

CANADIAN WHEAT BOARD

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CWB files court case against government "qaq order"

Winnipeg – December 4, 2006 The CWB today filed an application in federal court for judicial review of a federal order-in-council issued to prohibit the CWB from spending funds for advocating retention of farmers' single-desk marketing system.

The CWB has asked for a declaration from the court that the October 5 order-in-council direction is unlawful and beyond the jurisdiction of the federal government. The application states that the direction was issued for an improper purpose: to prohibit the CWB from making public statements opposing the Government of Canada's policy regarding the future of the CWB and to prohibit communication with western Canadian wheat and barley producers regarding the CWB's statutory purpose.

The CWB has requested an order declaring that the direction contravenes the Charter of Rights and Freedoms. It also asks that the direction be declared vague and unenforceable. An expedited hearing has been requested.

"The Direction has impeded the CWB's ability to fulfill its statutory mandate and obligations, particularly in the context of the pending barley plebiscite where producers are increasingly seeking information from the CWB," the application states.

". . . (T)he Government has admitted that its purpose is to ensure that the CWB does not publicly question or undermine the Government's policy objectives regarding the implementation of 'marketing choice' and the elimination of the single desk, notwithstanding the fact that the (CWB) Act enshrines the single desk as the law of Canada and the Government is unable to pass legislation to change it," the application states.

The application also states that the CWB, as a corporate entity, cannot express its views without incurring costs. All communications from the CWB necessarily result in the expenditure of funds.

"Interpreted in such a manner, the Direction accordingly infringes the CWB's right of freedom of expression," the application states. "As a breach of the Direction may give rise to criminal or civil liability on the part of the CWB and its directors and officers, its scope and application must be clearly defined. However, the Direction is improperly vague.... In the result, the Direction is unenforceable."

The full application and supporting documents can be viewed online at www.cwb.ca.

Controlled by western Canadian farmers, the CWB is the largest wheat and barley marketer in the world. One of Canada's biggest exporters, the Winnipeg-based company sells grain to over 70 countries and returns all sales revenue, less marketing costs, to Prairie farmers.

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