

Byelections

many other countries we could reflect upon that have systems in place which assure that seats do not go vacant for extraordinary periods of time. I have had some private conversations with members of all parties in this Parliament. At least I know there is a private desire among many members of different political persuasion that such a bill be passed. I hope and urge that members will not talk this bill out until 6.15 p.m. or whatever time is allotted.

Mr. Rose: That is what you are doing.

Mr. Malone: I hope this bill will pass and go on to committee stage, so that whenever there is a vacancy the constituents will be assured, by the guarantee of Parliament, that they will have the right very quickly to have representation in a continued way, rather than this appearance at the present time that it is simply the will of the government that calls the date of a byelection.

Some hon. Members: Hear, hear!

Mr. Doug Frith (Sudbury): Mr. Speaker, I am pleased to have the opportunity to speak on the bill before us, Bill C-209, an act to amend the House of Commons Act with regard to vacancies.

The present law with regard to the timing of the issuing of a writ for a byelection to fill a vacancy in the House of Commons is set out in subsection 13(1) of the House of Commons Act, which stipulates the following:

In the event of a vacancy occurring, a writ shall be issued within six months after receipt by the Chief Electoral Officer of the warrant for the issue of a new writ for the election of a member of the House of Commons.

It should be noted that the six-month period referred to in subsection 13(1) is the maximum amount of time within which a writ must be issued. Although the writ must be issued within that six months, there is no limitation on when the polling day specified in the writ must be.

Subsection 13(1) does not apply where the vacancy, in respect of which the warrant has issued, occurs within six months of the expiry of the time limited for the duration of the House of Commons.

Section 107 of the Canada Elections Act provides the following:

Notwithstanding anything in this or any other act, where a writ has been issued ordering a byelection to be held on a date subsequent to the dissolution of Parliament, the writ shall, after a notice to that effect has been published in *The Canada Gazette* by the Chief Electoral Officer, be deemed to have been superseded and withdrawn.

A final provision of the Canada Elections Act that should be kept in mind in any discussion on the timing of byelections to fill vacancies in the House of Commons is rule 27 of Schedule A to section 18 of the act which, by prescribing by statute that the ex officio revising officer must, not later than the forty-fifth day before polling day, appoint substitute revising officers, requires that the length of a byelection campaign must be a minimum of 45 days. The bill now before us would reduce the time within which a writ for a byelection to fill a vacancy

in the House of Commons must be issued from six months to 45 days. It would also require that the polling day specified in the writ be within a certain time after the happening of the event causing the vacancy.

Subsection 2 of the proposed new section 13 of the House of Commons Act would require that the polling day named in the writ be no more than 90 days after the day a member tenders his resignation or accepts an office under the Crown. Subsection 3 would require that the polling day named in the writ be no more than 135 days after the date of the death of a member.

Similar bills to the one now under consideration have been introduced in every session of Parliament since the opening of the Thirtieth Parliament, particularly in the fourth session of the Thirtieth Parliament. The need for such legislation to require that vacancies in the House of Commons be filled in the most expeditious manner in order to ensure that all Canadians are properly represented in the House, is best illustrated by examining the vacancies that occurred between June 25, 1977, and May 2, 1978, which in turn were filled by byelections held on October 16, 1978. The usual practice is that when the Speaker of the House of Commons is notified of a vacancy in the House of Commons, he immediately addresses his warrant to the Chief Electoral Officer for the issue of a new writ for the election of a member to fill the vacancy. The Chief Electoral Officer usually receives the warrant on the same day the Speaker has been notified and has issued his warrant.

The writ specifying polling day for the byelections must be issued within six months after the receipt by the Chief Electoral Officer of the Speaker's warrant. However, in the case of the vacancy in the electoral district of Lotbinière in the province of Quebec, although the vacancy occurred on June 25, 1977, the Speaker was not officially informed of the vacancy until October 27, 1977, on which date he issued his warrant which was received by the Chief Electoral Officer on the same day. The writ for the byelection in Lotbinière was issued on March 1, 1978, and specified October 16, 1978, as polling day. Therefore it is evident that in the case of the vacancy which occurred in Lotbinière, there was a time period of approximately 18 months in which the people of that constituency were without representation. It can be seen that although the writ was issued just over four months after the Chief Electoral Officer received the Speaker's warrant, it was issued just over eight months after the seat actually became vacant. That is far too long for the people of Canada to be without representation in this House.

If we examine the other 14 electoral districts where byelections were held on October 16, 1978, we find that writs of election for Lotbinière and eight others were issued on March 1, of that year. The relevant dates with regard to the eight electoral districts other than Lotbinière are as follows: Fundy-Royal, New Brunswick, the date of vacancy was September 1, 1977; Burnaby-Richmond-Delta, British Columbia, September 5, 1977; Hamilton-Wentworth, Ontario, September 14, 1977; York-Scarborough, Ontario, November 9, 1977; Halifax-East