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HOUSE OF COMMONS  
Standing Committee on  
Privileges and Elections

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1st Session, 26th Parliament  
1963

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HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**PRIVILEGES AND ELECTIONS**

Chairman: Mr. Alexis Caron

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

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THURSDAY, OCTOBER 3, 1963

MONDAY, OCTOBER 7, 1963

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RESPECTING

The Matters raised in statement by the Speaker to the  
House of Commons, on September 30, 1963

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell

and Messrs.

Blouin,	Francis,	More,
Brewin,	Girouard,	Moreau,
Cameron ( <i>High Park</i> ),	Howard,	Nielsen,
Cashin,	Jewett (Miss),	Paul,
Chrétien,	Leboe,	Richard,
Dionne,	Macquarrie,	Sauvé,
Doucett,	Martineau,	Turner,
Drouin,	Millar,	Webb,
Dubé,	Monteith,	Woolliams—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

NOTE: Mr. Grégoire replaces Mr. Dionne prior to the first meeting.  
Mr. Knowles replaces Mr. Howard prior to the first meeting.  
Mr. Caron replaces Mr. Brown prior to the first meeting.

## ORDERS OF REFERENCE

HOUSE OF COMMONS,  
June 27, 1963.

*Resolved*,—That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Blouin,	Francis,	Moreau,
Brewin,	Girouard,	Nielsen,
Brown,	Howard,	Paul,
Cameron ( <i>High Park</i> ),	Jewett (Miss),	Pennell,
Cashin,	Leboe,	Richard,
Chrétien,	Macquarrie,	Sauvé,
Dionne,	Martineau,	Turner,
Doucett,	Millar,	Webb,
Drouin,	Monteith,	Woolliams—29.
Dubé,	More,	

(Quorum 10)

*Ordered*,—That the said Committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House; and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

FRIDAY, July 26, 1963.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, and the several amendments thereto suggested by the Chief Electoral Officer; and to report to the House such proposal relating to the said Act as the Committee may deem to be advisable.

MONDAY, September 30, 1963.

*Ordered*,—That the matters raised in the statement made to the House this day by Mr. Speaker be referred to the Standing Committee on Privileges and Elections, and that the said Committee be instructed to report its findings thereon to the House with all convenient speed.

TUESDAY, October 1, 1963.

*Ordered*,—That the names of Messrs. Grégoire and Knowles be substituted for those of Messrs. Dionne and Howard on the Standing Committee on Privileges and Elections.

WEDNESDAY, October 2, 1963.

*Ordered*,—That the name of Mr. Caron be substituted for that of Mr. Brown on the Standing Committee on Privileges and Elections.

## STANDING COMMITTEE

FRIDAY, October 4, 1963.

*Ordered*,—That the Standing Committee on Privileges and Elections be authorized to print, from day to day, 800 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence, and that Standing Order 66 be suspended in relation thereto.

MONDAY, October 7, 1963.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to sit while the House is sitting.

Attest.

LÉON J. RAYMOND,  
*Clerk of the House.*

REPORT TO THE HOUSE

FRIDAY, October 4, 1963.

The Standing Committee on Privileges and Elections has the honour to present the following as its

FIRST REPORT

Your Committee recommends that it be authorized to print, from day to day, 800 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence and that Standing Order 66 be suspended in relation thereto.

Respectfully submitted,  
ALEXIS CARON,  
*Chairman.*

*Concurred in the same day.*

THE HISTORY OF THE UNITED STATES

CHAPTER I

The first part of the history of the United States is the history of the colonies. The colonies were first settled by Englishmen in 1607, and they grew in number and importance until the Revolution of 1776.

THE REVOLUTION

The Revolution was a struggle for independence from Great Britain. It began in 1775 and ended in 1783. The American people fought for their right to self-government and for the establishment of a new nation.

THE CONSTITUTION

ARTICLE I

SECTION 1

SECTION 2

## MINUTES OF PROCEEDINGS

THURSDAY, October 3, 1963.

(1)

The Standing Committee on Privileges and Elections met for organization purposes at 10.30 a.m. this day.

*Members present:* Miss Jewett and Messrs. Blouin, Brewin, Cameron (*High Park*), Cashin, Caron, Chrétien, Doucette, Drouin, Francis, Girouard, Gregoire, Knowles, Leboe, Macquarrie, Millar, Moreau, Nielsen, Paul, Pennell, Richard, Sauvé, Turner, Webb, Woolliams. (25).

*In attendance:* A Parliamentary Interpreter, and interpreting.

The Clerk attending, Mr. Cashin moved, seconded by Mr. Girouard, that Mr. Caron be Chairman of the Committee.

Mr. Moreau, seconded by Mr. Chretien, moved that nominations be closed. *Carried unanimously.*

Whereupon Mr. Caron having been elected Chairman of the Committee took the chair and expressed his thanks for the honour bestowed upon him.

The reading of the Orders of Reference was dispensed with at this stage.

The Committee then proceeded to the election of a Vice-Chairman.

Mr. Drouin, seconded by Mr. Moreau, moved that Mr. Pennell be elected Vice-Chairman.

Mr. Webb, seconded by Mr. Paul, moved that Mr. Woolliams be elected Vice-Chairman.

On motion of Mr. Turner, seconded by Mr. Chrétien, nominations were closed.

The question being put on Mr. Drouin's motion, Mr. Pennell was declared elected Vice-Chairman on the following division: Yeas 12, Nays 6.

Moved by Mr. Sauvé, seconded by Mr. Paul,

*Resolved,*—That permission be sought to print, from day to day, 800 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence.

Moved by Mr. Richard, seconded by Mr. Drouin,

*Resolved,*—That a Subcommittee on Agenda and Procedure (Steering Committee), comprising the Chairman and six (6) members to be named by him, be appointed.

Mr. Drouin insisted on the fact that the Ralliement des Créditistes be included in the Subcommittee.

Mr. Paul observed that the inclusion of a representative of the Ralliement des Créditistes on the Subcommittee should be without prejudice to future decisions to be taken by the Committee or to the Social Credit Party.

Moved by Mr. Sauvé, seconded by Mr. Grégoire,

*Resolved,*—That English and French shorthand reporters and interpreters attend all regular meetings of this Committee.

A lengthy discussion followed on the procedure to be adopted by the Committee in its study of the matters referred to it by the House.

The Clerk then read the two Orders of Reference relating to:

1. Canada Elections Act referred to the Committee on July 26, 1963.
2. Matters raised in the statement made to the House by Mr. Speaker on September 30th, 1963.

Mr. Grégoire read and tabled a statement made on September 30th, 1963, by Le Ralliement des Creditistes. (*See Appendix A to this day's proceedings*)

Mr. Grégoire moved, seconded by Mr. Knowles, that the Committee study immediately the matters raised in the statement of the Speaker, as referred to the Committee.

Mr. Leboe, seconded by Mr. Woolliams, moved that the Committee wait until the report of the Steering Committee is received in respect of a proposed Agenda.

In amendment thereto, Mr. Brewin moved, seconded by Mr. Grégoire, that the Steering Committee be requested to meet today, if possible, to prepare an Agenda for a meeting of this Committee to be held the following day to deal with the matters raised in the statement of the Speaker referred by the House to this Committee.

The question being put, the amendment was carried on a show of hands: Yeas 12; Nays 6.

The motion of Mr. Leboe, as amended, was adopted.

Thereupon Mr. Sauve, seconded by Mr. Paul, moved that the Committee vote immediately on the motion of Mr. Grégoire. The motion was carried on a show of hands: Yeas 16; Nays nil.

The question being put, it was resolved in the negative, Yeas 5; Nays 16.

The Chairman announced that the Subcommittee on Agenda and Procedure would meet this day, if possible, with a view to calling a meeting of the Committee for the next day.

Mr. Richard, seconded by Mr. Paul, moved that the Committee adjourn to the call of the Chair.

The Committee adjourned at 11.40 a.m. to the call of the Chair.

MONDAY, October 7th, 1963.

(2)

The Standing Committee on Privileges and Elections met at 10.10 o'clock a.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Brewin, Cashin, Caron, Chrétien, Doucett, Drouin, Dubé, Francis, Girouard, Grégoire, Knowles, Leboe, Macquarrie, Martineau, Millar, Moreau, Nielsen, Pennell, Richard, Sauvé, Turner, Webb, Woolliams. (24).

*In attendance:* Dr. Maurice Ollivier, Parliamentary Counsel.

The Chairman opened the meeting and announced that, pursuant to the motion adopted during the last meeting, he had formed the Subcommittee on Agenda and Procedure. The Members of the Subcommittee are: *For the Progressive Conservatives*—Messrs. Woolliams and Paul; *for the New Democratic Party*—Mr. Knowles; *for the Social Credit Party*—Mr. Girouard; *for the Liberal Party*—Miss Jewett and Mr. Pennell.

Two meetings were held by the Subcommittee. Mr. Grégoire attended the second meeting with right to speak but no right to vote.

Thereupon, Mr. Grégoire made a statement explaining the position adopted by the group directed by Mr. Caouette in respect to the split within the Social Credit Party.

At this point, Mr. Knowles intervened and referred to the presence of photographers and television cameramen.

Mr. Brewin moved, seconded by Mr. Woolliams, that cameras and recording apparatus be allowed to be used during the meetings of the Committee.

After discussion, the Chairman ruled that no camera nor tape recorder nor photographs would be authorized during the meetings of the Committee. He also expressed the wish that the pictures already taken and the tapes already recorded would not be used on television or otherwise.

Mr. Grégoire resumed his statement and the Chairman ordered the distribution to the Members of the Committee of copies of the correspondence exchanged between the Speaker of the House and Messrs. Caouette, Grégoire, Thompson and Knowles.

On motion of Mr. Drouin, seconded by Mr. Francis,

*Resolved*,—That the papers tabled today before the Committee and the letter tabled by Mr. Grégoire at the last meeting be printed as Appendices to this day's Proceedings. (*See A and B*)

Mr. Girouard was then invited to explain his point of view.

Mr. Girouard moved, seconded by Mr. Leboe: That it be recommended to the House that a group of members which did not constitute a party during the last general election cannot be recognized as a party without first having faced the electorate as such.

Mr. Knowles, in the name of the New Democratic Party, explained the position of his party.

At this stage, Mr. Grégoire took objection to the attitude of the Chairman. The Chairman said that he was trying to be fair to every Member of the Committee.

After further discussion, the Committee decided to sit until 1.00 o'clock p.m. this day in order to clarify the situation and arrive at a decision, if possible.

Members of the Committee asked if it would be possible to have the facilities of simultaneous interpretation for the next meeting.

At 1.00 o'clock p.m., Mr. Turner, seconded by Mr. Pennell, moved that the Committee adjourn.

At 1.10 o'clock p.m., the Committee adjourned to the call of the Chair.

M. Roussin,  
*Clerk of the Committee.*

*Note:* The originals of the documents reproduced as appendices to this issue have been filed with the Committee on Privileges and Elections, except the document reproduced as Appendix A.

The first part of the book is devoted to a general history of the United States from its discovery by Columbus in 1492 to the present time. It covers the early years of settlement, the struggle for independence, the formation of the Constitution, and the growth of the nation to its present boundaries. The second part of the book is devoted to a detailed history of the United States from 1789 to the present time. It covers the early years of the Republic, the struggle for the abolition of slavery, the Civil War, and the Reconstruction period. The third part of the book is devoted to a detailed history of the United States from 1865 to the present time. It covers the Reconstruction period, the Gilded Age, the Progressive Era, and the modern history of the United States.

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## EVIDENCE

MONDAY, October 7, 1963

(Translation)

The CHAIRMAN: Gentleman, I am sorry to keep you waiting. We were all here at 10 o'clock approximately, but the most interested member, Mr. Grégoire, is not here yet. I suggest that we wait a few minutes more.

Gentlemen, we have a quorum and, as Mr. Grégoire has arrived, I will call the meeting to order.

We had two meetings of the steering committee. The Conservative party was represented by Messrs. Woolliams and Paul, the New Democratic Party by Mr. Knowles, the Social Credit by Mr. Girouard and the Liberal party by Miss Jewett, Mr. Pennell and myself.

At the second meeting we have invited Mr. Grégoire, who was extremely interested in the question, to attend as an observer with the right to speak but not to vote. During these two meetings we have decided to study this morning the principle of the question and I believe that this is a very serious matter.

The group of members to which Mr. Grégoire belongs, which is under the leadership of Mr. Caouette, contend that they did not quit their party, but that they have decided to choose a new leader and that other members of the party had to follow them, failing which they would be left out.

The other members contend that they are happy where they are, as they are, and that they do not want any change. That is exactly the problem we have to solve this morning.

(Text)

We have had two meetings of the committee, and we decided to study the main question. In this question Mr. Grégoire claims that they are not separatists but they have decided to change the leader, and if the others do not want to follow them, then it is they who become separatists.

On the other hand, the members representing Mr. Thompson say "we are happy the way we are; we have our position in the house, and we do not ask for anything. We are satisfied to remain the way we are."

So this is the main question: shall we recognize a new party which has been formed during a parliament and since an election? That is the only question we have to decide and make a report upon to the Speaker so that he may deal with it accordingly.

(Translation)

We can ask Mr. Grégoire to clarify his position.

Mr. GRÉGOIRE: Our position is very simple. At a caucus of the members of the Social Credit party duly called, the majority decided that, in a case of emergency—

The CHAIRMAN: Will you excuse me, Mr. Grégoire? Is there a translator here?

Mr. ROBICHAUD (*Translator and interpreter*): Present.

Mr. GRÉGOIRE: I will translate.

At a regular meeting of the caucus, the Socred members decided that, in view of the emergency situation, the selection of a new leader was imperative.

The majority decided to choose a new leader. We have a new leader and a new whip. We want the seating plan to be changed in the house; we want

Mr. Caouette to occupy the seat formerly occupied by Mr. Thompson and our whip to occupy the seat normally occupied by the whip. We shall also supply the Speaker with a new seating plan of our party in the House, including the new space allocation.

And, if there are any within our group who, as it has been reported in the newspapers, who are not satisfied with the decision of the majority, they will be free to sit elsewhere and form their own party.

But, if they are satisfied to remain within the party, with the group of the 23 Sacred members, they shall accept the places that we will assign to them, according to the list that we will hand over to the speaker, the offices that will be assigned to them.

(Text)

Mr. KNOWLES: Mr. Chairman, I rise to a point of order. I think you should know that the proceedings of this committee are being taped.

The CHAIRMAN: No, they are being recorded by reporters.

Mr. KNOWLES: Then what is that device being used down there?

The CHAIRMAN: It is a television set, is it not?

Mr. KNOWLES: Are the words said being taped for television?

TELEVISION REPORTER: Yes.

Mr. KNOWLES: Mr. Chairman, I submit that it is up to the committee to decide that, is it not?

The CHAIRMAN: Has the committee any objections to the television people taping word for word what is being said in this hall?

Mr. WOOLLIAMS: I can see nothing wrong with that.

The CHAIRMAN: Does anybody object?

Mr. LEBOE: Mr. Chairman, as long as they take it all and not take just scraps of the proceedings, I would not object.

The CHAIRMAN: That would be pretty hard for us to decide.

Mr. KNOWLES: Mr. Chairman, committees are extensions of the house, and while I would like to see the widest possible covering given to the proceedings of parliament—in fact, I would like to see parliament telecast—is this the way to get it decided?

The CHAIRMAN: Is there a motion for or against?

Mr. MARTINEAU: Mr. Chairman, there is a point of order raised by Mr. Knowles which has to be decided.

Mr. KNOWLES: It is up to you to decide it, Mr. Chairman.

The CHAIRMAN: Well, if it is up to me, then according to the rules of the House, since there is no television in the House except on special occasions, such as the opening and closing of the sessions—

Mr. BREWIN: I think it would be useful, as the thin edge of the wedge, for us to start right here, therefore I move that we permit it.

The CHAIRMAN: You move that they be permitted?

Mr. WOOLLIAMS: I second the motion.

Mr. LEBOE: I think it is all right, providing the whole proceedings are used. For example, if a person is making a telecast, he should give the whole proceedings of the committee; but if he is going to chop it up so that we find that a completely different story is broadcast to the viewing public from what actually took place, we would certainly be letting ourselves in for dynamite as far as the whole proceedings of this House is concerned. I think everything must be televised and reproduced in the television show, otherwise we shall be in hot water from now on. I object to anything being televised unless

it is all televised, so that if the proceedings are used they will all be televised and the whole proceedings of this committee shown on the screen.

Mr. WOOLLIAMS: I do not think you can control that. If you are going to have television, I do not see how you can control what part they take in and what part they omit. It is like the newsmen. They pick out their stories, and I do not see how you can lay down a rule. I think that freedom of the press, of radio, and of television is important.

