms of dealing with this issue.

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

**Hon. Wayne Easter:** That's true. There's been everything from firing board members to directives to the board—which has never happened before, with the exception of Afghanistan—and I could go through a list. So I find it absolutely amazing that this is the position you take.

It's also absolutely amazing that you're falling back on the Canadian Wheat Board Act when you did everything you could to undermine it.

I know Ken has called for the question, but I would prefer, Ken, if you would agree, that the motion be withdrawn for the moment. I will redraft a motion after looking at the legal opinion. I personally see nothing wrong with the motion, because it is a recommendation from this committee to the minister that would be reported to the House, but I will talk to legal counsel on our own part to make sure that the motion, as worded, conforms with legal requirements.

So if you would be in agreement, I would withdraw the motion for the time being. I can tell you it will be coming back in a similar form, if I get agreement on that.

• (1245)

**The Chair:** That's fine. It's up to Mr. Boshcoff to remove the question.

**Mr. Ken Boshcoff:** Mr. Chair, the reason I stated that we should challenge the chair's ruling on whether it was admissible or not is that I feel very strongly that in a democratic forum, if the committee recommends something... That's exactly what we do every day, every time we meet in this committee. The motion is absolutely not saying that Parliament should dismiss itself; it's a recommendation to the Minister of Agriculture.

So in the interests of the suggestion that it will be redrafted, I will withdraw that challenge to the chair now, but please know I'm....

**The Chair:** You'll hold it in abeyance.

Mr. Ken Boshcoff: I shall.

The Chair: All right, thank you, Mr. Boshcoff.

Is there any further discussion on this issue?

Mr. Easter.

**Hon. Wayne Easter:** I do have another point of order. It's not on this issue, though.

**The Chair:** Okay.

Are we done on this issue?

**Hon. Wayne Easter:** Are we satisfied on that, Mr. Chair, for now?

**The Chair:** Yes.

**Hon. Wayne Easter:** Mr. Chair, there have been some developments relative to the Wheat Board issue. I do think we have, in the first appointment to the board by the minister, an anti-single-desk-selling person. Now we have another in Mr. Bruce Johnson. This appointment is very, very serious.

When I look at the gentleman's history, I do not believe—I'll state my opinion up front and on the record—that the gentleman can meet the requirements of the Wheat Board Act in terms of the appointment. He should be called before this committee forthwith, as soon as it is gazetted. I don't know if it has been gazetted yet, but I understand that has to be done first.

This committee needs to discuss with this individual, Mr. Johnson, the credibility of his being appointed as a director of the Canadian Wheat Board—appointed after, of course, the firing of Ross Keith, who wrote a letter of disagreement with the minister, which is, Larry, not acting in good faith relative to the board.

Secondly, I would expect the committee to prepare a report on the Canadian Wheat Board hearings we've undertaken. I think it's important, if we're going to do that, to have one of the key witnesses that we haven't met with yet in this set of hearings—namely, the Wheat Board itself. The board has prepared an economic analysis that the task force said it didn't take into consideration.

The Prime Minister himself, yesterday in the House, went after Mr. Atamanenko's leader, Jack Layton, asking how he could ask such a question without first having considered the cost; the government has a moral responsibility to consider costs. Yet here we are dealing with a task force, a government position, that is not in any way dealing with the cost-benefit analysis relative to the loss of single-desk selling.

So I would encourage the committee that we need to do a report, but first the Canadian Wheat Board should be brought forward as a witness. As well, this new appointment, Bruce Johnson, should definitely be here, and be here forthwith.

**The Chair:** On your point of order, Mr. Easter, you'll be happy to know that the steering committee the other day did set aside a date. So far it's been projected that on December 5 the Wheat Board will be brought in. As well, we're hoping that by that time the gazetting process will be finished and Mr. Johnson can be here.

So we've done that.

Is there any other discussion on this? Mr. Anderson.

**Mr. David Anderson:** I was just going to make the point that I wasn't prepared to let Mr. Easter interfere with the election process any further than he has already. December 5 is the very earliest date that I'm sure those folks would be able to be here.

Neither are we prepared for Mr. Easter to go on a witch hunt of the people he doesn't like on a personal basis. The minister has operated in good faith at all points. He's appointed the people, as he's allowed to, to the board of directors. Hopefully he'll be doing more of that in the future.

In terms of the costs, absolutely no one has a more vested interest in giving a jaded picture of the costs than does the Canadian Wheat Board. If Mr. Easter really wants to find out what the costs of the Wheat Board are, I would suggest that he encourage his senators to bring the Accountability Act with a Wheat Board amendment in it. Then farmers can see what the Wheat Board is actually spending and what it's costing them to have the board sit there and operate selling grain in western Canada.

• (1250)

**The Chair:** Mr. Easter, a rebuttal?

**Hon. Wayne Easter:** Yes, thank you.

I wonder, on that point, if Mr. Anderson would.... I know for a fact that the Government of Canada, in its initial draft of the Accountability Act, did not put in that the Canadian Wheat Board should operate under access to information. In fact, the legal opinion to the Government of Canada was that the Wheat Board should not have to abide by the Access to Information Act because it is not a government entity, not a government agency.

I wonder if Mr. Anderson, seeing as he is parliamentary secretary, could table that legal opinion with us.

Mr. Anderson knows full well that the way the Access to Information Act got applied to the Canadian Wheat Board was that there was a motion by a member at committee—not on the government side, but from Winnipeg Centre, I believe—to put it under.... That individual has since reconsidered their position, and in fact voted to take that part out of the bill. The Senate has now changed it.

As well, I understand that Mr. Anderson has presented a letter to the chair of the Senate committee, Senator Day. From what I heard about the letter, it was very misleading in terms of what the Wheat Board does. It's the most transparent grain company out there.

So I wonder if he might table a copy of that letter with the committee as well so that we could have a look at what the parliamentary secretary said to the Senate in terms of the bill.

**The Chair:** Mr. Anderson.

**Mr. David Anderson:** I could go on all day—

**The Chair:** I know that, but we're running out of time, gentlemen.

**Mr. David Anderson:** —but I just want to make the point that I'm glad to hear Mr. Easter refer to it as a grain company. That's a big improvement from the position he has usually taken.

That actually was corrected when the bill was brought in with the help of the NDP and the Bloc, and we look forward to working with them on this in the future as well.

**The Chair:** Alex.

**Mr. Alex Atamanenko:** Hopefully I'm not making a political statement, but one of competency.

I just want it noted that we're not happy with the appointment of the second person who was appointed by the minister because of the fact that he was fired from the Saskatchewan Wheat Pool. I think we have to investigate why. This company apparently wasn't doing well, so he was fired. I don't think we should be taking somebody who hasn't been producing, to be in this very important position.

**The Chair:** I see no other interventions. This meeting stands adjourned.

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