

*Redistribution*

general election immediately after this session of parliament. I did not anticipate that there would not be, before another general election, opportunity for one or more sessions of parliament, during which parliament could discharge its responsibility of providing for the redistribution of its membership.

But the technical legal question did give me some concern. The opinion that was given to me by the law officers of the department is almost in the language that was used by the hon. member, the mover, and his colleague, the seconder of the motion: that the effect of the 1943 amendment expired with the cessation of hostilities, that parliament then fell back upon the situation as it existed under the terms of section 51 of the British North America Act, and that that did not mean that redistribution had to be provided for at the first session. It meant that there was no longer any special legislation in force which prevented the application of section 51, but that after the effect of the special legislation disappeared, section 51 operated, as it always operated after every previous census which has taken place, and that parliament provided for redistribution, but not necessarily at the first session when it would be legally possible to carry it out because the census results had been compiled and published.

The note that was given to me is that the British North America Act, 1943, provides that it shall not be necessary that the representation of the provinces be readjusted in consequence of the completion of the 1941 decennial census until the first session of parliament commencing after the cessation of hostilities. Section 51 of the British North America Act, 1867, provides that on the completion of each decennial census the representation shall be readjusted.

The amendment of 1943 relieves the duty imposed by section 51 until after the cessation of hostilities, and thereupon the duty imposed by section 51 again arises, that the representation be adjusted on the completion of the census. Subject only to section 51, the readjustment can be effected in any session after the cessation of hostilities. Legislation for decennial readjustments was passed, after the 1931 session, in 1933.

Mr. MacNICOL: May I ask the minister a question? Do we understand, then, that redistribution must take place before another general election?

Mr. ST. LAURENT: That is the requirement of section 51 as I construe it. The section says that redistribution shall be made from such time as parliament shall determine. But I think the whole sense of the section is

[Mr. St. Laurent.]

that it is the duty of the parliament in existence when the census is completed to provide for a redistribution to be effective for the election of the following parliament. Following the 1921 census, the redistribution was made in 1924; following that of 1911, it was made in 1914; and so forth.

I may assure hon. members that the members of the government, as members of the house, realize the responsibility that results from the terms of the British North America Act and are anxious that that responsibility be discharged and that parliament do redistribute before another general election; and I hope that it will be done at the session of parliament which it will be necessary to have begun early in 1946. I do not think it would be possible to have redistribution enacted during this session if we are to have, as we shall normally be required to have, another session commencing early in 1946.

Hon. members will realize that the current fiscal year will expire on March 31, 1946, and that the budget with respect to which resolutions were submitted last Friday is the budget for the current fiscal year and that another appropriation will be required for the year that will commence on the 1st of April, 1946; and I think it would be unheard of to have two budgets provided in the same session. My anticipation is that this session will come to an end before the fiscal year comes to an end and that there will be another one which will begin before the next fiscal year begins and that there will be an opportunity to bring down estimates; and if they are not passed, an opportunity will be provided to ask the house to furnish interim supply based on those estimates, before the 1946-47 fiscal year begins.

When this matter of redistribution is being dealt with by parliament, whether it be on a bill introduced by a member of the government, or introduced by some other member of this house—because I know of no provision which would prevent any member of this house from introducing a redistribution bill—when that bill is introduced and is under consideration, speaking as a private member I would hope that serious consideration would be given to the situation as it exists under the construction put by the privy council upon the application of the fourth rule of section 51.

Hon. members who were in the last parliament will remember that in 1943, when a resolution for a special act postponing redistribution was under discussion, the decision in the case with respect to Prince Edward Island, the case of the attorney general of Prince Edward Island and the Attorney General of Canada, reported in Law Reports of 1905, Appeal Cases, at page 37, was referred to and