Mr. TURNER: That is a sentiment with which we all agree, except that this committee, being a committee of the House should, it seems to me, obey the rules of the House, and support Mr. Knowles's position that unless the House itself decides that television should be admitted, this committee has no jurisdiction to open that door.

Mr. KNOWLES: I do not object. I do not think the house has ever objected to there being pictures shown on television. But it is the taping of the words, it seems to me, that would get us into trouble. I cannot recall the precise occasion, but the situation has arisen in previous committees when records were taped and used. Moreover, a minister of the crown got into some difficulty a few days ago as to whether or not what she said was taped. So I think it is the taping of speeches which causes the most problems.

(Translation)

Mr. DROUIN: Mr. Chairman, we are meeting here this morning to solve a problem and I imagine we will spend a good part of our time discussing matters of procedure.

In order to simplify matters, I think it would be proper to vote on the motion that has been presented a while ago to the effect that the use of television be allowed as it has been since the beginning of the meeting of the Committee.

The CHAIRMAN: As Mr. Knowles said a while ago, that is something that has never been done in the House or in any committee.

Mr. Brewin suggested that we could allow a part, the most important part of the sitting maybe.

This creates a new and pretty difficult problem and I believe that it would be better to have no television at all that the taking of photographs be prohibited from now on during the meetings of the Committee. That is my opinion.

I rule that there will be no television and no taking of photographs during the meetings of the Committee.

(Text)

Mr. NIELSEN: Mr. Chairman, what is your direction with regard to that portion of the proceedings which already has been taped by the machine?

The CHAIRMAN: I did not know they were taping it, and I do not think they should use it.

Mr. NIELSEN: What safeguards has the committee that this will not be used?

The CHAIRMAN: I do not think we have any safeguards for what has been taken, but they have not taken much up until now, and I hope they will not take any of the committees' meetings in the future.

Mr. NIELSEN: Are you going to request that the gentlemen not do this?

The CHAIRMAN: I am going to request that they stop taping any part of the proceedings of this committee. It is not used in the house and cannot be used here.

Mr. NIELSEN: I raise the point, because this gentleman here has already taken all of what the hon. member for Lapointe has said up until now. This raises a point in support of what the hon. member for Cariboo was saying a moment ago. I think the chairman should make a specific request of the gentlemen not to use that portion of the proceedings already taken.

The CHAIRMAN: I made the request they not use what they have taken this morning while the committee was in session. There will be no more television or photographs during the proceedings.

*(Translation)*

Mr. MARTINEAU: Mr. Chairman, may we question the honourable member for Lapointe on the statement he has just made?

Mr. CHAIRMAN: I think he had not completed his statement.

Mr. GRÉGOIRE: Yes I had, Mr. Chairman.

*(Text)*

Mr. MARTINEAU: Mr. Chairman, I would like to ask the honourable member for Lapointe a question and I refer to section 42 of the Act respecting payment of sessional allowances to Members of the Senate and the House of Commons and in particular to section 3, subsection 2 of Bill C-91 which reads as follows:

There shall be paid to each member of the House of Commons, other than the Prime Minister or the Member occupying the recognized position of Leader of the Opposition in the House of Commons, who is the Leader of a party that has a recognized membership of twelve or more persons in the House of Commons, . . .

I would like to ask the hon. member for Lapointe whether in his opinion his group constituted, prior to the election of this parliament and during the last election campaign, a recognized party, as distinct from the national Social Credit party?

*(Translation)*

Mr. GRÉGOIRE: The national Social Credit party is our party, so the answer is yes.

The CHAIRMAN: Before we go any further, I have copies of the correspondence which has been sent to the Speaker by the different parties. We will have this distributed to all of you, so that you will be aware of what is going on.

*(Text)*

Mr. KNOWLES: I suggest that copies of it be distributed to the press, radio and television.

*(Translation)*

Mr. GIROUARD: Mr. Chairman, members of the committee, I might even say "members of the jury", the steering committee met on two occasions—

*(Text)*

Mr. TURNER: Mr. Chairman, are we going to continue to interrogate Mr. Gregoire?

The CHAIRMAN: Because Mr. Girouard has a case completely different from that of Mr. Gregoire, I think we should hear what he has to say before we go on with the questioning.

*(Translation)*

Mr. GIROUARD: Mr. Chairman, as I was saying, there were two meetings of the steering committee, and those meetings were held precisely to decide on

the procedure to be followed. If we want to decide what procedure to follow, it so happens that the evidence submitted at a certain time seemed to have been changed.

The first time the committee met it was to decide whether the *Ralliement des créditistes* would be recognized as a party and we later realized, or rather, the members of the committee realized that what had to be decided upon was which of the two parties constituted the national party.

And in this connection, I think that if the members of the committee want to understand I shall have to explain in detail what happened, which means to say that I may have to digress to some extent, that is, to explain the background and provide some information so as to clear up the problem we are dealing with.

If my suggestion is accepted I am ready to state the case of Social Credit and then I think you will be able to understand exactly the position of our party as regards what is happening today.

First of all it was a question of determining whether the committee could handle the internal problems of a party.

I do not believe, nor do you, I am sure, that the committee has such authority.

Now, the committee was formed at the Speaker's request to hear the witnesses to hear what position they have adopted and to report on the matter.

I think the committee might proceed—

Can Parliament decide on what has happened within a party, that is, who is the leader? In that connection, if I refer to Dr. Olivier's excellent courses on constitutional law, parliament can do anything short of turning a man into a woman.

I believe that even if it were a matter of deciding who is really the leader, parliament would have to take their responsibilities.

I would like to draw the members' attention to the fact that it is useless to indulge in fond hope, that whatever the committee may decide, whatever verdict the Speaker may hand down, you must expect the injured party to appeal the Speaker's decision and then parliament will in any case have to adjudicate upon the question.

And when I refer to the question the Speaker submitted to us, I see that in the statement he made on September 30, the Speaker said to us, among other things:

It is my duty, I believe, to bring to the attention of the House the novel character of the situation now before it, and more particularly the payment of allowances and the effect on the organization of Parliament and the parties and of the work of this House that naturally must be reflected by the emergence from time to time of new groups that invite the House to accord them the status of parties. Profound constitutional questions arise; for example, can a group of members which did not exist as a party at the time of the election of a Parliament be recognized as a party before they have gone to the electorate?

The proof brought us by the Speaker was based on four letters. I think we shall leave the last one aside, that is, Mr. Knowles' letter, since it was agreed in the steering committee, that we would begin by settling the situation of the *Ralliement des créditistes*.

The Speaker has also told us that on September 9, 1963, the honourable member for Lapointe informed him by letter that his party had selected a new leader and was claiming certain rights and privileges.

But the Speaker also read an extract from a letter by the honourable member for Villeneuve (Mr. Caouette) of September 16, and I quote:

Since the 1st of September, our movement has become a national group called: "Ralliement des Créditistes".

The member for Lapointe states in his letter that his party has chosen a new leader. And this new leader, the chief of the party, tells us exactly:

Our movement has become a national group known as 'Ralliement des Créditistes'.

Therefore, if the member for Lapointe accepts Mr. Caouette as his leader, in my opinion he must accept the claims of his leader, or we will be faced by the formation of a fourth party.

I am continuing Mr. Chairman.

This morning, the honourable member for Lapointe told us that at a regular caucus of the Social Credit, it had been resolved to choose a new leader.

I do not know what the members of the Committee mean by "regular caucus", but personally, as a member of the Social Credit, I never heard about a "regular caucus", because I believe, and it is recognized, that a caucus must be called on the orders, or at least with the authorization of the leader, and the chief of the party, and of the whip or assistant-whip.

And since the regular caucus mentioned was held without the authorization or in the absence of the chief of the party, the whip or the assistant-whip, I believe that if we wish to be serious we should disregard the last statement and proceed with the case at present before us.

Mr. Chairman, in view of the contradictory statements of the members for Villeneuve and Lapointe, allow me to recall some historical facts to explain the exact meaning of the Ralliement des Créditistes which voted in favour of a separation at Granby.

At Granby, Mr. Caouette, the chief of the Ralliement des Créditistes, made the following statement to a representative of the newspaper "Le Devoir":

There must be formed a separate group representing the Province of Quebec within the framework of Confederation. . . make Quebec not one of the ten provinces, but one of the two basic nations of Canada, and then spread the Ralliement, the spirit of the Ralliement des Créditistes in every province.

After the Granby vote, the newspaper "Regards", the official organ of the Ralliement des Créditistes, reported the statements of Mr. Caouette. Furthermore, that article was signed by Mr. Caouette, and here are some excerpts:

That is what the Ralliement will be. That is the programme it has planned. With the support of the French-Canadians, with the support of Quebec, a small group of French-Canadians "créditistes" members of Parliament will have a voice in Ottawa—

In an editorial, the newspaper "Regards", the official organ of the Ralliement des Créditistes, wrote:

Some 600 official delegates—

The member for Lapointe mentioned 1,500, and the newspaper "Regards", the official organ of the Ralliement des Créditistes, spoke of some 600.

The odd 600 official delegates who attended, on August 31 and September 1st, the annual convention of the Ralliement des Créditistes du Québec, unanimously decided to separate the Ralliement des Créditistes from the

national party directed by Mr. Robert N. Thompson and to form an autonomous group pending the holding of a new national convention to elect a chief.

In the same newspaper, that is *Regards*, the provincial chairman of the Ralliement des Créditistes, Mr. Laurent Legault, stated:

I am also happy over the decision taken by the Ralliement concerning its relations with the national party. It is time that a separate group of Quebec members of Parliament make the voice of Quebec heard in Ottawa.

And now, this is what the member for Lapointe said, according to *Le Devoir* of September 11, 1963:

The split would end, said Mr. Grégoire, member for Lapointe, if a new leader were elected, and the Créditistes from the province of Québec would constitute the provincial wing of a federal Social Credit party.

Let us examine if the Ralliement des Créditistes is an independent movement.

On Wednesday, October 2, we read the following press release:

Eight of the thirteen members of Parliament belonging to the Ralliement des Créditistes who recognize Mr. Réal Caouette as their national chief, were given responsibilities within the caucus. Among them is the member for Villeneuve who becomes parliamentary chief.

The member for Lapointe, Mr. Gilles Grégoire, is chief of parliamentary procedure, and the member for Roberval, Mr. C.-A. Gauthier, the whip, assisted by the member for Shefford, Mr. Gilbert Rondeau, who becomes assistant whip.

Mr. Robert Beaulé, the member for Québec-East, who was chairman of the former caucus of the Social Credit party, retains this position with the members of the Ralliement.

And that was organized and accepted as the Ralliement already called itself a party and had elected an executive committee.

Mr. Chairman, I believe that if we wish to work seriously, we must disregard the shenanigans of the honourable member for Lapointe and revert to our starting point, when the Speaker submitted to our examination the initial problem which is the following: "A group of Members who wish to sit together in the House and obtain certain privileges".

This was the point: "Has Parliament the right to do so?" And we answered: "Yes".

We should now examine the basis for this decision, and secondly the advisability of such a recognition.

What would be the justification for Parliament acting thus? Here is the order of legal priorities: firstly, there is the constitution; secondly, acts and statutes; thirdly, the precedents; and fourthly, the authors.

The constitution does not deal with the first matter. Therefore, we cannot find therein anything which can enlighten us at present.

Secondly, we have the legal precedents which are our laws and statutes. In this field, there is only Bill C-91 which enacts:

...who is the Leader of a party that has a recognized membership of twelve or more persons in the House of Commons...

Now, this is exactly what was stated here this morning. Will the members of this group be recognized?

Then, the laws and statutes are of no use to us today.

Consequently, we must abide by precedents, because there are precedents.

I do not know whether you agree with me, for I know that there are several jurists and experts on political science among us, but it is said that in the British Empire, precedents make the laws.

The precedents to which we have to refer go back to the foundation of the Bloc populaire canadien.

You all know that Mr. Maxime Raymond had been elected as a Liberal member in the general elections of 1940 and that he had resigned from the Liberal party in 1943.

In the by-election in 1943, the first member elected under the Bloc populaire ticket was Mr. J.-A. Choquette. For verification, see page 408 of the Parliamentary Guide of 1963.

At the general elections of 1945, two Bloc populaire members, Messrs. Raymond and Hamel, were returned. See the same Parliamentary Guide.

On the 16th of February 1944, the House was faced with a difficult situation. It concerned either the resignation or the dismissal of General McNaughton.

At that time, the opposition parties wanted to obtain information on this so-called resignation or dismissal of General McNaughton by the government. And now, I am going to read what is of the greatest interest and what was stated by Mr. Raymond.

Mr. TURNER: Was this after the general elections?

Mr. GIROUARD: It happened after 1943, at a time when there were two Bloc populaire members—

Mr. TURNER: Before the general elections?

Mr. GIROUARD: Yes, before the general elections. I am now going to read, in French, Mr. Raymond's statement—

At that time, Mr. Raymond stated, as page 579 of the Debates of the 16th of February 1944 shows:

(Text)

The Prime Minister intervened in the debate in order to put an end to the discussion, and he said:

(Translation)

And, to quote Mr. Mackenzie King.

(Text)

I should be pleased to meet with and to show the correspondence to the leader of the opposition and to the leaders of the C.C.F. and the Social Credit parties.

He also added the hon. member for Yale to that group. The Prime Minister completely ignored another group in this House, The Bloc Populaire of Canada. He knows of the existence of this group at least since the by-elections at Stanstead and Cartier. If any group in this house is entitled to information, then all groups should be entitled to the same information.

(Translation)

And here is what Mr. Mackenzie King replied:

(Text)

That brings me back to procedure under the British parliamentary system. That system recognizes the government, recognizes it as the body which has been entrusted by the people to carry on the business of the country, and it recognizes the opposition.

(Translation)

And here, Mr. Mackenzie King gives a historical account of the opposition and explains its role. And he continues.

(Text)

The reason I extended an invitation to the leaders of the C.C.F. and the Social Credit party is that throughout this entire parliament there has been a recognition that at the time of the last general election those parties were returned in the numbers in which they were. Their leaders in this house have been granted, not as a matter of right but as a matter of courtesy, a certain recognition by the government. But for my hon. friend—

(Translation)

Speaking of Mr. Raymond.

(Text)

—to say that because a new party has come into existence since a by-election, the leader of that party should have the same courtesy extended to him, is I think to take a position that is perfectly ridiculous.

If that procedure is to be followed we may expect that any number of hon. gentlemen may suddenly become leaders of parties, whether small in number or not, and claim special rights and privileges in this house. I would have felt that I was making a very great departure from the proper procedure in parliament if I had gone any further in recognizing groups as a part of the opposition than I did.

May I say that I intend as far as it lies within my power to see that the business of this House of Commons is discussed as between the government and the opposition. If the opposition wish to be divided into groups, that of course is their own affair. I would draw attention to this fact. They are rapidly heading toward the system which developed in France where there was a large number of parties and where the business of the country got into such a state that there was no stability. I think quite sincerely that that condition had a good deal to do with the fate of the world as it is to-day. I do not believe the people of Canada wish to see a lot of parties in this country and I as Prime Minister am not going to do anything to further that trend.

(Translation)

This was in 1944.

In 1945, or after the general elections, the Bloc populaire succeeded in electing two members.

At that time, there was a United Nations Conference in San Francisco, and the Prime Minister had to choose delegates to the Conference.

At that time, Mr. Raymond and the Bloc populaire party wanted to have a delegate at San Francisco.

And as page 653 of the Debates of the 9th of April 1945 shows, Mr. Mackenzie King stated:

(Text)

However, I personally, as hon. members are aware, have felt that we are not furthering what is best in British parliamentary procedure by giving too much in the way of recognition to groups as such.

On that basis I have felt the house would welcome the appointment of the leader of the Co-operative Commonwealth Federation (Mr. Coldwell) as a second member of the opposition to be a member of the delegation.

(Translation)

And Mr. Mackenzie King added, and this is, moreover, very interesting:

(Text)

I made that choice on the basis that he is a leader of a party which has a following in this house from more provinces than one, a following which to that extent is more representative of different parts of Canada and partakes more of the nature of a national party.

(Translation)

Mr. TURNER: What is the date of this statement?

Mr. GIROUARD: 9th April, 1945.

And now, at the time of the throne speech debate, in September, 1945, if you will refer to *Hansard*, you will see there that the main speakers were Mr. Bracken, for the Conservative party, Mr. Mackenzie King, for the Liberal party, Mr. Coldwell, for the C.C.F. and Mr. Low for Social Credit.

Mr. Raymond, who had been elected leader of the "Bloc populaire", spoke only on September 13, just as any ordinary member.

Therefore, I say that, since 1944, there has been *de facto* recognition of certain privileges to third parties in the House as there has been *de facto* recognition of certain privileges to certain groups.

