

(2) The Assistant Chief Electoral Officer shall rank in the classification of the Civil Service of Canada as a Head Clerk.

Clause 20 in substance is as it was printed in the Bill, but it has been revised and is more workable in its present form. There has been no change in section 19 except in regard to the appointment of Mr. Biggar and in a precise definition of the duties which he will be expected to perform. In other respects the general tenor of the section remains.

Mr. FIELDING: I did not quite catch the section as read by the minister. How is the permanent successor to Mr. Biggar to be appointed?

Mr. GUTHRIE: He would have to be appointed by Parliament, but there is a provision for an interim appointment, in case of Mr. Biggar's death when Parliament is not sitting.

Mr. FIELDING: It seems to me that the machinery with regard to this appointment is not very well indicated.

Mr. GUTHRIE: I am advised that when a man is specifically named in a statute in the way in which this Bill is drawn there is no power save parliament to appoint a successor. That is the advice I have obtained from Mr. Biggar himself who drew the section.

Mr. FIELDING: That would mean by Act of Parliament.

Mr. GUTHRIE: It would have to be by Act of Parliament—

Mr. FIELDING: Not even by resolution of the House of Commons?

Mr. GUTHRIE:—in which the Senate must concur.

Mr. FIELDING: Well, it does not appear to me that the machinery is set out clearly enough.

Mr. GUTHRIE: This clause, and particularly this aspect of it, has been very carefully considered. It has been pointed out that, in the event of the death of Colonel Biggar, there is no power to appoint a new Chief Electoral Officer but Parliament, which would be the Senate and the House of Commons, and we must therefore provide for an interim appointment in the event of his death before Parliament met. That is the object of the clause.

Mr. FIELDING: The machinery for the interim appointment is clear enough, but I would have thought it necessary to indi-

[Mr. Guthrie.]

cate as clearly as possible by whom the permanent appointment is to be made. However, if the minister has received legal advice on the question I suppose it is all right.

Mr. GUTHRIE: That is the legal advice I have received.

Mr. FIELDING: I must say, however, that on the face of it it does not indicate how the appointment is to be made. Those who have a knowledge of constitutional law might be able to discover the method, but the ordinary man could not.

Mr. GUTHRIE: I presume that if an appointment is made by statute no change can be made except by Parliament itself.

Mr. FIELDING: A constitutional authority may know that but the average man, I venture to say, would not be able to gather the fact from the Bill.

Mr. CROTHERS: In regard to the provision for the filling of the office of the Chief Electoral Officer in case of his death or temporary inability to discharge his duties, it occurs to me that instead of this roundabout procedure of having the appointment made by the Chief Justice of the Supreme Court, a man who might not know very much about the matter, we might safely provide in the Bill that the Assistant Chief Electoral Officer, for whom this Bill makes provision, should act in his stead. He would be familiar with the work, and if he filled the position during one election he would be very much better qualified to discharge the duties than a new man who might be chosen by the Chief Justice. This would involve no additional salary nor difficulty and I think it would simplify matters and generally save considerable expense.

Sections agreed to.

Mr. GUTHRIE: The Bill has been very carefully revised since the other sections were passed, but there are still some defects in it which might be regarded as clerical errors, although some of them are rather more than of a clerical nature. The law officers have pointed out to me that a number of formal amendments will have to be made to correct these errors. It is proposed to have the Bill printed with all the amendments and to have twenty copies, so printed, distributed before the third reading. I should like the committee to return to clause 76 for reconsideration.