

*Electoral Boundaries Commission*

we feel the clause should carry in the form in which it now appears in the bill.

**Mr. Woolliams:** I think the minister somewhat misinterpreted the remarks of the hon. member for Winnipeg South Centre in reference to the question of a co-ordinator. May I just ask one simple question. This is one Canada, although it is true it is made up of ten provinces, but by the provision of this bill you have ten distinct commissions. You have ten bosses, and if it comes to a question of principle, of interpretation of the bill, who is the boss?

**An hon. Member:** You.

**Mr. Woolliams:** That is a good answer. It certainly should not be any individual member of parliament because we are only going to be safeguarded—putting the words back into the mouth of the minister—if it is the rule of law that governs and not a person in an administrative capacity on the front benches.

On the question of co-ordination, you say it will be the chief electoral officer, but it must not be forgotten that he is a member of every commission, and there may be one interpretation of the law in one province and another interpretation in another province. The only safeguard we have is the fact that it does come back to parliament and somebody can complain, but that does not seem sufficient.

What the hon. member for Winnipeg South Centre had in mind was that if there were one commission that does not mean it would do all the detailed work. It would be the top boss, with subcommittees under it. It is something like the judiciary. Each province has a supreme court, but if there is a national question to be decided it is the Supreme Court of Canada which decides, and that decision is final. You often have the supreme court of one province making a decision one way and the supreme court of another province making a decision another way, but once the matter is raised on a national scale there is only the one decision of the Supreme Court of Canada.

Again I ask, who is the co-ordinator? The chief electoral officer is only one man and he cannot attend all these commissions when they are sitting simultaneously. What you are really setting up are ten distinct bodies and ten distinct bosses, and they may interpret the law in different ways. That is what I gathered from the argument put forward by the hon. member for Winnipeg South Centre, and I think that was behind the thinking of the previous government.

The minister says his government has been thinking about this thing for a year, but the previous government had a bill on the tracing board which I am sure he studied,

[Mr. Knowles.]

and it provided for one commission. We do not want to balkanize this country. I know we have problems of overlapping in federal and provincial rights, but surely in this matter there should be one distinct boss.

**Mr. Pickersgill:** I would just like to say a word about that, because I think the hon. gentleman has forgotten what he said earlier this afternoon in praise of the judiciary. The chairman of each of these commissions is going to be a high court judge, who is accustomed to interpreting the law, who is paid a salary to interpret the law and, after all, this law will not be a very complicated one. The job to be done is very complicated, heaven knows, but the law is not very complicated. Further, as the hon. member rightly pointed out, all these reports do come back here and if any one of these commissions has seriously misinterpreted the law, no doubt exception will be taken to that decision and, if you like, the final court of appeal is right here.

I can say, as I said in replying to the hon. member for Winnipeg South Centre, his argument has many attractive features. I do not think it is a case of black and white at all. It is just a question of which one is preferable and for my part, balancing the advantages and disadvantages of the two, I think what we have recommended is preferable.

**Mr. Woolliams:** May I ask this one question. Suppose an argument did arise in reference to the question I posed this afternoon, regarding the interpretation of section 51(5) of the British North America Act, and the commission in Saskatchewan takes a different point of view to what the minister has said has been the point of view over the years, who would decide that question—the commission sitting in Saskatchewan or the nine other commissions? Who would have the final authority on that? You have ten distinct commissions, nine differing with Saskatchewan, and you would have an uproar. There should be one Canadian boss.

**Mr. Pickersgill:** That point is not for the commissions to decide at all. That point is decided by the constitution, and the bill does provide that the commissions will be informed how many members, according to the provisions of the law, there are for each province, just as parliament has been informed when this has been done by parliament. If the interpretation that is made of section 51 is questioned by anyone competent to question it then, of course like any other question of interpretation of the law, I think I am right in saying this would possibly have to be decided by the courts.