This was a *de facto* recognition until Bill C-91, that reads:

... to each member of the House of Commons... who is the leader of a party that has a recognized membership of twelve or more persons in the House of Commons...

And now, as everyone knows, the Bill still states "Leader of a party that has a recognized membership of twelve or more persons in the House of Commons", and, once again, that Bill cannot be used, because it is in that very Bill that recognition of a party is mentioned, is that not so?

And now, let us see what the position of the Social Credit is.

The Social Credit was recognized in the House for the first time in 1944; it was recognized in 1962 and 1963. It has a recognized leader, Mr. Robert M. Thompson, who is entitled to a recognized allowance of \$4,000. Will the membership of his party in the House remain sufficient for him to be eligible to this allowance or not? We do not care, because that is not the point. The point is whether his party has been recognized and is still recognized.

And now, we come back to the main question, that is, is it "desirable" that the breakaway members of the National Social Credit party be recognized as a party and entitled to privileges?

And for that purpose, the question must be examined from three angles; firstly, the convention held by a party; secondly, the future of the parliamentary system; and, thirdly, the merits of the group in question.

There are more than one learned definition of a party. Some people speak of a group of persons who work towards a common goal. There is also this popular definition, the definition accepted by the people, a group of persons who join together to run in an election, for a purpose, and who have been elected.

In 1961, the National Social Credit held a convention attended by Messrs. Thompson, Caouette, Grégoire, Marcoux and many others and, at the time, the National Social Credit party was formed. Mr. Robert Thompson was elected national leader.

At the general elections in 1962, the Social Credit elected 30 members. Everyone knows that that group voted in favour of that national leader and attended a session as such.

And before the general elections in 1962, we heard Mr. Caouette state, at the Atwater Market, that Mr. Thompson was the leader, that there was no misunderstanding, that everything was running smoothly.

Then there was the convention in Granby, where delegates from the province of Quebec only, 600 in number—and I have submitted in evidence the newspaper *Regards*, official organ of the “Ralliement des créditistes” showing that there were only 600 delegates—decide that Mr. Thompson was no longer the leader, that Mr. Caouette is the leader and that a party will be formed that will include members from the province of Quebec only.

And then you have the statement made by the six members from Quebec who declared:

We deplore the withdrawal of the “Ralliement des créditistes” from the national movement . . .

And the statement was signed by Messrs Frenette, Côté, Ouellet, Lessard (Lac-Saint-Jean), Chapdelaine et Girouard.

Mr. Chairman, Madam and gentlemen, the Social Credit party of Canada is not asking for anything from you today, neither from this Committee nor from the House. The members are satisfied with their leader, with the seats that were allotted to them in the House and with the privileges to which their entitlement is presently recognized.

Let us now examine the ridiculous situation facing us.

As Dr. Marcoux has withdrawn from the national movement and is sitting as an independent member, he is not entitled to any special privilege.

Let us suppose that two members only had withdrawn from the Social Credit. Their asking for special privileges would have been considered ridiculous.

And supposing that three members had withdrawn from the national movement executive, their asking for special privileges, their being recognized as a party would also have appeared ridiculous.

Gentlemen, the number is of no importance. And as Mr. Mackenzie King stated, what is important is that, if members of a party are not satisfied, are not satisfied with the party, they withdraw from that party and become independent members.

And we now come to the future of political parties in the House.

I am sure that everyone realizes that if, tomorrow, the Conservative party broke down into five groups and the Liberal party into six, anarchy would result.

Let us now examine the merits of the group in question of whom I am sorry to have to speak.

If I must do it, it is because the member for Quebec West (Mr. Plourde) stated in the House last Friday that he was the spokesman for his group and further stated: We shall refuse to vote supplies until we are recognized. It is a case of blackmailing Parliament, blackmailing the Queen, and I shall repeat it in English for the benefit of everyone.

Gentlemen, I say to you: Let us take our responsibilities. And if this group can blackmail Parliament, it cannot have the benefit of the well-known privileges.

I must add that if I should myself present a motion of closure in the House, in order to enable our old people to receive their pensions and the salaried people to receive their salaries, I would not be afraid to face the electors of Canada and of the province of Quebec.

And in this regard, with the support of Mr. Leboe, I shall propose a motion.

At this time, I wish to point out that in so doing I am only complying with the wish of the Speaker of the House.

The motion is as follows: "Resolved that a group of members which did not form a party during the last general elections shall not be recognized as a party until such time as it has gone before the electors as a party."

The CHAIRMAN: Before we take up this motion, I think there is one thing we should pass upon first namely, that the papers tabled today before the committee be printed and annexed to the proceedings of today's meeting. I think that should be the first motion.

(Translation)

Mr. DROUIN: Mr. Chairman, I so move.

(Text)

Mr. FRANCIS: I second the motion.

Mr. RICHARD (*Ottawa*): Have we in our possession the evidence of the members of the new group deposited with the clerk here?

The CHAIRMAN: We have the letter with the names.

Mr. RICHARD (*Ottawa*): You mean the original letter.

The CHAIRMAN: That is right.

Mr. RICHARD (*Ottawa*): To whom is it addressed?

Mr. CHAIRMAN: It is in the hands of the clerk of the committee. I find it is a photostat of the official letter which Mr. Gregoire had in his possession. I think it would be preferable if he kept the photostat and we had the official letter. Have you got it with you?

Mr. GRÉGOIRE: No.

Mr. MORE: Mr. Chairman, may we speak to this?

The CHAIRMAN: Yes, it is a debatable motion, and you have the right to speak.

Mr. TURNER: Mr. Chairman, I would like to ask a question pertaining to the main motion. When the mover spoke of elections, was he referring to by-elections or general elections?

Mr. GIROUARD: Mr. Chairman, I think that in the case of a by-election, it could still be said that the people did give their verdict, but as there would be one seat or two then we could decide whether or not they should be recognized before the next general elections.

Mr. TURNER: When he speaks of elections in his motion is he speaking of general elections or of by-elections.

Mr. GIROUARD: Both. If it were a by-election it would involve only one or two members, and it would then be up to the Speaker to decide whether or not to seat them as a party.

The CHAIRMAN: Mr. Drouin moved seconded by Mr. Francis, that the documents be printed and annexed to our proceedings. Is it agreed, including the letters?

Mr. NIELSEN: Including the original document?

The CHAIRMAN: Including the original document which was sent to the Speaker. Is it the desire of the committee to accept this motion?

Agreed.

I have been asked to advise the committee that not copies but the original letters were sent to the Speaker along with the translations.

Mr. KNOWLES: Mr. Chairman, there is no doubt but that this committee is seized with a real problem.

The CHAIRMAN: Mr. Drouin moved, seconded by Mr. Francis...  
the documents which were sent to...

is it the pleasure of the Committee to adopt the motion?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Has it been officially read? In any case, I submit that the motion presented to the Committee should read as follows:

That a group of members which did not constitute a party during the last general elections cannot be recognized as a party without first having faced the electorate as such.

The CHAIRMAN: Now, Mr. Knowles?

Mr. KNOWLES: Mr. Chairman, there is no doubt that we have had a real problem handed to this committee and that it is our responsibility to try to make recommendations in response to the terms of reference which have been laid before us.

(Translation)

Mr. MARTINEAU: Mr. Chairman, before—

The CHAIRMAN: Pardon me, Mr. Knowles has the floor.

Mr. MARTINEAU: You have interrupted Mr. Knowles to read the motion.

The CHAIRMAN: It was only to read the motion.

Mr. MARTINEAU: That is exactly the point on which I would like to comment. I think the motion is out of order and cannot be placed before the Committee at this stage of the discussion because if it were adopted it would constitute a legal change which does not come under the jurisdiction of the Committee. As a matter of fact, the Committee can only take into consideration a certain evidence or testimony, and make recommendations to the Speaker of the House, and it is up to the Speaker of the House to make the decision substituting this motion.

The CHAIRMAN: I consider the motion as a recommendation to the Speaker of the House since it provides that a group of members which did not constitute a party during the last general elections cannot be recognized as a party without first having faced the electorate as such.

Mr. GIROUARD: Mr. Chairman, if I may answer this question, I think that a motion from a Committee is always a recommendation to the House.

Mr. MARTINEAU: It would perhaps be better to say so more specifically. If the hon. member would amend his motion along those lines, I think it would be in order.

Mr. GIROUARD: The motion, as amended, would read as follows:

It is recommended to the House that a group of members which did not constitute a party during the last general elections cannot be recognized as a party without first having faced the electorate as such.

Mr. Chairman, I raise a point of order.

Mr. GRÉGOIRE: Mr. Chairman, we have not—

The CHAIRMAN: One moment, Mr. Girouard has raised a point of order.

Mr. GIROUARD: Mr. Chairman, I raise a point of order. I did not interrupt the hon. member for Winnipeg North Centre (Mr. Knowles) when he said earlier: "We are being asked in fact to decide, and that is not within our jurisdiction, whether or not Mr. Thompson is the chief of Mr. Caouette".

I would like to point out to the Committee that the Social Credit party is not asking the Committee to recognize Mr. Thompson nor is it claiming any privileges. Actually, Mr. Thompson is recognized and enjoys his privileges. It is rather the *Ralliement des créditistes* which are claiming certain privileges.

Mr. GRÉGOIRE: In this connection, Mr. Chairman, we are not requesting that certain privileges be recognized, we are requesting the Committee to

recognize a fact. And now, it has been mentioned that Mr. Caouette's letter and mine were not agreeing, I should like to quote two paragraphs of mine—

The CHAIRMAN: With your permission, Mr. Grégoire, I shall let Mr. Knowles finish—

Mr. GRÉGOIRE: It is precisely about that question.

The CHAIRMAN: Mr. Knowles has not finished yet, but when he will be over with his remarks, you may come back to the subject.

Mr. GRÉGOIRE: I thought it would be better to do it right now.

The CHAIRMAN: Other members wish to speak also and you will be able to talk when your turn comes.

(Text)

Mr. KNOWLES: Mr. Chairman, I make the point it is clear to this committee that we have to discuss and to deal with this matter. There are rumours that the hours of sitting this week may be rather extensive. Whatever is debated in the House during whatever hours we sit, it cannot be this question; at least it cannot be spoken about in the House so long as it is in the hands of the committee. So it is our full responsibility to try to resolve the issue here.

Mr. Chairman, before I try to define what in my view is the question that we must resolve, may I plead with the committee to recognize something that is none of our business. May I plead with the committee to recognize that there is something that we do not have the power to decide, that is, the question of whether or not a party is official.

As Mr. Girouard said, there are in the constitution, in the British North America Act, or in law no precedents anywhere which lay down criteria, standards, definitions and conditions of parties. Parties are national organizations formed by Canadian citizens. They do not exist in the House of Commons. They exist in the House of Commons as members of parliament, as groups. I suggest that the most dangerous thing we could do would be for the House of Commons by majority vote to decide that parties A, B and C are official parties in Canada, and parties D, E and F are not. I do not need to cite historical examples of this type of thing. It has happened in other parts of the world, but in a free democracy parties make their own decision as to whether or not they are parties. You do not have Mackenzie King, or the majority of the day decide what is a party or what are the standards.

I would say, Mr. Chairman, that the limits imposed upon us in this field are well illustrated by the conflict that has been presented before us this morning between the two factions or wings of the Social Credit party. We have one group saying Mr. Thompson is the leader, and another group saying Mr. Caouette is the leader.

The group that supports Mr. Caouette actually asks the House of Commons to make the decision as to which of these members are leaders of that party. If the conservative party asked the House of Commons to decide who is its leader between Mr. Diefenbaker and Mr. X, or if the Liberals or we asked, we would be told that this is none of our business, and that it is an internal party matter. The internal affairs of the Social Credit party have been laid before us. It is not our business to decide that. It is not our business to decide whether a party in the Dominion of Canada is official or not.

Mr. Chairman, although I have spent these few minutes saying what is not our problem, there is no doubt that we do have a problem. I would like to say now what I think that problem is. Despite the complications, it is a very simple one. Our problem is to decide on the basis of evidence how many groups or members there are in the House of Commons, and having made that decision

then we have to decide what we recommend to the Speaker as to the priority or order in which they sit.

Although there are no citations supporting the proposition that parties exist in the House of Commons on any official basis, there are a couple of citations that support the fact that we are various groups. I have one citation with me which is Beauchesne's, and which I hope Mr. Beauchesne will let me read from in one of the official languages of the country.

In section 20, page 17 of *Beauchesne's*, fourth edition, there is a judgment which he made a long time ago, and in order to tell the whole story I had better read it. He says:

The members who do not support the government and do not belong to the Opposition party should all be considered as Independents.

I can testify that when I first came to the House of Commons, Mr. King used to quote this often and was very reluctant to grant to the C.C.F. and Social Credit parties of that day the courtesies which he had to grant later on. Even Dr. Beauchesne had to admit certain facts.

On page 56, in citation 67, there is a reference which is as follows:

That party may form a Cabinet,—

The reference is to those who have the largest number of seats.

—but the official Opposition together with other anti-ministerial groups, though sitting to the Speaker's left, are the real representatives of the people;—

That is an interesting sentence. I did not read it for the last part. I read it to make the point that recognition has developed across the years of other anti-ministerial groups; that is, there are groups on the other side apart from the official opposition.

Then on page 84 of this same edition, in citation 91, he says:

...it is now firmly established that the Leader of the Opposition or the Chiefs of recognized groups are entitled to ask explanations...

And so on.

I hope I am not just indulging in semantics; but it seems to me there is a tremendous difference between our asking ourselves whether we have to decide what a party is, whether a party is official, or having to decide simply how many groups there are in the House of Commons, and consequently how those groups should be seated.

Mr. Chairman, I am sure that my friend, Miss Jewett, will not mind if I indicate that when I sat down to allow for a bit of translation she said to me—and quite properly—that the key word in that last quotation was the word "recognize". Although I agree, the point that I plead with this committee to recognize is that there is all the difference in the world between recognizing parties, saying that parties are official, that they have status, that party "A" is official and party "B" is not and, on the other hand, recognizing there are groups of members in the House of Commons. Having made that recognition, which I think we have to make, then we decide where they sit, whether they all get the same courtesies, and so on. But, please stay away from the folly of a majority of the members of the House of Commons saying who are official parties and who are not.

The motion before us proposes a criterion: what is a party? Namely, a party that presented itself at an election? We do not have it in the constitution of this country; we do not have it in any statute as to what a definition of a

party is, whether it has to run in a certain number of provinces or on a particular constitution, and so on. We do not ask the other groups to submit their constitution to parliament. I have ours here in both languages but we never have been required to do that.

Mr. WOOLLIAMS: If I may interrupt, would you answer a question I have?

Mr. KNOWLES: Yes.

Mr. WOOLLIAMS: What is the practical difference in your argument as to whether you are a recognized group in the House of Commons or a party—that is, from the practical procedures of parliament?

Mr. KNOWLES: I am not saying to Mr. Woolliams that it makes a great deal of difference in procedure what we do call ourselves. When we speak from our corner we try to say that we speak for the New Democratic party.

Mr. WOOLLIAMS: But you use the term "our group".

Mr. KNOWLES: But, in point of fact, we are 17 members in the House of Commons. We are not the whole New Democratic party as you are not the whole of the Conservative party in Canada. You are speaking for an organization which is legal and official in this country. Until the day comes that parliament, through a majority, legislates or decides what is a party and what is not we are going to get ourselves into a great deal of difficulty. I think we should confine ourselves to the problem we have amongst our own members that are here and who claim to belong to certain groups.

Mr. MARTINEAU: You said that it was our business to decide how many groups should be recognized in the House of Commons and you also gave some elements which should not be considered in that recognition. Can you tell us what, in your view, should be considered so that a group would be recognized officially in the House of Commons.

Mr. KNOWLES: I wonder if Mr. Martineau would mind if I answered his question in the course of my argument as I do have that point covered in my notes which I propose to refer to later on.

I think the first thing we have to do by way of getting evidence is to ascertain how many groups there are in the House of Commons. It has been accepted up to this point that there were the Liberals, the Conservatives, the Social Crediters and the New Democratic party. Now, is that all we have or do we have now the Social Credit party and the Ralliement des Creditistes? I think we have to find some way to get an answer to that question. In my view, I think it has been answered by Mr. Caouette's letter to Mr. Speaker, which is before us. Now, I agree that there is a conflict between Mr. Caouette's letter and Mr. Gregoire's letter, but they both agree that Mr. Caouette is the leader, so I would presume that Mr. Caouette speaks with greater authority than does Mr. Gregoire.

Mr. KNOWLES: Mr. Caouette's letter of September 16, to Mr. Speaker—and I am reading from the English translation of the original letter—has a couple of very telling sentences.

