

Canada Elections Act

Some hon. Members: Question.

Amendment (Mr. De Bané) negatived: Yeas, 22; nays, 30.

The Chairman: I declare the amendment lost. Is the hon. member for Regina-Lake Centre rising on a point of order?

Mr. Benjamin: No, Mr. Chairman, to speak in the debate.

The Chairman: The hon. member for York-Sunbury.

Mr. MacRae: Mr. Chairman, I have an amendment which I outlined very briefly the other day. I am not going to repeat what I said at this particular point; I will merely present my amendment to you and to the leaders of the parties. What the amendment does, in effect, is to retain the status quo. I move:

Resolved that clause 14(3) be deleted and the following substituted:

(3) Every British subject, other than a Canadian citizen who has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election, is qualified as an elector.

The point of this entire amendment has been very well expounded in this House by the hon. member for Cumberland and the right hon. member for Prince Albert. I will say no more but would ask you, Mr. Chairman, to put the amendment.

The Chairman: Is the committee ready for the question?

Some hon. Members: Question.

Amendment (Mr. MacRae) negatived: Yeas, 7; nays, 46.

The Chairman: I declare the amendment lost.

Mr. Benjamin: Mr. Chairman, last Tuesday I and a number of other members, following the amendment moved by the hon. member for Matane, outlined the sense and the wording of amendments that we had in mind to this particular clause. Rather than repeat what I said last Tuesday, I refer hon. members to page 8208 of *Hansard*.

● (4:40 p.m.)

I wish to move an amendment to subclause 3 of clause 14. I may say at the beginning that it seems to me what is in question here is not whether or not people should have Canadian citizenship in order to retain the franchise in federal elections. That principle is being

embodied in the bill. The objections which have been voiced have mainly related to the timing and how this is to be brought into being.

I have said before, and I repeat, that I approve in general what is in the bill, but it applies retroactively from June 25, 1968. In fact, it applies to British subjects who have arrived or will arrive from June 26, 1967 up to the coming into force of this Act, whenever that may be.

Hon. members may follow the wording of my amendment by referring to page 8208 of *Hansard* the second column about half way down. I wish to move:

That clause 14 be amended by deleting subclause 3 on page 24 and substituting therefor the following:

"(3) Every British subject, other than a Canadian citizen, who

(a) was qualified as an elector immediately prior to the coming into force of the provisions of this act referred to in subsection 2 of section 119, and

(b) has not, since that date, ceased to be ordinarily resident in Canada, is deemed to be qualified as an elector."

The purpose of this amendment is to apply the principle in this bill, but to make it effective when this bill comes into force rather than on June 25, 1968. In other words, those British subjects who arrived in Canada after June 25, 1967 up until the date this bill comes into force will still be able to vote in a federal election as British subjects, but those people who arrive in Canada from the day after this Act comes into force will be required to obtain Canadian citizenship the same as anyone else who comes to Canada. The principle that is intended in the bill would take effect some three years later than is proposed in the bill.

I estimate this would affect somewhere between 60,000 and 80,000 British subjects who will have immigrated to Canada between June 25, 1967 and the day this act comes into force. I have had some communication with people who are in this category, and it is possible other members have also, and I cannot agree completely with the remarks of the hon. member for Coast Chilcotin regarding retroactivity. I still do not believe that the provision of the franchise or any changes affecting it should be made retroactive. Our electoral law should take effect from the day the law comes into force, not prior to it coming into force.

I submit, and I hope the members of the committee will agree, that this is not a major change in the bill. I submit it does provide