

*Canada Development Corporation*

Erskine May goes on in his recital to examine cases in the British House. However, I should like to state that because this is a Canada development bill we should look also at precedents made in Canada that might assist us in establishing this point of order, rather than taking refuge in the procedures of other countries, however respectful we are of their traditions.

Beauchesne cites one case of a hybrid bill, the entry in the *Journal of the House* for March 12, 1875. I refer to a motion of the Hon. Alexander Mackenzie, seconded by Mr. Fournier. I will not read all the details except to say that the purpose of the motion was to bring in a bill to rearrange the capital of the Northern Railway of Canada, to change the gauge of its railway and to amalgamate with the Northern Extension Railways Company. For that reason, the point of order in this case was raised by the hon. Edward Blake, as reported in the House of Commons Debates of March 12, 1875, at page 662.

He argued that the essential elements in the bill were related to the reorganization of the company and affected the private rights of private shareholders including the city of Toronto and the county of Simcoe. In other words, he raised the point of order that this public bill had a direct affect on the shareholders of the company, rights which they had acquired and which would be changed. On that ground the Speaker ruled that, indeed, this had the aspects of a hybrid bill because previously existing private rights and particular interests were affected.

There is nothing in this bill which will affect private rights of individual interests of any person, corporation, or groups of persons. If the bill passes there will be an opportunity for Canadian citizens to acquire shares in the Canada Development Corporation at a later date.

The hon. member for Peace River (Mr. Baldwin) made a very interesting comment when he quoted citation 482 of Beauchesne's. I asked myself how we could place this argument or citation in context with the argument I am making. He did read from Beauchesne's citation 482 as follows:—

There is, however, a distinction between the second reading of a public and of a private Bill, which should not be overlooked. A public Bill being founded on reasons of state policy, the House, in agreeing to its second reading, accepts and affirms those reasons; but the expediency of a private Bill, being mainly founded upon allegations of fact, which have not yet been proved, the House, in agreeing to its second reading, affirms the principle of the Bill, conditionally, and subject to the proof of such allegations before the committee.

Why is that so? I argue procedurally that that is the special examination provided to determine the nature of the special interests or the special rights; that is the special private rights as stated by Beauchesne, or the particular interests or private interests as mentioned by Mr. Speaker Hylton-Foster as quoted in Erskine May's. That is why there is that different treatment, under that special kind of situation.

I turn just for a moment to the Standing Orders which seem to support this view. When we are talking about private interests or private rights we are not talking about something general or vague, or something affecting the body politic as a whole. We are talking about concrete, definite and identifiable rights. That is why on

page 103 of the Standing Orders in reference to application for private bills it is suggested:

When the application is for the purpose of obtaining for any person or existing corporation any exclusive rights or privileges or the power to do any matter or thing which in its operation would affect the rights or property of others: in the particular locality or localities in which the business, rights or property of others may be specially affected by the proposed Act.

This would suggest that there is a link between what Beauchesne, Mr. Speaker Hylton-Foster and the Standing Orders say, that these are rights which must be identified and related one to another, and are private rights.

Because it has been stated that this is something new we are trying, I mention another case which raises a situation similar to the one we have today. Bill 19 of the Fifth Session of the Seventeenth Parliament probably presents the closest parallel, and certainly a useful precedent on this question. This bill, which became Chapter 43 of the Statutes of Canada for 1934, was based upon a resolution to be found in the House of Commons *Journals*, page 35, February 2, 1934. It goes on to quote the resolution preceding the measure to incorporate a central bank in Canada and to provide for the appointment and salaries of the officers and staff of the bank and the appointment and fees of the directors, and to make such further provisions in respect of the functions, powers and administration as recommended by the Royal Commission on Banking and Currency.

This Act established the Bank of Canada, not as we know it today as a government-owned institution, but as a privately held company. In fact, three amendments to provide for government ownership were ruled out of order. Nobody suggested at that time that this was a hybrid bill or that it, in fact, related to private rights, even though the Bank of Canada was to be privately held.

It is true the Act involved government participation in the operations of the bank at several levels, including the naming of interim directors and the sale and holding of shares. Indeed, as you read both you cannot establish an exact parallel but you can certainly find enough support to our view that we are on solid Canadian procedural ground in proposing the Canada Development Corporation bill in this form.

I will come to a conclusion very quickly, Mr. Speaker. I say that my submission is that the purpose of the special procedure on private bills is to ensure that the rights of persons or bodies are not unjustly made greater or smaller than the rights of persons or bodies in similar categories or circumstances. The special procedures for private bills was developed so that Parliament could assure that no existing individual or corporate rights would be unjustly abridged if a measure were proceeded with.

I would also argue that it would apply to a special right being sought by an individual or by a corporation. In this bill we are giving effect, not to a private group of individuals' wishes, but to government policy. This is an instrument of economic policy designed to bring greater opportunities to individuals to invest and participate in the future development of Canada. That is the broad objective. No particular interest is being affected. No