The fourth paragraph says, and I quote:

Since we have become a separate federal political party we will appreciate greatly your usual kind cooperation.

Although I am not trying to import party into the house he says they are a separate entity.

Mr. Caouette goes on to say:

Mr. Thompson remains the head of Social Credit association of Canada and I become the head of the Ralliement des Creditistes in the House of Commons.

Then, in the next paragraph Mr. Caouette says in the last couple of lines:  
... as we now constitute the third largest opposition party, ...

The sentence which I have read just now implies that in Mr. Caouette's view he and his followers are a separate group of 13. If he thought they were still part of the whole group he would not claim to be the third largest; he would claim to be the second largest opposition party. He has admitted that the New Democratic party, with 17, is the second largest in the opposition and he is claiming that his group of 13 is the third largest.

I suggest the evidence which this committee has before us suggests that the Social Credit party and the Ralliement des Creditistes are, in their eyes, separate groups of members, and we have no right to say they are not. We have no right to force them to decide which is their leader.

Mr. Girouard says, and Mr. Caouette says in his letter they are separate groups.

My submission is that from the evidence before us we do have five groups of members in the House of Commons: the government, the Official Opposition, and three others: the New Democratic party, the Social Credit party and the Ralliement des Creditistes.

Mr. Chairman, this question of fact, to which reference is being made, is, I think, the first one that this committee has to ascertain; are there two groups represented by Mr. Gregoire and Mr. Girouard which are separate? It seems to me pretty clear that they are but I do not speak for the committee. The committee must make that decision itself.

Once the committee has made the decision that there are three smaller parties, the New Democrats, the Social Credit party and Ralliement des Creditistes, then the committee has to decide on what basis these parties are to be seated in the House of Commons. They submit, Mr. Chairman, that the committee is free to make whatever recommendations it chooses.

If the committee looks into the history of the House of Commons it will find various precedents that were followed in the past. In the main the precedents are two and result from decisions made in respect of a question between the Social Crediters and our party. The one final basis on which a decision was made as to whether we or the Social Credit party sat first was based on historical seniority. Our party was the oldest party and the members were the older members, and in spite of the fact that in 1935 and again in 1940, the Social Credit party elected more members than we did, and sat as the third party in the house while the Social Credit party sat as the fourth party.

That was the precedent which was followed. The committee may decide to follow it again. It may decide now, if it makes the decision that there are two Social Credit groups here, the Social Credit party and the Ralliement des Creditistes, that the one is older than the other and it may in that respect follow the precedents set in 1935 and 1940.

On the other hand, Mr. Chairman, as I pointed out in the House of Commons last Monday, this precedent has been altered. It is not surprising now that I cited the precedent set in 1935 and 1940 when I made representations to the Speaker after the 1962 elections. At that time the Social Credit party had elected more members than we had. I went to Mr. Speaker Michener, who was still in office, and later to Mr. Speaker Lambert and made the point that historically our party was the older party with the older members and we should still sit as the third party in the house. I had lots of fun presenting the argument and listening to the answers but I did not have any success in the matter. The answer I received was that this should be decided on the basis of sheer numbers and the Social Credit party had more members and that was the end of the problem.

I raised this point again after the 1963 election. I admit I did not press it very strongly as I felt the battle had been lost in 1962. Again in 1963 we were sitting according to sheer numbers.

As I say, this committee, and in turn the House of Commons when it receives our report, have these two types of precedents, one, that history and seniority of groups, which was followed in 1935 and in 1940 is the proper precedent, and two, numerical strength of the groups, as was followed in 1962 and 1963, is the precedent to be followed. The committee can decide either way.

I do not think we should change the rules back and forth. I do not think we should change the rules in the middle of the game. The decision was made in 1962 and 1963 that numerical numbers was the deciding factor. At that time 13 members appeared to be more than 11 members just as 23 members appeared to be more than 17 members.

I do not regard this as a great moral issue. I do not think that we should say we are following a precedent, breaking that precedent or breaking down history or democracy. This is just a plain arbitrary decision to be made. Some of us may favor following one precedent and some of us may favor following the other. All we will be doing when making that decision is deciding on the order the different groups should take in the house. We must first decide which groups have been established and then we must decide upon the order in which they sit in the House of Commons.

Mr. Chairman, Mr. King's answer to Mr. Raymond, which has been quoted at some length, I recall was very interesting. I recall also that Mr. Coldwell was taken to San Francisco in 1945 and Mr. Blackmore was not. I stress the point that these were judgments and decisions made by Mr. King and did not have the sanctity of statutory decisions or constitutional decisions. They were the result of his opinion arising out of the mind of one who really thought those who were not in the government or the Official Opposition should just be treated as independents.

But the time came when these courtesies had to be extended. Let us face the fact that we are deciding on the courtesies to be extended to a group other than the Official Opposition but we are not called upon to make a statutory decision as to what is or is not an official political party in this country.

One of the quotations read, I think it was from Mr. King, was to the effect that he did not want to see a lot of parties in the House of Commons. We all agree to this. We do not want the French situation duplicated here, but we cannot decide that by law. It depends on the people of Canada to decide as to whom they send here. When people cross the floor in the life of a parliament—we had it happen to us—then the people back home take care of them at the next election.

It has been suggested that the \$4,000 creates a problem. I think that it is a separate problem which we should decide after we have made the decision as to where people should sit. We may then say this is a problem to be referred to the Department of Justice or to Dr. Ollivier. However, I would like to make the point, Mr. Chairman, that the introduction of this phrase "leader of a party" in the bill which provided pay increases, and so on, does not really help us here. We should keep in mind the actual wording of that phrase. Nothing is said here of a recognized party; the reference is to a member who is the leader of a party that has a recognized membership of 12 or more persons in the House of Commons. It does not say that you become a legal party because you have 12 or more members in the House of Commons. I think the question of pay increases is a separate question altogether which we will have to consider afterwards.

Mr. Chairman, as you know, at the steering committee meeting last Thursday afternoon I suggested that the problem could be broken into two

parts, one of which was, quite simply, that we are 17 and the largest of the three groups and that therefore we should be moved up right away today; that the others should be moved down and that then we will deal with the other problem. That was extracted from Thursday afternoon's meeting of the steering committee. When we met again on Friday and had Mr. Gregoire in attendance as observer with power to speak, some objection was expressed to our dealing with this in two stages. As a matter of fact I took the initiative in withdrawing the request I made the day before, and suggested that we deal with the whole problem in its entirety. I now suggest we do that, and I suggest we do three things: first, that we avoid the pitfall of trying to make a decision as to what is an official party, second, that we ascertain how many groups there are now in the House of Commons, and if we ascertain that there are more than four—which was the case on August 2—that we then proceed to make a recommendation as to their order of seating. We need not be puritanical or take a holier than thou attitude, we need not be constitutional or moralistic about it. We should just be plain, blunt people, members of the House of Commons, who decide that on the basis of courtesy, and so on, we think the order should be A, B, C or A, C, B, whichever we feel, in our respected judgments, is the best.

The CHAIRMAN: We have reached twelve o'clock, and it seems to me from all those who have mentioned their desire to speak, that we will be unable to finish today. I would suggest that someone move the adjournment until Wednesday morning at 9:30 in room 253 west. At that time we can move along and go ahead for a couple of hours of work.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, why not until 1 o'clock?

(Text)

Mr. KNOWLES: Wednesday is caucus day. If it cannot be today, why not tomorrow?

The CHAIRMAN: Tomorrow we will not have the transcript of the proceedings.

Mr. KNOWLES: It seems to me, Mr. Chairman, that with this situation we should carry on as soon as possible.

(Translation)

Mr. DROUIN: I think that we could sit until one o'clock.

(Text)

Mr. KNOWLES: Why not four a.m.?

The CHAIRMAN: We could sit from 9:30 to a quarter to eleven or from nine if you wish.

Mr. KNOWLES: I think there will be criticism of us if we delay that long in dealing with this problem.

The CHAIRMAN: It is not a question of delay. We will not finish even if we go on today.

Mr. KNOWLES: You mentioned the transcript not being ready. Suppose we were to go on now, you would not have the transcript. Is it necessary to have the transcript? Surely we have made sufficient point in our remarks to be remembered.

(Translation)

Mr. GRÉGOIRE: Mr. Chairman, I am a little surprised at your attitude and I do mention it at this stage of our proceedings. We have been sitting since 10 o'clock. Now, the House committees often sit until one o'clock, and it is

you who take advantage of the fact that it is twelve o'clock to move that we adjourn while no one else has proposed such a motion. In short, it seems that your intention is to delay these decisions as much as possible, just as you did it the other day when you did not abide by two recommendations made by the Committee.

Mr. DROUIN: Mr. Chairman, I wish to raise a point of order.

The CHAIRMAN: I shall not permit you to say that I did not abide by the recommendations of the Committee.

Mr. GRÉGOIRE: Let me express my view—

The CHAIRMAN: The first recommendation was voiced but was dropped. I therefore decided that it was out of order.

Mr. DROUIN: Mr. Chairman, I raise a point of order.

Mr. GRÉGOIRE: Mr. Chairman, I rise on a question of privilege.

The CHAIRMAN: A point of order was raised before you rose on a question of privilege.

Mr. GRÉGOIRE: Which one has the priority?

The CHAIRMAN: The point of order.

Mr. DROUIN: I can make it a question of privilege if you so desire.

If the honourable member for Lapointe wishes to continue to sit until one o'clock, I think that the Committee can settle that question. But, in my opinion, we have absolutely no right to insult the chairman in order to achieve your purpose.

If the honourable member wishes the Committee to sit until one o'clock, he has only to ask for the Committee's approval and he can do it without insulting the chairman.

The CHAIRMAN: What is your decision? Do you want to sit until one o'clock.

(Text)

Mr. KNOWLES: Agreed.

(Translation)

Mr. DROUIN: Yes.

Mr. CHAIRMAN: Is it the wish of the majority?

Agreed.

Mr. GRÉGOIRE: I wish to point out to you that the second paragraph of Beauchesne's Rule 108 reads as follows:

(Text)

An accusation of partiality and discourtesy directed against the Chairman of Ways and Means, was brought before the house as a matter of privilege on the 19th of July, 1909. The member who had made the accusation, acknowledged its impropriety and withdrew it.

(Translation)

Mr. DROUIN: Mr. Chairman, under the terms of the Beauchesne's rule which has just been quoted to us, I ask Mr. Grégoire to take back the words he has spoken to the chairman.

Mr. GRÉGOIRE: I shall not take them back. I shall air my grievance to the House as a question of privilege. Can it be proved that I am wrong, when I am not being permitted to speak and to express my views.

The CHAIRMAN: You have already spoken and you will have the right to make other comments, but some other members wish to speak before you do. The others must therefore be given the opportunity to express their views but afterwards you will have the right to bring up this subject again.

Mr. MARTINEAU: Mr. Chairman, with regard to the question of privilege raised by the honourable member for Lapointe, who maintains that he was not permitted to go on with his remarks, I remember very well that at the time he resumed his seat you asked him whether he had finished with his remarks and he replied that he had.

Mr. GRÉGOIRE: There is a mistake there.

Mr. Chairman, I was not talking about the remarks I made at the beginning of the meeting. When I mentioned partiality regarding the two recommendations of the Committee, you refused me then the right to speak, even before I could state which one of the two recommendations I meant.

(Text)

The CHAIRMAN: Mr. Moreau?

Mr. MOREAU: Mr. Chairman, I would be very interested in hearing the arguments presented.

Mr. Knowles made the point earlier that we were not here to decide what constituted an official party and he indicated also that parties were not recognized in the house, but it seems to me that the issue is not really a question of how many groups we have.

By tradition in the house we do recognize certain parties and we do recognize certain privileges to leaders of recognized political parties, and whether we call them groups or parties does not seem to me to be too important. We do have recognition in some way of parties or groups in our parliament and the privilege is extended to the leaders.

I would like to come back to the problem raised at the initial opening of the meeting. Mr. Gregoire, speaking for the Creditistes, was not applying for recognition as a new party or a new group; he, if I understood him correctly—and I listened carefully in both languages—did say that they had had a party caucus and had changed leaders. It was on this basis, as I understood it, that they were applying for these special privileges. It seems to me that this issue has been lost in the shuffle of the argument as to what constitutes a group and what does not.

I would now like this reconciled and I would like to ask Mr. Gregoire a question on this. I think he is very desirous, very anxious to speak. I would like to have his explanation in view of his opening remarks, the fact that they had changed leaders and the letter of September 16 by Mr. Caouette in which he says:

Since we have become a separate federal political party we will greatly appreciate your usual kind co-operation.

He goes on to say:

Mr. Thompson remains the head of the Social Credit association of Canada and I have become the head of the Ralliement des Creditistes in the House of Commons.

It seems to me, Mr. Chairman, that we have not been asked by the group that is applying for the special privileges to decide what constitutes a party or a group. We have simply been asked, as Mr. Knowles pointed out, to take sides in an issue to determine who is the actual leader of the Social Credit party. I would like very much to hear Mr. Gregoire's view, with your concurrence, on the apparent conflict in points of view between him and his leader, or at least between him and Mr. Caouette. I would like to hear Mr. Caouette's point of view on this matter.

(Translation)

Mr. DROUIN: Mr. Chairman, I respectfully submit that I had requested leave to speak on the subject.

The CHAIRMAN: After Mr. Moreau, Mr. Drouin.

Mr. DROUIN: Mr. Chairman, as Mr. Girouard said a moment ago, we are here somewhat in the role of members of the jury. There are two parties in the case: the Ralliement des Créditistes on one hand and the Social Credit party on the other, the latter seeking recognition by the house. And I think it would not be right that a jury should decide before the case has been heard.

However, with your permission, I should like to give you my impressions following the varied evidence submitted to the Committee. Furthermore, I would like to inform you of the quick investigation I have made with regard to this matter.

Considering the contradictions that exist between Messrs. Grégoire's and Caouette's letters concerning the situation of the Ralliement des Créditistes...

Mr. GRÉGOIRE: Mr. Chairman, on a point of order, the contradictions between the letters have been referred to many times.

Mr. Moreau asked a question a moment ago, and I tried to explain that there were no contradictions. They are going to talk in this vein and they will try...

The CHAIRMAN: There is no point of order there. You will be able to speak to that later.

Mr. GRÉGOIRE: After everybody has spoken about contradictions that do not exist.

The CHAIRMAN: Everybody has a right to speak.

Mr. DROUIN: Mr. Chairman, as Mr. Knowles has pointed out, Messrs. Grégoire and Caouette are agreed on the recognition of Mr. Caouette's leadership and authority as chief of the Ralliement des Créditistes' party. So, as a basis for our argument we shall consider Mr. Caouette's letter which states:

Since September 1st, our movement has become a national group known as the "Ralliement des créditistes".

We therefore have a new group seeking recognition by the House of Commons. And as Messrs. Knowles and Girouard have pointed out, there is no provision in our constitution that enables us to recognize or define what is a third party in the House of Commons.

However, since Confederation, certain facts have been recognized.

Certain precedents have been quoted, Mr. Beauchesne's treatise has also been quoted. But I believe all those quotations have become null and void since July 30, 1963, date upon which we have had the first legal recognition of third parties in the House of Commons.

The admission of third parties in the House of Commons prior to July 30, 1963 was due, as it has been pointed out, to the courtesy of the then Prime Ministers or Speakers.

The proverbial courtesy of Prime Minister Mackenzie King was quoted, among others, to prove that certain parties were recognized and others were not.

I respectfully submit that since July 30, 1963, that is since the adoption of an Act to amend the Senate and House of Commons Act and the Members of Parliament Retiring Allowances Act, there has been legal recognition.

In fact, Subsection (2) of Section 3 of the said Act reads as follows:

There shall be paid to each member of the House of Commons, other than the Prime Minister or the Member occupying the recognized position of Leader of the Opposition in the House of Commons, who

is the Leader of a party that has a recognized membership of twelve or more persons in the House of Commons, an allowance at the rate of \$4,000.00 per annum in addition to the Sessional allowance payable to such Member.

We must therefore ask ourselves whether this text of the Act applies to Mr. Caouette and the members of his party or of his group, the Ralliement des créditistes.

With regard to his recognized strength in the House of Commons, I think it has been proven that Mr. Caouette exercises authority over at least twelve persons.

But is he the chief of a party? He surely is, as Mr. Knowles pointed out a moment ago, the chief of a group. But is he a Party Chief?

As it was pointed out a while ago, there is nothing in the Constitution or in legislation prior to July 30, 1963 which can give us the definition of a party.

That is why I have consulted two internationally known authorities, namely the Quillet and Larousse dictionaries. And here is what Quillet says about the word "party":

Several persons united in opinion or interest as opposed to others having a different opinion or interest.

