

corresponds in some measure to the Central Mortgage and Housing Corporation, while possibly the Bank of New Zealand may be similar to the Bank of Canada. The boards of these institutions however do not comprise serving members of parliament. A somewhat similar position obtains in respect of producer organizations, though of course on occasions persons who have been past members of the house have been appointed. It is correct that the Minister of Works is chairman of the National Roads Board but this is a statutory body of a somewhat different character and the work of the roads board is of course carried out by officers of the Ministry of Works.

Finally, I should like to make reference to a letter which comes from the office of the embassy of the United States. They express a somewhat similar view. They make reference to the case of *Springer v. Philippine Islands* of 1928 in respect of which the United States Supreme Court ruled, six justices to three, that a statute of a territorial legislature which authorized the president of the senate and the speaker of the house of the said legislature to serve, without compensation, on a committee of three empowered to vote the stock owned by the territorial government in a bank and in a coal company chartered by the legislature was void by reason of conflict with the principle of the separation of powers. This is the stand of the government of Great Britain and Canada and is the parliamentary philosophy to which we adhere. Nevertheless the balance of the case which is cited perhaps is of interest to the house:

Consistently with that principle, according to the court, "members of the legislature . . . (cannot be) charged with the performance of" non-legislative functions. "Assuming, for present purposes, that the duty of managing this property . . . is not sovereign but proprietary in its nature, the conclusion must be the same."

I think this is the argument the hon. member for Winnipeg South Centre was making, that is, that there is a proprietary interest here even in a crown corporation.

"The property is owned by the government, and the government in dealing with it whether in its quasi-sovereign or its proprietary capacity nevertheless acts in its governmental capacity. There is nothing . . . to suggest that the legislature in acting in respect of proprietary rights of the government may disregard the limitation that it must exercise legislative and not executive functions.

Whether the members of the committee are public officers in a strict sense we do not find it necessary to determine. They are public agents at least, charged with the exercise of executive functions, and, therefore, beyond the appointive power of the legislature."

I do not know whether such a decision would apply to the House of Commons of Canada if this matter were referred to a

committee of the house, but in any event one sees that to work out such a procedure certainly is not an easy thing for this house to do. There is no deep precedent in Australian, British or United States parliamentary practice and undoubtedly we would find difficulty in setting up such a procedure here. Nevertheless I should like to repeat what I started out by saying, that there is great difficulty for the parliamentarian to scrutinize the work of a growing number of crown corporations. Any member of parliament who has served, for example, on the committee on transport and communications has seen how difficult it is to come to grips with any comprehensive examination of the Canadian National Railways. He knows precisely how difficult it is to find out what goes on within the heart of a crown corporation. When Donald Gordon and the officials of the Canadian National Railways appear before the committee on transport and communications, so often we are told that it is not in the interest of that crown corporation for us to probe into the matter of the rates and the trucking aspects of Canadian National Railways because this would put them at a competitive disadvantage vis-à-vis their various competitors.

If we begin to examine the corporation to find out what it does on behalf of the people of Canada, administered as it is on behalf of the crown, we find that the pullman curtain is pulled shut and only the bare tiptoes of Donald Gordon's slippers slip out from beneath the pullman curtain and, try as we will, we cannot see what is behind it. So we see removed from us, as explained by the hon. member for York Centre, a growing number of crown corporations and members do not have an opportunity to give close scrutiny to the expenditures and actions of a large section of the crown and the government of Canada.

**Some hon. Members:** Question.

**Mr. Speaker:** Order, please. I hesitate to interrupt the hon. member, and I appreciate the suggestion of the hon. member for Rosstern that it is not quite seven o'clock, but I interrupt the hon. member who now has the floor so that I may refer to the purported amendment moved by the hon. member for York Centre. There are a number of difficulties concerning this amendment. For one thing we would need another mover of the amendment. Has the hon. member thought of this difficulty? Does he propose to have the amendment moved by someone else?