

*Canada Development Corporation*

● (3:10 p.m.)

I am going to leave it to my hon. learned colleague, the hon. member for Edmonton West (Mr. Lambert) who is intimately acquainted with all the details of this bill to deal with this further. In due course, I hope early, if Your Honour allows the point of order I am making, the hon. member will be speaking for Her Majesty's Loyal Opposition in respect of this bill. I will leave it to him to argue, in detail and I think with logic, that this bill does in fact have the qualities of a private and a public bill, and as such must be classified as a hybrid bill. I should like to call the Minister of Finance (Mr. Benson) to confirm this statement. When Bill C-219 was introduced, the Minister of Finance, who probably had some doubts concerning the reception of the bill issued a press release. On Page 2 of that press release we find certain comments by the Minister of Finance which I suggest Your Honour can consider in the course of this argument. These are the comments:

Able and experienced entrepreneurs will direct the corporation's operations to areas of critical importance in economic development—to high-technology industry, to resource utilization, to northern-oriented companies and to industries where Canada has a special competitive advantage.

And then further on the same page:

It is a principal objective to have CDC shares widely held. Shares will be sold to the public in competition with all other investment vehicles, and the bill specifically directs CDC to invest for profit in the best interest of the shareholders. The CDC will act in the broad area in which the national interest and the profit motive are compatible. The CDC will seek to develop balance and diversity in its holdings.

The capital structure is designed to give the corporation a high degree of flexibility in raising funds from the public.

I quote those words to support the argument which will be made in much more detail, and quite convincingly, by my hon. friend from Edmonton West that in addition to the public aspect of the bill, which is quite apparent from the second and third parts, the first part of the bill taken together with this statement is an indication beyond any shadow of a doubt that this bill has many of the aspects of a private bill.

In the belief that the arguments which will be advanced by the hon. member for Edmonton West, and other hon. members, in support of this contention will result in a statement by the Chair that this is a hybrid bill, I propose for a very few minutes to indicate to Your Honour what are the likely consequences so far as this bill is concerned. I do so because there have been only one or two instances in our Parliament when this issue has, in fact, been raised. I think there are one or two precedents which can be cited. There is a reference in Bourinot's second edition, at pages 688 to 695, to a ruling in respect of an act to increase the harbour accommodation of the City of Toronto and to extend the esplanade. This ruling dates back to 1883 but it has not been altered since then.

Then, Mr. Speaker, I wish to quote from Beauchesne in this regard. It has been recognized by this learned author on parliamentary practice—and I am referring to the fourth edition of Beauchesne at page 351, citations 482

[Mr. Baldwin.]

and 483—that a situation can arise where a bill introduced by the government, apparently as a public bill, can have such substantial elements of a private bill that consideration must be given to that fact. One consideration is contained in citation 482, which deals with what the result is on second reading:

The second reading of a private Bill corresponds with the same stage in other Bills, and in agreeing to it the House affirms the general principle, or expediency, of the measure. 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.

That is reinforced quite strongly, Mr. Speaker, in the debate which took place in the House of Commons, in Westminster when Mr. Morrison made it quite plain that in his view the report of the committee would mean that a bill, once held to be a private bill, would receive a different type of treatment so far as second reading was concerned. Even though we have altered our rules here, and to some extent have diluted the effect of the second reading, that has not affected the principle that a private bill is always subject to the facts alleged in it being confirmed at the committee stage.

I suggest to Your Honour that you should very seriously consider, if a bill is held to be a hybrid bill, that the question of the effect of second reading must differ from that of a public bill. I think that is of some consequence now because we are dealing with a very important measure. It may well be the first of a great many bills of this kind. I think Your Honour can take judicial notice of the debates in this House, and the regard given by you to a request by the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) for a special debate under Standing Order 26 dealing with a matter which is probably closely related to this bill. There have been a great many other questions asked. The press is full of these statements. The question of economic nationalism is very much to the fore in this country. Having in mind the requests made and suggestions advanced in the press, by members of the public and by members of this House, I fully expect that this government or its successor will hear requests for a great many other bills along the lines of this legislation.

For that reason, I consider it extremely important that some precedent be now established and that we who are members of this House should have an opportunity to have Your Honour consider the effect of this argument so that you might be able to tell us, if this is a hybrid bill, what we will have to do when we give second reading to it. It is true enough that there is a public interest and a private interest. I do not believe I have any difficulty in arguing that the public interest will always suffer from undue interference with the private interest. It is for this reason that in respect of a hybrid bill there should be an opportunity for those members of the public at large, who are more particularly affected than the average