As for Larousse, it defines the word "party" as follows:

A small body of troops dispatched on special service, etc.

I am quite sure that Larousse's definition does not apply to a political party, but I think Quillet's is right.

At least until we find one which has the same authority and is specially applying to a political party.

Mr. Chairman, does the Ralliement des Cr ditistes answer Quillet's definition?

Quillet specifies:

Several persons united in interest.

I think that the Ralliement des Cr ditistes, at least according to the evidence given before the Committee since the opening of the meeting, I think, say I, that the said group answers that definition.

It has been said that in order to be recognized at the House of Commons a party had first to go through an election, at least a by-election if not a general election.

But the provisions of Bill C-91 are not referring to any election; mention is only made of the expression "party" and that is what we have to define.

I abstain for the time being from expressing my view on this matter. I shall

[Text]

The CHAIRMAN: Mr. Cashin.

Mr. CASHIN: Mr. Chairman, I just have a few remarks to make in respect of Mr. Knowles' comments. He suggested to us that it was not parliament's business to decide what is a party and that rather our problem was to decide how many groups are in the house. In the light of Mr. Knowles' question of Mr. Gregoire, I might be jumping the gun, but it seems to me that Mr. Knowles neglected one point that I felt should have been a logical part of his speech. Perhaps he did say it and I did not understand what he said.

It seems to me that the question is to decide what is a group. Is a group formed after an election in the parliament the same as a group that has a mandate from its electors? This might be irrelevant, but it seems to me in substituting the word "group" for the word "party" when used by Mr. Girouard,

that it may be as Mr. Knowles said a matter of semantics, and I am inclined to agree with him that there is a distinction.

Perhaps we should consider the question, or perhaps there should be some comment on the question of what constitutes a group, and whether, in fact, there are any differences between those groups now sitting in the house, and one that is formed while parliament is still in session.

Mr. BREWIN: Mr. Chairman, Mr. Cashin has just raised the point which I think is the crucial one here. I do not believe we face a problem of such complexity or difficulty as has been suggested. I think it is fairly straightforward.

First of all, I take it that all members of the committee intend to reject from their mind any question of personalities or political privileges. If I could conceive of myself being a Social Creditor, I think I might adhere to Mr. Thompson rather than Mr. Caouette; but that has nothing whatever to do with the problem facing us. It is strictly a question of what is the appropriate thing to do in the circumstances. There is no dispute as to the facts. The facts are that a group of 13 members have notified us in clearcut language in Mr. Caouette's letter that they have formed a separate group. There is no dispute as to the numbers. There are 13 in the one group, leaving 11 in the group that remains as adherents of the Social Credit group. The separateness of these two groups is attested to by both sides. I think the question was very well put by Mr. Knowles, that this is a question not of which of these are parties, whether they are parties or not, but as to which are groups. I take it that members have the right to decide what groups they want, both before and after elections, and that they have the freedom to change from one party to another. That is for them to decide. There have been numerous historical examples of that particular fact.

The one thing that is suggested here is—and I thought Mr. Girouard had presented his case very forcefully, very clearly and very ably—that this one separate group did not form as a group before the election, and that that group cannot for that reason constitute a separate group entitled to recognition in the house. I suggest that there is no precedent whatever. Mr. Girouard said that definition was recognized. I have searched the definitions and I challenge anyone to find a definition of a party or group which says they must have run as a group, or have been recognized as a group at some prior time. With all due respect to Mr. Girouard and others like him, I think that this is an importation to fit the circumstances of the present situation. I would take it that it might be possible that the Liberals and Conservatives could split into separate groups, but if they chose to do that in the course of a parliament—five years—there might be numerous permutations and combinations.

I think the position involved is have the members of parliament the right to constitute and set themselves up into separate groups, and once they have done so then the fact is beyond argument. Have they the right to be recognized as such?

Mr. MOREAU: What would you do regarding the extension of the privilege to two party leaders in the house? For instance, if the Quebec caucus of the Liberal party or the Ontario caucus of the Conservative party were to apply for these privileges.

Mr. BREWIN: I find it difficult to imagine these two historical parties adopting the position you suggest, Mr. Moreau, but if they did I would accord them exactly the same rights and privileges as I suggest should be accorded now to the members of the Social Credit party who put themselves into a separate group by their own choice and will. It seems to me that is the crux of the problem. It may be that their decision is unwise, but I say they have the

freedom to constitute themselves into a separate group, if they so wish, and if they do we have no right to bring in separate tests of that sort.

Mr. Knowles suggested two tests and that one or the other should be adopted. The one test an historical test, the party which occupied its position as such at an earlier date. The other test was which has the largest number of members.

I suggest to the committee, Mr. Chairman, that the first test is not a convenient or a satisfactory test.

As to historical seniority of groups as such, one could imagine a situation in which, historically, the Conservative party might be reduced to a minority, as was the case in 1921. It was the third party in the house but I do not think they would claim any special privilege because they are older historically than some other groups.

I suggest we have a simple test and should answer a simple question: Is this a separate group; does it represent more numbers of people than the others? I think we should answer Mr. Knowles' question by saying there are five groups and they should be listed in seniority according to the numbers that they undoubtedly have. I think that is the simple answer and the one we should give on a matter of principle in this question.

(Translation)

Mr. MARTINEAU: I am going to reserve my place on your list, Mr. Chairman.

(Text)

Mr. PENNELL: If I may interpose for a moment, Mr. Chairman, I should like to state that there has been a lot of discussion regarding the fact that we have groups rather than parties. With great respect I would invite your attention to the terms of reference of the Speaker of the House of Commons dated September 30, at page 2, wherein he asks:

Have we a new party according to this definition and, if so, has this party been recognized by the House?

To my mind this question is for the House of Commons to decide, and I respectfully invite your attention to the fact that the question imposed upon us for answer is, is there a new party? You may decide in the affirmative or negatively and then go on from there, but I invite the attention of this committee regarding the terms of reference.

Mr. LEBOE: Mr. Chairman, I think the recommendation of the Speaker to this committee in respect of the answer to be given is well founded. The practice has been to allow the electorate to retain its democratic rights to vote in such a way that it decides who will be elected to the House of Commons as a pre-election recognized party. I think this is a democratic right that we in the House of Commons should be very careful to avoid nullifying or violating. I think we here must protect our electorate in regard to anything we have before us.

One will recall that when an election has taken place at any time since confederation there have been certain specific things placed before the voters upon which they have voted. I think as responsible members of parliament we should religiously avoid any violation of this rule.

I think we must go far beyond the point of view taken by the hon. member for Winnipeg North Centre.

I would like you to remember that in the remarks of Mr. Knowles when speaking in divisions he has never mentioned the Social Credit Party and a group of independents. I think herein lies the situation which we must keep in mind. That is, in the recommendations of Mr. King, which we have had read to us, he was fully aware of the responsibility he had as Prime Minister

at that particular time, namely, the responsibility of protecting the democratic rights of the voters. I think he came to his decisions on the basis of this premise, looking further than the House of Commons to those rights of the electorate. If we believe in representation by population, the rights and privileges of the electorate must be protected. When we begin splitting hairs between political parties in the House of Commons and groups in the House of Commons I think we will find ourselves in difficulty.

I am certain that the voters in any election have never voted with the idea that we would be presented eventually within a five-year period of time with 20 parties in the House of Commons, having never had a chance to say a word about it. The question which we, as responsible members of parliament, have to answer, is whether or not this is the case.

A suggestion was made to me that put the thing from the sublime to the ridiculous but that expresses the point very well, I think. In 1958 there were, I think, 208 Conservatives elected to this House of Commons. If what we are proposing here today through the arguments that are put out by some of the members was in fact a realistic viewpoint, we could say that the 208 Conservatives could have divided themselves into 140 on the government side, and 68, shall we say, on the opposition side. This is putting it to a ridiculous extreme, but I think we have to come back to the electorate, we have to come back to the voter, and our responsibility here as members of the house is to keep in mind those things we were sent here to do. I think it is time that we, not only in this particular committee but in the House of Commons, took a closer look at our total responsibilities to the nation of Canada.

Mr. TURNER: Mr. Chairman, I will follow the example of Mr. Drouin, if I might, who said that we are acting here as jury and, without prejudging the case, I will say a few words in particular, if I might, in answer to some of the remarks of Mr. Knowles and Mr. Drouin. They would have us believe that this is a relatively simple question, having no consequences beyond the seating of a few members of the House of Commons. I would like to disagree very strongly with that suggestion.

In order to make this argument more palatable, Mr. Knowles suggested that what we were concerned with was not the definition by this committee of a political party but merely the determination by this committee of whether a new group had been formed. I would submit to the committee that Mr. Knowles by that argument does not advance the case for us one whit because all the argument does is to substitute the word "group" for "party", still leaving us with the same problem: Is parliament, is this committee to recognize a new group for the purposes of parliament? So whether you use the word "party" or whether you use the word "group", the question is still one of recognition. Shall this new party, shall this new group be recognized for the purposes of parliamentary procedure?

Nor is it, Mr. Chairman, merely a question of fact: Is there a new grouping for the purposes of the House of Commons? Is there the fact of a new party? Is there a new allegiance? Is there a new leader? I would submit very respectfully that this is not the question. The question is whether this new group, with a new leader, with a new philosophy, should be recognized for the purposes of parliament by this committee.

Therefore, I must confess I am a little confused still by the evidence because so far as I am concerned Mr. Gregoire has not finished his case; I find latent contradictions in the documents before this committee, particularly the letter of September 9 signed by Mr. Gilles Gregoire and the letter of September 16 signed by Mr. Caouette. Mr. Gregoire's argument seemed to be that we had a new leader of a party. Mr. Caouette's argument seems to be that we have a new party. At the early stages of this hearing this morning

I was not sure—and I gather from the questions of other members here that they were not sure—whether the argument was that we have an old party under new leadership or we have a new party, and until Mr. Gregoire satisfies us as to that particular problem I doubt whether we can make a decision.

I do not think, therefore, that the committee can afford to be cavalier about this decision because it is not a simple one that goes just to the seating in the House of Commons. It affects the status of this new group—or alleged group, because we do not want to prejudge the question. It affects the status of this group in the House of Commons, not merely the physical features of where they will sit or what offices they will occupy; it involves precedence in debate; it involves recognition on orders of the day. It involves a whole series of ramifications which this committee ought to consider before it sends a recommendation to the full house.

I feel, Mr. Chairman, more or less like the father of Eugenie Grandet in the novel of Balzac always being given the opportunity to think what I am going to say while the translator is speaking. But in any event the problem, as I say, goes beyond the main seating arrangements of this house. The problem involves the parliamentary status of a new grouping and, more than that, it involves the possibility, as Mr. Leboe has suggested, of fragmentation of the House of Commons, because it is not beyond the realm of possibility that during the course of this or subsequent parliaments existing parties might split asunder and seek the same sort of recognition that is being sought today.

With the greatest respect to my colleague and friend Mr. Drouin, I am not convinced that the recent statute of the House of Commons recognizing *per incuriam* the existence of a political party has any bearing on the particular problem before the committee. I say this because it will be up to the comptroller of the treasury, in paying \$4,000 to the leader of a political party within the terms of that statute, to decide who gets the money. And since that is a statute of parliament the proper forum of interpretation of that particular question must be the Department of Justice, and it may be that the comptroller of the treasury will have to refer that particular problem to the deputy minister of Justice for an answer.

So with the greatest respect, that statute and the problem of the \$4,000 are not properly a subject for discussion before this committee.

May I call it one o'clock, Mr. Chairman?

Mr. MOREAU: On a point of procedure.

The CHAIRMAN: Before we close, we could call Mr. Ollivier and Mr. Castonguay as witnesses if you think it will be necessary.

Some hon. MEMBERS: Agreed.

Mr. NIELSEN: Why would we call Mr. Castonguay? I can see the sense of having Dr. Ollivier, but why Mr. Castonguay?

The CHAIRMAN: He is generally the one who interprets the electoral law, and if you have questions to put he would be here.

Mr. NIELSEN: With great respect, he would not interpret it in that area at all.

Mr. MOREAU: We are all anxious to get this decision as quickly as we can. I notice that this room is wired for sound. If we could have the translator sitting in the booth interpreting simultaneously it would speed up things one hundred per cent.

The CHAIRMAN: Is it complete? I do not think it is. The wires are there but I do not think they have completed the booths. Until they have done that we have to go along with the translators in this way, from one language to the other.

Mr. KNOWLES: Mr. Chairman, I suggest that the time for the next meeting be left in the hands of the steering committee to decide, and that it be held as soon as possible, because we do not know what developments might occur.

Mr. CHAIRMAN: I know that we have many committees meeting tomorrow and that members of this committee may be members of other committees as well.

*(Translation)*

Mr. GRÉGOIRE: I propose four o'clock this afternoon.

The CHAIRMAN: It is impossible to sit while the House is sitting.

Mr. GRÉGOIRE: The same question was asked with regard to other committees and, after having been told that such a procedure was impossible, we had a meeting. If such a thing were impossible for this Committee it would also be impossible for all the committees of the House.

The CHAIRMAN: Such a motion should have been proposed earlier.

Mr. GRÉGOIRE: I propose it now, Mr. Chairman.

The CHAIRMAN: The committee now stands adjourned at the call of the chair.

## APPENDIX "A"

House of Commons  
Chambre des communes  
Canada

le 30 Septembre 1963.

NOUS, soussignés, députés fédéraux duement élus représentants du CRÉDIT SOCIAL par le "RALLIEMENT DES CRÉDITISTES" reconnaissons comme notre seul chef, MONSIEUR RÉAL CAOUCETTE, député pour la circonscription de Villeneuve.

La définition d'un parti, telle qu'expliquée par l'Honorable Orateur de la Chambre des Communes, est en tout point conforme à notre organisation et nous réclavons notre place en Chambre et les privilèges attribués à notre groupe de treize.

Notre convention annuelle de Granby a pris ces décisions alors que 1500 (Mille cinq cents) délégués participaient aux délibérations.

Signé par

Gilles Grégoire, M.P.  
C.-A. Gauthier, M.P.  
Robert Beaulé, M.P.  
Lucien Plourde, M.P.  
Pierre-André Boutin, M.P.  
Gérard Perron, M.P.  
Gilbert Brodeur, M.P.  
C.-E. Dionne, M.P.  
Gérard Laprise, M.P.  
Henry Latulippe,  
L.-P.-Ant. Bélanger  
.....  
Réal Caouette

Document déposé et lu en Comité des Privilège et élections

le 3 octobre 1963

(Translation)

September 30th, 1963.

WE, the undersigned, Members of Parliament in the federal government, being elected as representatives of the SOCIAL CREDIT by the "RALLIEMENT DES CREDITISTES", do hereby recognize as our sole leader, REAL CAOUCETTE, ESQUIRE, member for the Villeneuve riding.

The definition of a party, as explained by the Honourable Speaker of the House of Commons, applies entirely in the case of our organization, and we do claim our place in the House as well as the privileges attributed to our group of thirteen.

## STANDING COMMITTEE

Our annual convention at Granby took those decisions while 1,500 (Fifteen hundred) delegates were taking part in our discussions.

Signed by

Gilles Grégoire, M.P.  
C. A. Gauthier, M.P.  
Robert Beaulé, M.P.  
Lucien Plourde, M.P.  
Pierre André Boutin, M.P.  
Gérard Perron, M.P.  
Gilbert Rondeau, M.P.  
C. E. Dionne, M.P.  
Gérard Laprise, M.P.  
Henry Latulippe, M.P.  
L. P. Ant. Bélanger, M.P.  
.....  
Réal Caouette, M.P.

(Document read and tabled in French before the Committee on Privileges and Elections, October 3, 1963.)

## APPENDIX "B"

Ottawa, le 9 septembre 1963.

Honorable Alan Macnaughton, Orateur,  
A/S M. Léon J. Raymond, Greffier,  
Chambre des Communes,  
Ottawa, Ontario.

Monsieur l'Orateur,

Je veux vous aviser par la présente, que le Parti du Crédit Social s'est désigné un nouveau chef en la personne de Monsieur Réal Caouette, député du comté de Villeneuve.

Des vingt-trois membres du Crédit Social, treize ont endossé cette décision; en voici les noms: M. C. A. Gauthier (Roberval), M. Antoine Bélanger (Charlevoix), M. Robert Beaulé (Québec-Est), M. Lucien Plourde (Québec-Ouest), M. Henri Latulippe (Compton-Frontenac), M. Pierre-André Boutin (Dorchester), M. Gérard Perron (Beauce), M. Gilbert Rondeau (Shefford), M. C. Raymond Langlois (Mégantic), M. Charles-Eugène Dionne (Kamouraska), M. Gérard Laprise (Chapleau), M. Gilles Grégoire (Lapointe), M. Réal Caouette (Villeneuve).

