

thus even further weakening its ability to ensure that the corporation operates in the public interest.

• (4:10 p.m.)

Taken together, the four points that I have drawn to Your Honour's attention demonstrate that the corporation would be no more subject to public control than is Canadian Pacific Investments, and thus can hardly be considered to be any more an instrument of public policy than Canadian Pacific Investments. Moreover, I would argue that my earlier suggestions provide at least a strong indication that the corporation will not operate in a manner generally and equally applicable to the Canadian people. Indeed, it will operate in the interests of a special few, and hence cannot be considered, on this ground alone, to be an instrument of public policy.

Therefore, we suggest to Your Honour that it would be consistent with the facts to rule that this bill must be treated as a hybrid bill. If such is your ruling, we would further suggest to the government that it withdraw the bill and resubmit it in a form which would make it unmistakably an instrument of public policy.

Hon. Allan J. MacEachen (President of the Privy Council): Mr. Speaker, I realize that in the course of the commentaries on the procedural point there have been a number of policy observations made about the bill itself, whether it contained too little socialism or too much socialism. These are interesting points for debate at a later stage, but at the moment the point of order has been raised that this is a hybrid bill and, accordingly, ought to be dealt with in a different way from a normal public bill. Indeed, at one point I believe the hon. member for Selkirk (Mr. Rowland) argued that it was exclusively a private bill; and the hon. member for Winnipeg North Centre (Mr. Knowles) came dangerously close to taking that position.

Mr. Knowles (Winnipeg North Centre): It was close but not dangerous.

Mr. MacEachen: I realize that, to some extent, we are dealing with a point of order that is not generally raised and for which there are not all that many precedents. I noticed that while hon. members opposite were addressing themselves to a bill to establish a corporation to help develop and maintain strong Canadian control over corporations in the private sector, none of them found it possible to put forward any Canadian precedent to support the arguments they were making.

There are one or two precedents that may be of some help in determining what the attitude of this House has been to this particular problem. I have no objection to the definition of a hybrid bill. Beauchesne deals with the matter initially in two citations, 376 and 377. In the first citation Beauchesne states:

Bills are of three kinds, Public Bills, Private Bills and Bills of a mixed character styled "Hybrid Bills" which, though of a public character, affect private rights; and in their passage through Parliament are subjected to a special procedure.

I emphasize and draw particular attention to the phrase "private rights" because under Beauchesne's defi-

Canada Development Corporation

inition a bill which is of a mixed character must affect private rights. Accordingly, it seems to me that it is a pivotal question to ask: In what way does this bill affect present and previously existing private rights? I will return to that in a moment. I accept the definition and I move on to the procedure that has been outlined for examining hybrid or private bills. I accept the outline given of the procedure and the argument that, if a bill is private or hybrid, a different procedure is laid down. But I do ask the question, which has not been fully dealt with: Why is it that a special procedure has been laid down for examining a private bill; why has the House decided to establish a special procedure?

I suggest the reason is that the House wants to satisfy itself about the extent to which previously existing private rights, or indeed private rights to be established, are to be affected by the bill; that the House would have no other way of satisfying itself on that point except by permitting persons to come forward and explain to a committee what rights they sought for themselves. Not for the body politic or for the public at large, but rights they sought for themselves as persons or corporations.

Mr. Baldwin: Would the minister permit a question at this point?

Mr. MacEachen: I will when I am finished. I think we can throw some light on the question by asking ourselves why there has been a special procedure laid down for the examination of private bills. My submission is it is because private rights and private interests are affected or sought, and because the House must have a way to examine them. I go on to say that this is really the key to the solution, or to opening the door to the solution, of the procedural issue that has been raised.

The hon. member for Winnipeg North Centre said that the bill affects private individuals, and a special group of individuals—presumably the potential shareholders in the Canada Development Corporation. But surely this is no argument for suggesting that special rights are being affected in this bill any more than special rights were affected in the passage of the amendments to the Old Age Security Act before Christmas when a special benefit was conferred on one particular group in the community, namely those who had reached a certain age. Of course, a bill can affect individuals in the community at large. But the question is: What special rights are affected, and in what way?

Erskine May's seventeenth edition deals with the distinction between public and private bills on pages 871-873. It quotes Mr. Speaker Hylton-Foster's view as to what is a hybrid bill, as follows:

I think that a hybrid bill can be defined as a public bill which affects a particular interest in a manner different from the private interests of other persons or bodies of the same category or class.

• (4:20 p.m.)

I argue from that that it must not only affect the private rights and particular interests of individuals, but particular interests of individuals differently from the interests of other individuals in the same category.