

*Electoral Boundaries Commission*

diminished by crude efforts, in some cases, or the redrawing of maps of peculiar shape and form in order to remove those whose presence in this chamber would be regarded by a government with a large majority as inimical to the quietude of the soul of that government.

Political parties throughout the years have often advocated that some change be made and have been strong in this matter in opposition but weak in implementation. As far back as 1920 the late Mr. Mackenzie King said that something should be done. He was in opposition then. In 1944 he made a declaration that everything possible should be done to assure a fair degree of equal opportunity in all parts of the country. In 1933 he spoke in terms of deep conviction in favour of the assurance of fairness in redistribution. When he took office this matter was among those promises not implemented. A special committee on elections was appointed in 1936 and it carried on until 1939. A comprehensive report was made but it was never published. The whole problem of redistribution was considered again and studies were made prior to the acts of 1947 and 1952.

I shall refer to some of these questions a little later on. However, having mentioned the objective we have in mind, the purpose and the aim to make democracy work and to ensure that the people shall not have their will subverted by improper conduct in this regard, I think I should now set out in some detail the reason for redistribution. I shall quote fully the appropriate sections. The British North America Act, section 51, subsection 1, states as follows:

(1) Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty three and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, in such manner, and from such time as the parliament of Canada from time to time provides subject and according to the following rules:

1. There shall be assigned to each of the provinces a number of members computed by dividing the total population of the provinces by two hundred and sixty one and by dividing the population of each province by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the said process of division.

2. If the total number of members assigned to all the provinces pursuant to rule 1 is less than two hundred and sixty one, additional members shall be assigned to the provinces (one to a province) having remainders in the computation under rule 1 commencing with the province having the largest remainder and continuing with the other provinces in the order of the magnitude of their respective remainders until the total number of members assigned is two hundred and sixty one.

Then, of course, in subsection 3 there is provision that, the number of members to be assigned to a province being less than the number of senators representing the said

[Mr. Diefenbaker.]

province, rules 1 and 2 shall cease to apply. Then I might refer to paragraph 5 which states:

5. On any such readjustment the number of members for any province shall not be reduced by more than fifteen per cent below the representation to which such province was entitled under rules 1 to 4 of this subsection at the last preceding readjustment of the representation of that province, and there shall be no reduction in the representation of any province as a result of which that province would have a smaller number of members than any other province that according to the results of the then last decennial census did not have a larger population.

Then it refers to the Yukon territory and so on. Provision is also made—and I underline this—that the redistribution is to be proceeded with after the completion of the census. I am not going to deal with this matter at the moment. There are no cases in Canada on the meaning of those words although in the United States there have been judicial interpretations of similar words.

There is no general statute providing for the representation of the provinces and the boundaries of the electoral districts. In the past a representation act has been enacted upon the completion of the decennial census, the most recent being the Representation Act of 1952, chapter 334. The practice has been to introduce a bill in the House of Commons prescribing the number of members for each province but leaving the schedules of electoral districts blank for a committee to insert the boundaries and descriptions of electoral districts. After receiving that consideration by the committee the bill has been returned to the house and upon passing the house and the other place and receiving royal assent has become law.

Under this resolution I propose that an independent commission should be set up. Parliament's rights would not thereby be lost. While the commission would settle the electoral districts, parliamentary approval would be required before this action became effective. The experience in other countries has been that parliamentary control must be maintained but I know of no case, except with regard to slight amendments or comparatively small changes, where any parliament has seen fit not to follow the recommendations made by a commission which has gone into the matter fully.

I mentioned a moment ago that there had been various suggestions made over the years. In 1903 it was suggested in the house that the principle of a reference to a judicial committee should be adopted, that county boundaries should not be laid down as a principle except subject to certain conditions, that a commission should be set up composed of the chief justices of the highest courts of