Cette décision a donc été reconnue par la majorité des députés.

Étant donné qu'un groupe de députés autre que ceux ci-haut mentionnés ont décidé de se retirer du groupement, nous désirons une nouvelle redistribution des bureaux, dont vous trouverez la liste ci-incluse.

Nous désirons vous souligner également, qu'étant donné que Monsieur Réal Caouette, étant le chef du groupe le plus nombreux, il lui revient de droit d'avoir un secrétaire exécutif et deux secrétaires.

En vertu de la nouvelle loi, c'est également Monsieur Caouette qui a droit au \$4,000.00 additionnel pour dépenses attribuées à tout chef de parti qui compte au moins douze membres en Chambre.

Nous désirons vous aviser également, qu'il appartiendra à l'avenir à Monsieur Caouette de désigner les députés du Crédit Social qui feront partie des différentes délégations du Parlement à l'étranger.

Nous aimerions également savoir à combien de députés nous avons droit sur chaque comité de la Chambre des Communes et nous vous en ferons parvenir une liste dès que possible.

Espérant que vous voudrez bien agir le plus vite possible à ce sujet, nous demeurons,

Bien à vous,

Gilles Grégoire, M.P.,  
House Leader.

Translation follows.

*Liste de la Redistribution des Bureaux*

645-D—647-D .....	M. Réal Caouette
649-D .....	M. Gilbert Rondeau
651-D .....	M. Henri Latulippe
653-D .....	M. Antoine Bélanger
655-D .....	M. Raymond Langlois
657-D .....	M. Pierre-André Boutin
656-D .....	M. Robert Beaulé
650-D .....	M. Gilles Grégoire
652-D .....	M. Lucien Plourde
654-D .....	M. Gérard Perron
648-D .....	M. C. A. Gauthier
658-D .....	M. Gérard Laprise
660-D .....	M. Charles-Eugène Dionne

OTTAWA, September 9, 1963.

Honourable Alan Macnaughton, Speaker,  
c/o Mr. Leon J. Raymond, Clerk,  
House of Commons,  
Ottawa, Ontario.

Sir,

I wish to inform you by these presents that the Social Credit Party has chosen a new leader in the person of Mr. Real Caouette, Member for Villeneuve.

Of the twenty-three members of the Social Credit Party, thirteen have approved of this decision; they are Mr. C. A. Gauthier (Roberval), Mr. Antoine Belanger (Charlevoix), Mr. Robert Beaulé (Quebec East), Mr. Lucien Plourde (Quebec West), Mr. Henri Latulippe (Compton Frontenac), Mr. Pierre Andre Boutin (Dorchester), Mr. Gerard Perron (Beauce), Mr. Gilbert Rondeau (Shefford), Mr. C. Raymond Langlois (Megantic), Mr. Charles Eugene Dionne (Kamouraska), Mr. Gerard Laprise (Chapleau), Mr. Gilles Gregoire (La-pointe), Mr. Real Caouette (Villeneuve).

The decision has therefore been recognized by the majority of the Members.

Since a group of Members other than those listed above have decided to leave the party, we are asking that a new allotment of offices be made according to the schedule annexed hereto.

May we also point out that, since Mr. Caouette is the leader of the larger of the two groups, he is entitled to an executive assistant and two secretaries.

Under the new Act, Mr. Caouette is also entitled to the \$4,000 additional allowance paid to every leader of a party that has a membership of twelve or more persons in the House of Commons.

We also wish to inform you that, from now on Mr. Caouette will designate the Members of the Social Credit Party who shall be included among the various delegations of Members of Parliament travelling board.

We would also like to know how many members of our group are entitled to sit on each Committee of the House; we would appreciate a list of the membership of these Committees as early as possible.

Yours truly,

(Signed) Gilles Gregoire, M.P.  
House Leader.

## ALLOTMENT OF OFFICES

645D-647D.....	Mr. Real Caouette
649D.....	Mr. Gilbert Rondeau
651D.....	Mr. Henri Latulippe
653D.....	Mr. Antoine Belanger
655D.....	Mr. Raymond Langlois
657D.....	Mr. Pierre-Andre Boutin
656D.....	Mr. Robert Beaulé
650D.....	Mr. Gilles Gregoire
652D.....	Mr. Lucien Plourde
654D.....	Mr. Gerard Perron
648D.....	Mr. C. A. Gauthier
658D.....	Mr. Gerard Laprise
660D.....	Mr. Charles-Eugene Dionne

HOUSE OF COMMONS  
CANADA

Robert N. Thompson  
Member for Red Deer

Social Credit  
National Leader

September 13, 1963.

The Honourable Alan Macnaughton,  
Speaker,  
House of Commons,  
Ottawa, Ontario.

Mr. Speaker,

No doubt you are aware of my pending visit to Australia and New Zealand. During my absence, Dr. Guy Marcoux will act as spokesman for the Party. Dr. Marcoux has been re-instated in the National Association and is acting as Chairman of the Quebec Members of Parliament who are remaining with the National Party.

Mr. Jean-Louis Frenette, Party Whip, is presently attending the Inter-Parliamentary Conference in Belgrade. In his absence, Mr. Bert Leboe is serving as Party Whip and has full authority to act in this position. Mr. Alex Patterson continues as House Leader.

I realize that the separation of Mr. Réal Caouette and his followers from the party poses several problems for you in the House. Their independent stand is strictly a local action and in no way alters the position of the official Social Credit Party, representative of the Social Credit Association of Canada. I assure you, Mr. Speaker, of my confidence in your decisions and you may count on the full co-operation of Messrs. Marcoux, Leboe and Patterson.

I will remain in Ottawa on the morning of September 30th.

Sincerely yours,

(signed) Robert N. Thompson, M.P.

CHAMBRE DES COMMUNES  
CANADA

Le 13 septembre 1963.

L'honorable Alan Macnaughton,  
Orateur,  
Chambre des communes,  
Ottawa (Ontario)

Monsieur l'Orateur,

Vous êtes sans doute au courant de ma prochaine visite en Australie et en Nouvelle-Zélande. Pendant mon absence, le docteur Guy Marcoux sera le porte-parole du parti. Le docteur Marcoux a été réintégré dans l'Association nationale et agit à l'heure actuelle en qualité de président des députés de la province de Québec qui restent dans le parti national.

M. Jean-Louis Frenette, whip du parti, assiste actuellement à la Conférence interparlementaire de Belgrade. En son absence M. Bert Leboe est le whip du parti et a pleine et entière autorité pour agir en cette qualité. M. Alex Patterson assume toujours les fonctions de leader du parti à la Chambre.

Je suis conscient de la gravité des divers problèmes posés par la défection de M. Réal Caouette et de ses amis et de la difficulté pour vous d'y apporter, en Chambre, une solution. Leur geste d'indiscipline n'offre qu'un intérêt local et ne saurait en aucune façon modifier la position officielle du parti du Crédit social, qui représente l'Association canadienne du Crédit Social. Pleinement confiant dans l'objectivité de vos décisions, je puis vous assurer que MM. Marcoux, Leboe et Patterson vous accorderont leur entière collaboration.

Je serai de retour à Ottawa le 30 septembre, au matin.

Je vous prie d'agréer, Monsieur l'Orateur, l'expression de mes sentiments distingués.

(Signature) Robert N. Thompson, député.

Ottawa, le 16 septembre 1963.

Honorable A.-L. Macnaughton, Orateur,  
Chambre des Communes,  
Ottawa, Ontario.

Monsieur l'Orateur,

Faisant suite à la convention annuelle du Ralliement des Créditistes tenue à Granby, Qué., les 31 août et 1<sup>er</sup> septembre derniers, j'ai le devoir de vous informer que notre corps politique siègera dorénavant comme groupe distinct aux Communes.

Depuis le 1<sup>er</sup> septembre, notre mouvement est devenu un groupe national sous le vocable: «Ralliement des Créditistes».

La convention m'a choisi comme chef, et les douze députés dont les noms suivent m'ont également choisi comme leur chef. Ces députés sont: C.-A. Gauthier (Roberval), L.-P.-A. Bélanger (Charlevoix), Robert Beaulé

(Québec-est), L. Plourde (Québec-ouest), Henri Latulippe (Compton-Frontenac), Pierre-André Boutin (Dorchester), Gilbert Rondeau (Shefford), Gérard Perron (Beauce), Raymond Langlois (Mégantic), Gilles Grégoire (Lapointe), Charles-Eugène Dionne (Kamouraska), Gérard Laprise (Chapleau).

Devenant ainsi un parti politique fédéral distinct, je vous saurais gré de nous accorder votre habituelle bienveillante collaboration.

M. Thompson demeure le chef de l'Association Créditiste du Canada, et je deviens le chef du Ralliement des Créditistes à la Chambre des Communes.

Je vous sou mets humblement ces décisions adoptées lors de notre convention annuelle, et j'espère qu'il vous sera facile, malgré le surcroît de travail que cela comporte, de nous aider dans la répartition des sièges en chambre, en tant que troisième groupe d'opposition de par le nombre de députés et aussi dans la répartition des bureaux au parlement.

Me serait-il permis de suggérer que notre groupe puisse occuper le corridor actuel au sixième étage qui comprend exactement le nombre suffisant de bureaux pour notre groupe de treize?

Je me dois également de vous informer qu'à l'occasion d'une prochaine élection nationale, le Ralliement des Créditistes présentera des candidats dans toutes les provinces canadiennes.

Espérant, monsieur l'Orateur, recevoir l'assurance que vous m'accorderez tous les privilèges dûs aux chefs des divers partis, je vous remercie et vous prie de me croire,

Votre bien dévoué,

(signé) Réal Caouette, M.P.

*Chef du Ralliement des Créditistes.*

Ottawa, September 16, 1963.

Honourable A. L. Macnaughton, Speaker,  
House of Commons,  
Ottawa, Ont.

Sir,

Following the annual convention of the Ralliement des Creditistes, in Granby, Quebec, on August 31 and September 1, 1963, it is my duty to inform you that our political group will hereafter sit as a separate group in the House of Commons.

Since September 1, our movement has become a national group known under the following name: "Ralliement des Creditistes."

The Convention has chosen me as the leader and the twelve following Members have also chosen me as their leader: Mr. C. A. Gauthier (*Roberval*), Mr. L. P. A. Belanger (*Charlevoix*), Mr. Robert Beaulé (*Quebec East*), Mr. L. Plourde (*Quebec West*), Mr. Henry Latulippe (*Compton Frontenac*), Mr. Pierre Andre Boutin (*Dorchester*), Mr. Gilbert Rondeau (*Shefford*), Mr. Gerard Perron (*Beauce*), Mr. Raymond Langlois (*Megantic*), Mr. Gilles Gregoire (*Lapointe*), Mr. Charles Eugene Dionne (*Kamouraska*), Mr. Gerard Laprise (*Chapleau*).

Since we have become a separate federal political party we will appreciate greatly your usual kind co-operation.

Mr. Thompson remains the head of Social Credit Association of Canada and I become the head of the Ralliement des Creditistes in the House of Commons.

I respectfully submit to you the decisions reached at our annual convention and I hope that it will be possible for you, in spite of the additional work involved, to assist us in the allotment of seats in the House, as we now constitute the third largest Opposition Party, and also in the allotment of offices in the Parliament Buildings.

May I suggest that our group could take the corridor which we now occupy on the 6th floor and which comprises the exact number of rooms for our party of thirteen Members.

I must also inform you that at the next general election, our party will have candidates running in every Province of the country.

Trusting, Mr. Speaker, that I shall be given all the privileges granted to the leaders of various parties, I thank you and remain

Yours truly,

(Signed) Real Caouette  
Leader of the  
Ralliement des Creditistes.

HOUSE OF COMMONS  
Canada

Ottawa, Ontario,  
September 18, 1963.

Hon. Alan A. Macnaughton,  
Speaker,  
House of Commons,  
Ottawa.

Dear Mr. Speaker,

If we are both in Ottawa at the same time on a date prior to the re-opening of Parliament, we could then discuss the subject matter of this letter. However, in case you return to Ottawa when I am away, perhaps I should place before you what I have in mind.

In view of recent developments it seems quite clear that the New Democratic Party, with its 17 Members, is now the third largest group in the House of Commons. As you know, it was contended both in 1962 and following the election of 1963 that seating of the smaller parties had to be based on their size. Since we are now the largest of the smaller parties we will expect to be seated immediately next to the official opposition. I assume that the details in connection with a new seating arrangement can be worked out with the Sergeant-at-Arms, but I understand that in the first place the decision on the matter must be made by you. This is, therefore, to let you know that I am anticipating your decision, and that I will be in touch with you about the matter when we are both in Ottawa.

Thanking you for your attention, I am,

Sincerely yours,

(signed) Stanley H. Knowles,  
Chief Whip, New Democratic Party.

CHAMBRE DES COMMUNES  
CanadaOttawa (Ontario),  
Le 18 septembre 1963.

L'honorable Alan A. Macnaughton,  
Orateur,  
Chambre des communes,  
Ottawa.

Monsieur l'Orateur,

Si nous nous trouvons à Ottawa à la même époque, avant la réouverture du Parlement, nous pourrions discuter de l'affaire qu'évoque cette correspondance. Néanmoins, au cas où vous regagneriez Ottawa en mon absence, il m'apparaît opportun de vous soumettre ce qui me vient à l'esprit.

A la suite des événements récents, il semble acquis que le Nouveau Parti démocratique, qui compte 17 députés, soit maintenant le troisième parti, par son importance, à la Chambre des communes. Comme vous vous le rappelez, il avait été débattu, en 1962 et à la suite des élections de 1963, que l'attribution des fauteuils à la Chambre aux petits partis dépendrait de leur importance numérique. Comme nous formons maintenant le plus important des petits partis, quant au nombre, il nous semble que nous devrions siéger immédiatement après l'opposition officielle. Je présume que les détails que pose une nouvelle attribution des fauteuils peuvent être aisément surmontés avec l'aide du Sergent d'armes; mais c'est à vous qu'incombe le principe d'une solution. Ma correspondance n'a d'autre objet que celui de vous faire savoir que j'attends votre décision et que, dès que nous serons ensemble à Ottawa, nous pourrions nous entretenir de ce sujet.

Je vous prie d'agréer, monsieur l'Orateur, avec mes remerciements, l'expression de mes sentiments distingués.

(Signature) Stanley H. Knowles,  
Whip en chef, Nouveau Parti démocratique.

OFFICIAL REPORT OF PROCEEDINGS AND EVIDENCE

This edition of the Minutes of Proceedings and Evidence contains the text of the Evidence in the language in which it was given, and a translation in English of the French texts printed in the Evidence.

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

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MONDAY, OCTOBER 7, 1963  
(*Evening Meeting*)

TUESDAY, OCTOBER 8, 1963

WEDNESDAY, OCTOBER 9, 1963

---

Respecting

THE MATTERS RAISED IN THE STATEMENT MADE TO THE  
HOUSE OF COMMONS BY MR. SPEAKER, ON SEPTEMBER  
30, 1963.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. L. T. Pennell

and Messrs.

Blouin,  
Brewin,  
Cameron (*High-Park*),  
Cashin,  
Chrétien,  
Doucett,  
Drouin,  
Dubé,  
Francis,

Girouard,  
Grégoire,  
Jewett, Miss  
Knowles,  
Leboe,  
Macquarrie,  
Martineau,  
Millar,  
Monteith,

More,  
Moreau,  
Nielsen,  
Paul,  
Richard,  
Sauvé,  
Turner,  
Webb,  
Woolliams—29.

(Quorum: 10)

M. Roussin,  
Clerk of the Committee.

ORDER OF REFERENCE

MONDAY, October 7, 1963.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to sit while the House is sitting.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

## REPORT TO THE HOUSE

WEDNESDAY, October 9, 1963.

The Standing Committee on Privileges and Elections has the honour to present the following as its

### SECOND REPORT

Pursuant to the Order of Reference of September 30, 1963, ordering:

"That the matters raised in the statement made to the House this day by Mr. Speaker be referred to the Standing Committee on Privileges and Elections, and that the said Committee be instructed to report its findings thereon to the House with all convenient speed,"

the Committee held four meetings to consider the said matters referred to it.

The Committee recommends:

1. That the New Democratic Party occupy the seats next to the official Opposition on the left side of the Speaker.
2. That the members of the Social Credit Party occupy the seats next to the New Democratic Party on the left side of the Speaker.
3. That the members of the group under the leadership of Mr. Caouette occupy the seats on the left of the Social Credit Party.
4. That the question of the privileges to be enjoyed by the group under the leadership of Mr. Réal Caouette be referred to the Parliamentary Counsel of the House of Commons for study and report to the Speaker.

Respectfully submitted,

ALEXIS CARON,  
*Chairman.*

# MINUTES OF PROCEEDINGS

## EVENING SITTING

MONDAY, October 7, 1963.

