

The Order being read for the second reading and reference to the Standing Committee on Finance, Trade and Economic Affairs of Bill C-219, An Act to establish the Canada Development Corporation;

And a point of order having been raised by the honourable Member for Peace River (Mr. Baldwin) to the effect that the said Bill was in the nature of a hybrid bill;

RULING BY MR. SPEAKER

MR. SPEAKER: The honourable Member for Peace River (Mr. Baldwin) indicated some time ago that he proposed to object to the bill from a procedural standpoint before second reading and in this way the House, the Speaker and all honourable Members were put on notice that this very interesting point would be raised today. The honourable Member for Edmonton West (Mr. Lambert) indicated in an informal way that he proposed to object to the form in which the bill was being submitted to the House for consideration. I make reference to this background to indicate that I have tried to do my homework, as honourable Members would expect the Speaker to do, and to give serious thought to the difficulty, to study precedents, to look at our rules as closely as possible, and perhaps be more informed on this as well as on the arguments submitted by honourable Members in the course of the debate.

There is no doubt whatsoever that this has been a most informative debate from a procedural standpoint but the objections advanced by honourable Members who have taken part in the debate—and I will refer to no one in particular because the contributions were all constructive, I think—are not ones to which the Chair at this time should give effect.

If honourable Members will bear with me for just a few moments I will go over what I consider to be essential about the definitions of private bills and public bills and also so-called hybrid bills. As honourable Members know, a public bill is one intended for the general or public benefit. It relates to matters of public policy and is introduced directly by Members of the House. On the other hand, a private bill is one involving not general or public benefit but the particular and private rights or interests of a person or body of persons and where what is being sought cannot be obtained by means of a general law. Bourinot defines a private bill in this way as recorded at page 558: "Private bills are distinguished from public bills in that they directly relate to the affairs of private persons or of corporate bodies, and not to matters of general public policy or to the community at large".

My understanding of the private bill procedure is that it was established to protect the public against the uncontrolled granting of special powers to private interests. I believe that there is no quarrel about this interpretation.

What has been described as a third category of bills, that is hybrid bills, does not in fact exist in our Cana-

dian parliamentary practice. Citations 376, 377 and 460 of Beauchesne's fourth edition refer to hybrid bills. It is suggested that these citations relate to British practice only. This is pointed out by the fact that the citations come from May's "Parliamentary Practice", and the British practice, as honourable Members themselves have pointed out, relating to hybrid bills is spelled out in the standing orders of the British House, contrary to the citations in our own House where no provision whatsoever is made for the consideration of what in the British parliament is called a hybrid bill. In other words, we have, according to our standing orders and our long established practice, just two kinds of bills—private bills and public bills. In Britain, in accordance with their standing orders and practice, there are three kinds of bills.

What is being proposed by honourable Members is that when we stumble upon a kind of bill which by coincidence might correspond with what and which the British call a hybrid bill, we should apply the British practice to our House. In support of this imaginative suggestion, honourable Members referred to Standing Order 1 of our House of Commons which suggests that when there is no existing practice in the Canadian parliamentary history to cover a certain situation we should apply procedures followed by the British House.

I suggest this may well be so when there is no practice, but in Canada there is a practice which is that there are only two kinds of bills, private bills and public bills. Honourable Members may want to call the bills different names—I have heard different names applied to different bills—they may want to call a bill a hybrid bill. But the fact that it may correspond to what is a hybrid bill in another House, particularly in the British House, does not mean it should be treated in that way in our own Parliament. I repeat that in the Canadian practice bills are divided into private bills and public bills, and until now in any event there has been no instance where a bill has been clearly classified as a hybrid bill and given special consideration which would be akin or related in some way to the practice adopted in the British House in relation to such hybrid bills. The question therefore is whether the proposed legislation should be classified as a private or a public bill and considered by the House according to the relevant procedures specified in the Standing Orders.

The honourable Member for Peace River in the course of his argument referred to a citation in Bourinot's second edition which dates back to the year 1883, that is the Toronto Esplanade and Harbour bill. I suggest to the honourable Member that this is not a very strong precedent in support of his case. I looked quickly at the bill while the argument was waxing a moment ago and my conclusion about this particular precedent is as follows. First, this was introduced as a public bill. It was considered by the House, given first and second reading as a public bill, and then referred to the railway committee. What happened in the railway committee is not clear because, as I am informed, the records in this respect are not complete. The bill was reported from the