

Update from NFU President Stewart Wells – July 27, 2007 *regarding the Friends of the Canadian Wheat Board hearing at Calgary federal court*

[Note: An interview with Stewart was broadcast July 28 on CBC Radio 1 on the current affairs program “The House” – you can listen to the broadcast by logging on to www.cbc.ca/thehouse/audio.html - click on the July 28, 2007 program. You can also catch an excellent interview with Ken Larsen on CBC’s As It Happens by logging on to [www.cbc.ca/radioshows/AS IT HAPPENS/20070725.shtml](http://www.cbc.ca/radioshows/AS_IT_HAPPENS/20070725.shtml) and clicking on Part 2 of the July 25, 2007 program.]

Greetings. You may be aware that the Friends of the Canadian Wheat Board – an umbrella group which the NFU is a member of - presented its case before Federal Court Justice Dolores Hansen on July 25 and 26. We felt we had no choice but to launch a legal challenge to the Federal Government’s Order-in-Council – effective August 1 – to remove barley from the single desk of the Canadian Wheat Board through changes to regulations. **It is our contention that such a change can only be made through amendments to the legislation – in this case the *Canadian Wheat Board Act*.** The Federal Government is attempting to make a change through the back door rather than going through Parliament. **The Federal Government’s Order-in-Council is unlawful, undemocratic and unworkable.** Removing barley is just the first step for the government – the real target is wheat, and that is why this case is so important.

On the opening day of the hearing, the lawyers for the Canadian Wheat Board; the Friends of the Canadian Wheat Board; and the Governments of Saskatchewan and Manitoba (who were granted “Intervener” status for the case) laid out their case in front of Judge Hansen. All the arguments were similar but they melded together into a cohesive package, and I was happy with the way they fit together. It was particularly helpful that the Governments of Saskatchewan and Manitoba were there as interveners.

One of the lines the media picked up on was a comment from the CWB lawyer to the effect that **“Chuck Strahl plumb got it wrong”** – adding it was not the government’s job to run the CWB, but rather to administer the CWB Act. It’s the farmer-elected CWB Board of Directors’ job to run the CWB. Our lawyer, Anders Bruun, categorized it this way: that the Harper Conservatives were trying to appease certain political interests, and that we now have a **“high-speed collision between their political election promises and the law.”**

On the second and final day of the hearing, the lawyers for the Federal Government and the Alberta Government [which had “intervener” status as well] made their arguments in the morning, followed in the afternoon by questions from the Judge and our lawyers. **Judge Hansen has said she will bring down her ruling prior to August 1 – which means it will likely be announced on Tuesday, July 31.**

While it’s impossible to know which way she will rule, I’m satisfied the lawyers for our side put forward a very good case, and the Judge listened intently to our arguments. So

now it's a matter of waiting for the judgment. We'll keep you posted when the decision comes down.

All for now,

Stewart Wells
President, National Farmers Union