(3)

The Standing Committee on Privileges and Elections met this day at 8.33 o'clock p.m. Mr. Alexis Caron, Chairman, presided.

*Members present:* Messrs. Blouin, Brewin, Cameron (*High Park*), Caron, Cashin, Chrétien, Doucett, Drouin, Dubé, Francis, Girouard, Grégoire, Knowles, Leboe, Macquarrie, Martineau, Millar, Moreau, Nielsen, Pennell, Richard, Sauvé, Turner, Woolliams.—(23)

*In attendance:* Dr. Maurice Ollivier, Parliamentary Counsel.

Also in attendance a Parliamentary Interpreter, and interpreting.

The Clerk read the Order of Reference of this day authorizing the Committee to sit while the House is sitting.

Mr. Turner asked the Chairman if English and French shorthand reporters were available for this meeting. The Chairman answered in the affirmative.

Mr. Grégoire answered questions put to him by members of the Committee.

Mr. Girouard further explained the attitude of his party in connection with the matters under discussion.

During the course of the discussion and being so requested, Mr. Grégoire tabled a document called "LE RALLIEMENT DES CRÉDITISTES". (See Appendix "C" to this day's proceedings).

Mr. Grégoire refusing to answer certain questions, Mr. Martineau raised a point of order and the Chairman called upon Mr. Grégoire to answer the questions for the benefit of the Committee.

At 9.45 o'clock p.m. the French shorthand reporters were called for duty on the floor of the House of Commons.

Thereupon, on motion of Mr. Chrétien, seconded by Mr. Dubé, it was agreed that the Committee suspend its proceedings for fifteen minutes.

At 10.06 o'clock p.m. the Committee resumed after debate on the absence of the French shorthand reporters.

Mr. Chrétien moved, seconded by Mr. Dubé, and it was resolved, that the Committee adjourn until the following day at 9.30 o'clock a.m.

The question being put, the motion was carried. Yeas, 11; Nays, 8.

At 10.16 o'clock p.m., the Committee adjourned until Tuesday morning, October 8th, at 9.30 o'clock a.m.

M. ROUSSIN,  
*Clerk of the Committee.*

TUESDAY, October 8, 1963.

(4)

The Standing Committee on Privileges and Elections met this day at 9.40 o'clock a.m. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Brewin, Cameron (*High Park*), Cashin, Caron, Chrétien, Doucett, Drouin, Dubé, Francis, Girouard, Grégoire, Knowles, Leboe, Macquarrie, Martineau, Millar, Moreau, Nielsen, Pennell, Richard, Sauvé, Turner, Webb.—(24).

*In attendance:* A Parliamentary Interpreter, and interpreting. Also in attendance Dr. Maurice Ollivier, Parliamentary Counsel.

The Chairman informed the Committee that no French shorthand reporter was available.

On motion of Mr. Leboe, seconded by Mr. Brewin.

*Resolved*,—That notwithstanding the Resolution passed on October 3rd to the effect that English and French shorthand reporters and interpreters attend all regular meetings of this Committee, the Committee proceed, for the time being, without a French shorthand reporter.

Mr. Turner suggested that since the interpretation into English of the French discussion would be used, any Member who felt that the interpretation was not accurate should interrupt the proceedings at that point and make a correction.

Mr. Girouard rose on a question of privilege and asked the consent of the Committee to withdraw the motion which he had made at the previous meeting. (*See meeting of Monday, October 7th*).

The Committee agreed unanimously.

Mr. Girouard then tabled the following motion, which was seconded by Mr. Leboe, namely:

Your Committee recommends the following:

1. That the New Democratic Party occupy the seats next to the official Opposition on the left side of the Speaker.
2. That the members of the Social Credit Party occupy the seats next to the New Democratic Party on the left side of the Speaker.
3. That the members of the group under the leadership of Mr. Caouette occupy the seats on the left of the Social Credit Party.
4. That the question of the privileges to be enjoyed by the group under the leadership of Mr. Caouette be referred to the Parliamentary Counsel of the House for study and report.

Mr. Drouin further questioned Mr. Grégoire.

During the course of the discussions, Mr. Martineau and Mr. Turner raised points of order to the effect that Mr. Grégoire was not a witness but a Member of the Committee trying to inform the Committee.

After discussion, Mr. Knowles moved in amendment thereto, seconded by Mr. Brewin,

That all the words after the word "that" be deleted and the following words be substituted therefor:

"this Committee recommends to the House that Members of the opposition who belong to groups other than the Official Opposition be seated in the House of Commons according to their numerical strength."

Mr. Macquarrie expressed his regret at not having French shorthand reporters and that the Committee on Privileges and Elections being one of the senior Committees of the House should be given preference in such a case.

The question being put on Mr. Knowles' amendment, it was resolved in the negative. Yeas, 3; Nays, 19.

Miss Jewett, seconded by Mr. Knowles, moved in amendment that the motion be amended by deleting paragraph four therefrom.

The question being put, the amendment was resolved in the negative. Yeas, 8; Nays, 11.

The question being put on the main motion, it was resolved in the affirmative. Yeas, 14; Nays, 8.

Mr. Turner, seconded by Mr. Knowles, moved that the Committee adjourn to the call of the Chair.

The Committee adjourned to the call of the Chair at 12.01 noon.

M. ROUSSIN,  
Clerk of the Committee.

WEDNESDAY, October 9th, 1963  
(5)

The Standing Committee on Privileges and Elections met, *in camera*, at 9.43 o'clock a.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Blouin, Brewin, Cameron (*High Park*), Caron, Girouard, Grégoire, Knowles, Macquarrie, Nielsen, Pennell, Richard, Turner and Woolliams—(14).

The Chairman read a draft report as follows:

The Standing Committee on Privileges and Elections has the honour to present the following as its

#### Second Report

Pursuant to the Order of Reference of September 30th, 1963, ordering:

That the matter raised in the statement made to the House this day by Mr. Speaker be referred to the Standing Committee on Privileges and Elections, and that the said Committee be instructed to report its findings thereon to the House with all convenient speed,

the Committee held four meetings to consider the said matters referred to it.

The Committee recommends:

1. That the New Democratic Party occupy the seats next to the official Opposition on the left side of the Speaker.
2. That the members of the Social Credit Party occupy the seats next to the New Democratic Party on the left side of the Speaker.

3. That the members of the group under the leadership of Mr. Caouette occupy the seats on the left of the Social Credit Party.

4. That the question of the privileges to be enjoyed by the group under the leadership of Mr. Réal Caouette be referred to the Parliamentary Counsel of the House of Commons for study and report to the Speaker.

A copy of the Committee's Minutes of Proceedings and Evidence is attached herewith.

After a short discussion, Mr. Cameron, seconded by Mr. Brewin, moved that the draft report be adopted as the Committee's Second Report to the House. Carried on division.

The Chairman said that he would like to Table the Report as soon as possible, and asked that it be concurred in when the Minutes of Proceedings and Evidence are available in both languages. He suggested that the last paragraph be deleted.

Mr. Cameron (*High Park*), seconded by Mr. Brewin.

*Resolved*,—That the draft report be adopted as amended and that the Chairman present same to the House as the Committee's Second Report. Carried on division.

The Chairman thanked the members of the Committee and the Clerk for their cooperation.

On motion of Mr. Turner, seconded by Mr. Macquarrie, it was

*Resolved* unanimously that the Committee thank the Parliamentary Interpreter and the English and French shorthand reporters for their work before the Committee.

Mr. Turner, seconded by Mr. Girouard, moved that the Committee adjourn to the call of the Chair.

At 11.59 a.m. the Committee adjourned to the call of the Chair.

M. Roussin,  
*Clerk of the Committee*

## EVIDENCE

MONDAY, October 7, 1963.

(Translation)

The CHAIRMAN: The meeting is now open. However, before discussions begin, I would like to read this afternoon's reference.

(Text)

The COMMITTEE CLERK: "Monday, October 7, 1963, ordered that the standing committee on privileges and elections be empowered to sit while the House is sitting."

(Translation)

Mr. GIROUARD: May I say a word Mr. Chairman. I am told that the committee has to make a special request to obtain the services of French stenographers to record our discussions. It would therefore be advisable to submit a request quickly in order to get extra stenographers.

The CHAIRMAN: We do have a French stenographer.

Mr. GIROUARD: Can he take shorthand in both official languages?

The CHAIRMAN: Yes.

(Text)

The CHAIRMAN: Mr. Turner.

Mr. TURNER: Mr. Chairman, before we adjourned this morning, I was addressing myself to the arguments of Mr. Knowles and Mr. Brewin. Before I go on, I am wondering whether in the transcript of these proceedings you are going to have a French translation done at the same time as the English.

The CHAIRMAN: I think it is going to be bilingual.

Mr. TURNER: Contemporaneously.

Mr. GIROUARD: On a point of order.

Mr. TURNER: To resume the argument I was attempting to make—

Mr. NIELSEN: What was all that discussion?

The CHAIRMAN: The discussion was that we thought we had no reporter taking French, and that it was only being taken in English, and then taken from the translator; but I see we have a French reporter and an English reporter, so everything is all right.

Mr. TURNER: That is a free translation.

Mr. Chairman, before the adjournment the argument to which I was addressing myself, in answer to Messrs. Knowles and Brewin, was to the effect that the question before the committee was not as simple as these two learned gentlemen attempted to convince us it was. They said it was simply a matter of fact, and if there was a new grouping in the House, then the seating arrangement and the status of this new group should follow as a matter of fact. My argument in answer to that was that it was not merely a question of a factual arrangement, but a question of recognition of the new grouping by this committee. If the committee decided there was a new grouping, the house as a whole would then have to decide whether there be a new grouping of sufficient size to justify a new seating arrangement and justify giving this new group the privileges of the house, privilege of debate, privilege of precedence, and so on. I tried to outline to the committee that the possibilities

of recognition of a new grouping were wider than the immediate problem of seating, because that could imply an eventual fragmentation of the House of Commons.

I might say in passing that there is much to be said for the basis of the motion of Mr. Girouard to the effect that a group of a party in the House of Commons should not achieve recognition or status in the house unless they receive prior recognition by the electorate. Indeed, Mr. Knowles used the words "the people of Canada must decide", and perhaps if you take those words literally that is what this motion is trying to achieve; that unless the people of Canada in a general election have returned a group to parliament as a recognized party, then they should not receive status in the house.

Now, I also suggested that this committee was in a difficult position because in my submission, it was not clear as to what case Mr. Grégoire and Mr. Caouette's grouping was attempting to make before this committee. I could not see from the documents which we had, and the conflict of the letters of Mr. Grégoire of September 9 and Mr. Caouette of September 16, whether Mr. Caouette and Mr. Grégoire and their group were arguing that the whole Social Credit party was under new leadership, or whether there was a new party called Ralliement des créditistes.

I wonder, Mr. Chairman, whether it might be in the interest of this committee to pose a few questions to Mr. Grégoire. I have certain questions in my mind, as other members of the committee might have also, which might bring answers which could give us clarification of what we are dealing with. With the consent of the Chair, the committee and Mr. Grégoire, I would like to ask a few questions.

The CHAIRMAN: Is it agreed?

Some Hon. MEMBER: Agreed.

*(Translation)*

Mr. TURNER: Mr. Grégoire, in your letter of September 9, you mentioned that Social Creditors appointed Mr. Réal Caouette as their new chief. Will you kindly explain to the committee whether it is the new Social Credit party or the old Social Credit party that has a new leader? Will you kindly clear this point which raises doubt in everybody's mind?

Mr. GRÉGOIRE: I will be pleased to clarify those two letters. There are no discrepancies between those two letters, either Mr. Caouette's or mine. Both letters state that we consider Réal Caouette as chief of the group. They also mention two separate groups. Mr. Knowles was wondering this morning whether there were two separate groups. That has been stated twice in my letter. One paragraph states: "Since a group of members other than these have decided to withdraw from the group, we are requesting a redistribution of desks as per the enclosed list."

Since they decided to withdraw from the group, it means that there is a second separate group. It also stated that again in the following paragraph: "We wish to point out also that since Mr. Réal Caouette is heading the larger group..." That implies two distinct groups.

As to whether or not the Ralliement des créditistes is a new or an old party, I wish to say that it has been registered with the Superior Court of Montreal early in June 1958 and that it is only later on that it became affiliated to the National Association of Canada.

The Ralliement des créditistes having chosen a new leader means that a section of the Social Credit party has withdrawn from the main group. The majority group of 13 members decided, being the majority group, to be known under their former name, the Ralliement des créditistes, which means that while still constituting the same Social Credit party, they have appointed another leader, Réal Caouette, and regained their former name, that is the Ralliement des créditistes.

(Text)

Mr. NIELSEN: Mr. Chairman, I missed a portion of the translation when the interpreter was mentioning something about the judge of a Superior Court.

The CHAIRMAN: It is just registered in the Superior Court, in a judgment.

Mr. NIELSEN: Then did the new group apply for membership in the Social Credit party?

The CHAIRMAN: No.

Mr. WOOLLIAMS: It is an ex party application.

The CHAIRMAN: They just applied to the Superior Court for the name and that is all; they are registered in the Superior Court in Montreal.

Mr. NIELSEN: Then Mr. Grégoire said they applied to join the Social Credit party.

The CHAIRMAN: After that, yes, under the name of the Ralliement des créditistes.

(Translation)

Mr. GRÉGOIRE: The last distinction which can be made between the two letters is that in mine I outlined the background of events leading to the split and mentioned the way the break occurred and that we remained the major group, while Mr. Caouette makes no mention of either that division or the background leading to the split and considers only one fact: that our party is distinct from the other group which has withdrawn. He makes no mention of the history of events.

Mr. TURNER: So, Mr. Grégoire, you mean that you have revived the Ralliement des créditistes to form that party? Is your party or group of a provincial or national nature now?

Mr. GRÉGOIRE: I think this will answer one of the main questions asked by many members of the committee who wonder if we should not have gone through an election in order to be recognized as a party.

The Ralliement des créditistes never ceased to be in existence because the National Association consists of ten members only, one for each province. We were in the last election under the name of Ralliement des créditistes and, furthermore, there has never been any membership cards of the national party, only membership cards of the Ralliement des créditistes.

During the election campaign, all our expenses have been paid by cheques signed: Ralliement des créditistes, by so and so, President, so and so, Treasurer.

And that at the county level as well as within the provincial organization itself.

With the exception of certain special items, most of our publicity material carried the following words: "Organisation du Ralliement des créditistes".

I would compare the "Ralliement des créditistes" with the Liberal Federation of Canada and the Social Credit Party with the Liberal Party.

(Text)

An hon. MEMBER: It is quite different.

(Translation)

Mr. GRÉGOIRE: And that is the same as saying that, in the last election, our organizers were doing their work as members of the "Ralliement des créditistes", as organizers for the "Ralliement des créditistes", with the help of committees of the "Ralliement des créditistes" and that the ones who have left are the organization, and a "Ralliement des créditistes" official organ; and, furthermore, no Social Credit candidate in the Province of Quebec held a membership card

for the National Association, any membership card held by a Social Credit candidate in the Province of Quebec was a membership card for the "Ralliement des créditistes".

And that means that we have taken part in the election under the banner of the "Ralliement des créditistes" and that the ones who have left are the ones who now make up a new group.

Mr. TURNER: Mr. Grégoire, if I understand correctly, you have compared the "Ralliement des créditistes" with the Liberal Federation of the Province of Quebec; does that mean that the "Ralliement des créditistes" is a provincial party?

Mr. GRÉGOIRE: No, that is only an example to show that one name designates the organization while the other merely designates a group of members in the House.

Mr. TURNER: Mr. Grégoire, did you take part in the election campaign under the leadership of Mr. Thompson himself, as a member of the "Ralliement des créditistes"?

Mr. GRÉGOIRE: Mr. Thompson only paid one visit to the Province of Quebec to talk to us about channeling the Matapédia River.

And he did not come to my county during the last campaign nor did he come to any county in the Province of Quebec, except for the opening, as I said a moment ago, and that was while we were conducting our campaign and referring to Réal Caouette as the leader of the "Ralliement des créditistes" and national deputy leader.

Now, I wish to add, with regard to the second part of the question, asking whether we are a provincial party, that the constitution of the "Ralliement des créditistes" states that we are a political organization created for the purpose of promoting the social credit doctrine and its application in the federal field. That is stated in our constitution.

Mr. TURNER: You have said that you held a convention in Granby. What was the original purpose of that convention, why hold a convention in Granby?

Mr. GRÉGOIRE: Every year we hold a convention of the Ralliement des créditistes. This year, it was attended by some 600 official delegates, apart from observers, an attendance of approximately 1,500 persons. Furthermore, I would add that 35 persons from my own riding attended that convention, 10 of which were delegates, and 25, observers. I must also state that some women's groups and young people's groups took part in the convention.

