

British North America Act

side with a rural population. The mentality and the needs of each of the group composing those constituencies are often quite different and there might be some advantage in distributing the seats in such a way that the urban population of one constituency be 25 per cent higher than its rural population.

At any rate, Mr. Speaker, the bill proposed by the hon. member for Port Arthur deserves a detailed discussion. The opinions I am expressing tonight are not personal opinions; they are the consequence, the result of research I made in different speeches delivered on the matter.

Mr. Speaker, I repeat that this bill deserves our attention because the difficulty of ensuring an equitable distribution of electoral seats in any country is here complicated by the necessity of taking into account the various economic and social interests of the different racial groups, the growth of our population and its movements, and of making allowance, in the cities, for the economic conditions and, in the country, for new areas.

In spite of the evident and legitimate goodwill of all those members who would sit on the committee entrusted with the task of studying the redistribution of Commons seats, I fail to see how the solutions they would put forward would really satisfy the needs of the various groups in this country. As things stand, hon. members must speak on behalf of their constituents. Now these problems are different, and for this reason I do feel that it would be better to set up an independent commission.

Be that as it may, Mr. Speaker, I conclude by saying that I support the bill moved by the hon. member for Port Arthur, provided that the commission that might be established be responsible to the House of Commons for its work so that the house may have the final say and even give orders with respect to the kind of research to be made in order that redistribution in the future may be more to the advantage of all and each of the voters of this country.

(Text):

Mr. Egan Chambers (St. Lawrence-St. George): Mr. Speaker, I feel that we have before us this evening a most important subject. There can be few things more important in a democracy than trying to assure for the people an adequate reasonable and equitable representation in the legislature.

I would like to congratulate the hon. member for Port Arthur (Mr. Fisher) for bringing this matter to our attention once more. I also wish to commend him on the great amount of research that he has obviously done into the history and background of redistribution as it has been practised in this country in the past and as it is practised in other countries.

The particular method that this bill proposes to use to change our system of redistribution is one of amendment to the British North America Act. I would imagine that in choosing this method the hon. member had in mind creating something of permanence. Section 51 of the British North America Act is one of those sections that is susceptible of amendment in Canada by this house.

In the meeting of the special committee of this house on redistribution in 1952 Dr. P. M. Ollivier, parliamentary counsel of the House of Commons, noted that the British North America Act, No. 2, 1949, introduced an amendment to section 91 of the British North America Act of 1867 which relates to the legislative authority of the parliament of Canada. He explained that by this amendment it was made lawful for the parliament of Canada to amend the Canadian constitution with certain exceptions which are enumerated in the amendment. Sections 51, 51(a) and 52 do not fall within these exceptions and can, therefore, be amended by the federal parliament.

The point that should be noted is that we can amend the act at this time to create the commission the hon. member seeks to have established but there is nothing to prevent a future parliament from amending it again to revert to the old system or to introduce another system. The law as it reads today is adequate to provide for the setting up of a commission for redistribution, as I understand it. Section 51(1) of the British North America Act provides in effect that on the completion of each decennial census the representation of the provinces in the House of Commons may be readjusted by such authority, in such a manner and from such time as the parliament of Canada from time to time provides, subject and according to certain rules relating to the proportionate representation of the provinces.

The idea of the hon. member for Port Arthur is to remove this right from the powers of parliament. I submit this is impossible and that the amendment, itself being amendable by parliament as I have said, would not have that effect. The subject