

Electoral Boundaries Commission

itself does not repose that confidence in the judges concerned which the hon. member for Winnipeg North Centre and the Minister of Justice would have us believe is there.

If we follow carefully the wording of the amendment as it appears on page 2275 of *Hansard*, we find the following words in (1) (b)—that is, the second (b) about halfway through the paragraph:

—and in the event that within either or both of those classes there is no such person able to act as a member of the commission, the chief justice of the province—

—and here follow the important words which belie the confidence expressed by members such as the hon. member for Winnipeg North Centre—

—with the approval of the representation commissioner, shall appoint—

And so on.

If we do not trust these judges to make the selection on their own responsibility, why should the hon. member for Winnipeg North Centre and the Minister of Justice be making such a great to-do about the impartiality of judges? The fact that those words are there raises the suggestion immediately that we do not trust the judges because we intend they must get the approval of the representation commissioner, first. That is the implication of the words I have just read. Otherwise, why would they be there?

Mr. Knowles: Would the hon. member like an answer to that question? They are there for the protection of the judge. When a judge is naming a member of a commission from the categories (a) and (b) he has those categories set out before him. Those words are inserted to provide for cases when no one is available in those categories, and the judge has to pick any suitable person in a province. It is my view that this provides protection to the judge in the event he has to roam all over the province, because he has someone else to agree with him.

Mr. Nielsen: That is a most fallacious explanation of the existence of those words. What protection does a judge need? If we are to repose in him confidence that he will make an impartial selection, then surely that confidence must be wholly placed, not subject to the approval of any other officer, whether it be the representation commissioner or not, even when a nominee is not to be found in the first two categories set out in the amendment. Here is where your partisanship creeps in.

Mr. Knowles: Address the Chair.

[Mr. Nielsen.]

Mr. Nielsen: I do not need the hon. member to lecture me as he is fond of doing so often in this house.

An hon. Member: Address the Chair.

Mr. Nielsen: I have been addressing the Chair. I have been doing so throughout my remarks. I do not use personal pronouns. I am speaking metaphorically when I say: "Here is where your political partisanship creeps in". Here is where it does creep in. The hon. member has been making a great to-do about the proposed amendment providing freedom from partisan considerations. But we all know that, as honest and honourable a man as the representation commissioner is, a man of complete integrity as far as I am concerned—and I am personally acquainted with him and have been for several years; I know him to be this—but I do know the procedure which is adopted, for instance, in connection with the selection of returning officers, when he always talks with the government in power at the time before a final selection is made. That is my understanding of it, and if I am wrong—

Mr. Pickersgill: The hon. gentleman is perhaps doing a grave injustice there. The returning officers are appointed under the elections act, which was enacted by the government which he supported a few years ago. The returning officers are appointed by the governor in council. They are not appointed by the chief electoral officer. In other words there is no question of his consulting with anyone, they are selected by the cabinet.

Mr. Nielsen: As I say, my recollection of the procedure followed in this regard may not be accurate, and I invited correction if I was wrong. But I know that in connection with certain procedures under the elections act the chief electoral officer, as he was then, was required from time to time to give opinions, perhaps not under the act; but he did, in fact, give opinions from time to time. I am not suggesting here for a moment anything against the integrity of the representation commissioner. But it is a possibility, whether this government or any other government is in office that a judge, if these words were left in the amendment, would submit his choice to the representation commissioner whose final approval might or might not be given if any interference with that approval was put forward by any government of the day. Therein lies the danger of introducing partisanship.