(Text)

Mr. NIELSEN: Before Mr. Turner, continues, I wonder whether we should hear some of the opinions and questions which other members may wish to ask in respect of certain subjects he is discussing, before he leaves the particular subject.

The CHAIRMAN: Do you not think perhaps it would be better if we allowed Mr. Turner to continue and complete his questioning and then allow someone else to proceed?

Mr. TURNER: I might save some time.

(Translation)

Mr. TURNER: Then, Mr. Grégoire, at that convention, did you intend to choose a new chief, to form a new party or to break from that party?

Mr. GRÉGOIRE: Mr. Turner, since our movement is a democratic movement, we do not prepare everything in advance; however, at that time, the delegates officially proposed resolutions which were unanimously adopted, even by the delegates from ridings represented by members of Parliament who refused to follow the line of action set by their organizers.

Mr. TURNER: Then, can I say that the idea of electing a new leader or separating from the Social Credit party or simultaneously creating those two movements, was spontaneously decided at the convention?

Mr. GRÉGOIRE: It can be said that it was decided at the convention, but it was probably not a spontaneous move, because for many weeks and even months, in many ridings, we were told to get rid of a captain who was not steering in the right direction.

Mr. TURNER: When the delegates were chosen to attend that convention, they were not selected for the purpose of electing a new chief or forming a new party?

Mr. GRÉGOIRE: Not necessarily... but they were delegated by the organization of their riding to go to Granby in order to state and to make the necessary arrangements for the purpose of establishing the best policy for the future of the Social Credit party.

Mr. TURNER: Was that convention attended by delegates from outside the province of Quebec?

*(Text)*

Mr. GRÉGOIRE: There were delegates from Ontario and New Brunswick but they did not have the right to vote.

An hon. MEMBER: It is a democracy?

Mr. GRÉGOIRE: They did not have the right to vote, not being members of the Social Credit party of Quebec.

*(Translation)*

Mr. TURNER: You spoke about a caucus convened to choose a new leader. Will you explain the character of that caucus? How was it convened, and what were the other procedures connected with it?

Mr. GRÉGOIRE: Mr. Turner, I do not believe that all the details of that caucus concern this committee; however, I will say that the caucus was held at Granby during the annual convention and that the leader of the Social Credit party of Canada was invited to attend. The invitation to attend that caucus and his refusal to attend were published in the newspapers.

A resolution was introduced at that caucus, some members of Parliament immediately expressed their opinion, some asked for time to think it over, and others asked for the opportunity of meeting their constituents. It was agreed that the answer would be conveyed to the chairman of the caucus a few days after the meeting.

Mr. TURNER: Apart from Mr. Thompson, were other members of Parliament from outside the province of Quebec invited to the convention?

Mr. GRÉGOIRE: Honestly, I could not say whether they were invited or not, but I believe they were, although I could not say for sure. Mr. Leboe, who is here, could tell us. Furthermore, we had a quorum.

*(Text)*

Mr. LEBOE: I was not invited.

*(Translation)*

Mr. TURNER: Mr. Chairman, I have nothing further to ask Mr. Grégoire. Thank you, for the information you have given us Mr. Grégoire.

Mr. Chairman, I asked these questions with a view to informing and enlightening the Committee. Perhaps some other members would now like to question Mr. Grégoire.

(Text)

Mr. NIELSEN: I have one or two questions concerning the court's certification and the events subsequent to that. Mr. Grégoire said that an application was made to the Social Credit party, I would assume he meant the national Social party.

The CHAIRMAN: He means the Ralliement des créditistes.

Mr. NIELSEN: He means that they made an application to the national Social Credit party. How was that application made? Is there any documentation of it that Mr. Grégoire could produce? As an ancillary to that, was there acceptance of the application?

Mr. GRÉGOIRE: There is a copy of the registration of the Social Credit Ralliement of Quebec. Mr. Rondeau just went up to get it so that we will be able to produce it in a few minutes.

As for the papers concerning the application of the Ralliement to the national association, I would not know if these papers are here. Our secretary would have all these documents. I think, however, this was made at a kind of convention or congress called by Mr. Solon Low in 1959 or 1960 who asked all the groups at that time to meet together in Ottawa. I think it was one or two years ago. Maybe Mr. Leboe could answer this. The groups were asked to get together and form a national or federal party from all the provinces. I do not think there were any letters of application made by us. It was a meeting where we understood each other perfectly well.

Mr. NIELSEN: Could Mr. Grégoire produce as evidence for the committee to consider any affidavits as to the individual allegiances of the members who purport to follow Mr. Caouette?

The CHAIRMAN: It is not an affidavit; it is a letter stating that they want to adhere to Mr. Caouette's party.

Mr. GRÉGOIRE: It is signed personally by 12 people. Mr. Raymond Langlois was not here last week. This was signed in September. He is now back in the house and I saw him sitting there before I came here. It would be quite easy to have him come so as to ascertain his support. We have 12 signatures here.

Mr. NIELSEN: Is this part of the evidence before the committee?

The CHAIRMAN: It is part of the evidence before the committee, but I must state that this is just a declaration; it is not addressed to anybody.

Mr. RICHARD: Is this just a copy that you have also?

Mr. GRÉGOIRE: It is a photostat.

Mr. NIELSEN: I have two more questions, Mr. Chairman. In respect of the Granby convention, did that convention pass resolutions which would form what is commonly known as a political platform?

Mr. GRÉGOIRE: The Social Credit platform was established four or five years ago, and every year a few resolutions were added to the platform at each convention. Our platform is well known and it has been explained in the house. I think our platform is in fact the Social Credit platform for monetary reform. I will give a copy to Mr. Drouin.

(Translation)

The CHAIRMAN: Would it be possible to have that document for the Committee?

Mr. GRÉGOIRE: Well, I do not think registration copy comes under the jurisdiction of the Committee. We are registered. This is a trade name and not an incorporation. Besides, to my knowledge, no political party is incorporated. This is only a trade name establishing that on June 3, 1958, we registered the name "Ralliement des créditistes", which is an official name.

Mr. MARTINEAU: Mr. Chairman, on a point of order. The witness is explaining a document in his possession. If he wishes to refer to it, I believe it is clearly established, that in order to refer to a document the latter must be produced.

Mr. CARON: You are quite right.

Mr. DROUIN: Mr. Chairman, I suggest that the registration of the "Ralliement des créditistes" should be produced before the Committee and published as an appendix.

Mr. GRÉGOIRE: Mr. Chairman, I have the document here. Anyone wishing to consult it will be able to do so. However, in the presence of members of other political parties, I do not think it is any use referring to it, as it is possible that neither the Liberals nor the Progressive Conservatives have a registered trade name.

Besides, this document only serves to prove that this registration was made as early as 1958.

Mr. MARTINEAU: The witness himself started to talk about the document and he extracts the parts that suit him. It seems to me that he should comply with the instructions given by the chairman.

(Text)

Mr. WOOLLIAMS: I think it is true that we have none with a big red seal.

The CHAIRMAN: There is a big red seal on it.

(Translation)

The CHAIRMAN: ...I would point out to Mr. Grégoire...

Mr. GRÉGOIRE: Mr. Chairman...

The CHAIRMAN: I should like to point out to you, before you proceed any further, that we have the right to be acquainted with the document now that you have quoted certain parts of it.

Mr. GRÉGOIRE: Mr. Chairman, I shall have a photostat made and shall send them to you.

The CHAIRMAN: I should like to have the original document immediately. In any case we must have this document right now; we shall have photostat copies made and return the original to you afterwards.

Mr. GRÉGOIRE: Mr. Chairman, I should like to mention here that I got in touch with our friend, Mr. Raymond Langlois, who was the thirteenth Social Credit member to sign the document concerning the Ralliement des créditistes.

(Text)

Mr. GRÉGOIRE: I would like to ask the other group to produce theirs.

Mr. NIELSEN: I have one more question. Getting back to the so-called Granby convention—Mr. Grégoire will forgive me if I do not understand his party's platform—at which, I assume from his answer, certain political resolutions were passed, I wonder whether (a) he considers those resolutions as part of the national Social Credit's platform, and (b) whether or not his Granby resolutions differ in any respect from the national Social Credit platform.

Mr. GRÉGOIRE: Mr. Chairman, as far as the monetary reform and the economic system of both groups are concerned I think the platform is almost the same and that we can say it is the same; but on the other points, for example, on the subject of nuclear arms, there is a difference. On the subject of workers' charter, for example, the national association of Canada want individual contracts between each individual employee and employer;

we are for collective agreements. Then especially on the problems of bilingualism and biculturalism there is a big difference, as is evident from some of the statements of Premier Manning and a statement, which I do not have here, made by the member for Red Deer at the last executive meeting, in which he asked us to confine all our talks on bilingualism or on nationalism—French Canadian problems—to the provincial level and not the federal level.

Mr. NIELSEN: Just one more point, and I promise it will be the last. Could Mr. Grégoire tell us in regard to those party and platform differences what he feels to be the difference between the group following Mr. Thompson and the group following Mr. Caouette in regard to wheat sales to China and Russia?

Mr. GRÉGOIRE: The problems of the farmers of Quebec and Ontario and the maritimes are not the same as those of the farmers in the western provinces. We never did include in our platform as the Social Credit Rally any specific point on those matters.

*(Translation)*

Mr. MARTINEAU: Mr. Chairman, could I ask Mr. Grégoire some questions?

The CHAIRMAN: Well, Mr. Francis has already asked for permission to do so.

Mr. FRANCIS: Très bien, monsieur le président.

The CHAIRMAN: Bien.

Mr. MARTINEAU: Mr. Grégoire, you mentioned that during the election campaign your Deputy Leader was Mr. Réal Caouette. Whom did you recognize as national leader at that time?

Mr. GRÉGOIRE: Our National Leader was Mr. Robert Thompson, before the election and our National Deputy Leader and provincial leader of the Ralliement des créditistes, at the federal level of course, was Mr. Réal Caouette. Afterwards, however, in view of the fact that in British Columbia Mr. Bennett succeeded in having 35 of his members elected to the Provincial Legislature while only two of our members represented us in the Federal government, that in Alberta Mr. Manning had 61 members elected to the Provincial Legislature while only two of our members were elected in the Federal government, that in the Province of Quebec, Réal Caouette had 20 members elected in the Federal government, I would therefore say that Réal Caouette is a leader while Robert Thompson is not. Under such circumstances we make the decisions which are called for.

Mr. MARTINEAU: Is it not true that during the election campaign—

The CHAIRMAN: Mr. Martineau, would you kindly wait until that part has been translated?

Mr. MARTINEAU: Yes, I am sorry.

Is it not true, Mr. Grégoire, that during the election campaign Mr. Caouette made no distinction of that kind and that you unanimously recognized Robert Thompson as your national leader?

Mr. GRÉGOIRE: That is true, but is it not also a fact that the Liberals replaced Mr. Saint-Laurent by Mr. Pearson as their leader in 1958, I believe; and I believe that a certain Mr. Diefenbaker also replaced a certain Mr. Drew between elections.

Mr. MARTINEAU: Mr. Grégoire, does the Social Credit party have a national constitution governing its activities?

Mr. GRÉGOIRE: Yes, we have a national constitution.

Mr. MARTINEAU: Does that constitution provide any means, any procedure for electing a new national leader?

Mr. GRÉGOIRE: Yes, that is mentioned in the constitution.

Mr. MARTINEAU: Was that procedure for electing a new leader followed when Mr. Thompson was elected as the leader?

Mr. GRÉGOIRE: Mr. Chairman, I humbly submit that we cannot go into details, that someone cannot come here and ask for explanations, no, but if you insist on an answer, it is not because I object to giving those answers—

Mr. MARTINEAU: Well—

Mr. GRÉGOIRE: —but I do not think this is of any concern in the matter we are discussing at present.

Mr. MARTINEAU: Mr. Chairman, on a point of order, it seems to me that if the witness would just answer the questions asked we could get through this inquiry very quickly. On the other hand, it is not up to the witnesses but to the committee to decide whether or not these questions are important in helping the members of the Committee to arrive at a decision. So, with your permission, Mr. Chairman, I shall proceed—

The CHAIRMAN: On the point of order?

Mr. DROUIN: Mr. Chairman, on the point of order that has just been raised, I humbly submit that we have to study a matter that has been referred to us by the House following a statement by the Speaker. I think we would be going beyond the limits set by Mr. Knowles' motion referring the matter to the committee for study, if we went into the details of the organization of political parties.

I think we are going too far and that we are unduly prolonging the debate by going into details about the constitution of various political parties involved at the present time.

I think our work consists in examining the matter submitted to us by the House of Commons, where there are various political parties, and we have to determine how these groups are to be recognized by the Speaker in the House and by all the Members in the House.

We do not have to determine whether such or such a political party was regularly constituted or not, or whether such or such a political party has observed the rules it set itself in the past. I think that if we get onto that ground we are going too far.

Mr. MARTINEAU: Mr. Grégoire, does your constitution provide a procedure for removing its leader from office?

Mr. DROUIN: I respectfully submit, Mr. Chairman, that before this line of questioning goes any further, you should settle the point of order submitted to you.

(Text)

Mr. GIROUARD: I respectfully submit that we have to decide on the point of order which was raised before the question was put.

(Translation)

The CHAIRMAN: I think that is a pertinent question. The President asked us whether it is a political party or just a group of separatists. I think Mr. Martineau is right.

Mr. GRÉGOIRE: Mr. Chairman, I do not have the constitution in front of me but I am sure that in this connection Mr. Martineau has sufficient experience in politics and political parties to know what is happening.

Mr. MARTINEAU: Might I ask the witness whether at the Granby convention, when Mr. Caouette was appointed as leader of a certain group, the procedure established in the constitution of the Social Credit party was followed to select a new leader?

Mr. GRÉGOIRE: Yes, certainly, according to the rules of the *Ralliement des créditistes*' constitution.

Mr. MARTINEAU: But I was referring to the national Social Credit party.

Mr. GRÉGOIRE: The Granby convention was a convention of the Ralliement des créditistes and not a convention of the National Association of Canada.

Mr. MARTINEAU: You mentioned, Mr. Grégoire, the last electoral campaign and the program you submitted to the electors of the province of Quebec. Was that program the same as the national program of the Social Credit party?

Mr. GRÉGOIRE: As far as the platform adopted in 1961 at our national convention, it was. Only—and we were allowed to do that—on another program printed by the Western group, there were a number of items that had never been accepted by the National Association of Canada, especially the item concerning nuclear arms and the item about the charter of the workers of Canada.

Mr. MARTINEAU: During the last electoral campaign, did you inform the public about the differences of views and programs existing between the two movements?

Mr. GRÉGOIRE: It can be said that we did, Mr. Chairman. Mr. Réal Caouette was saying, for instance: "If Robert Thompson wants nuclear arms, Réal Caouette doesn't want any and neither Robert Thompson nor anybody else will be able to convince him to be in favor of them".

Mr. MARTINEAU: During the electoral campaign were there any candidates who simply said: Vote Social Credit without making any distinction?

Mr. GRÉGOIRE: Yes, sir, because Social Credit is not a political party; it is a monetary system.

Mr. MARTINEAU: Is your objective to remove Mr. Thompson from the leadership of the national movement to replace him by Mr. Caouette?

Mr. GRÉGOIRE: Certainly. And those who want to follow Mr. Thompson and leave the party may do as they please.

Mr. MARTINEAU: As for the "Créditiste" members who, after the last general election, signed a statement in which they were pledging their support to the Liberal party, are they now Caouettists or Thompsonites?

Mr. GRÉGOIRE: I am sure everybody here can realize what attitude the member for Pontiac-Témiscamingue is taking in asking that question, but I will answer the question just the same and say that they belong to the Caouette group and are really representatives of their electors in the House of Commons, as they have not been elected by the sole ballot of the returning officer of their constituency.

The CHAIRMAN: Excuse me, Mr. Interpreter. I think the terms used by the member for Lapointe cannot be accepted by the Committee, because—

Mr. GRÉGOIRE: Mr. Chairman, you have not declared out of the order the question asked by the member for Pontiac-Témiscamingue. You know, however, that his question is not more in order than my answer and you have accepted his question before I gave my answer.

The CHAIRMAN: Yes, because his question was pertinent as it affected the matter which is at present discussed by this Committee, whilst your answer is expressed in terms of an offensive nature which cannot be used in this Committee or in the House.

Mr. MARTINEAU: I have a last question to ask. It is related to the answer of the honourable member. If the members mentioned are followers of Mr. Caouette, why did Mr. Caouette disapprove of their act of adhesion to the Liberal party?

Mr. GRÉGOIRE: I am not aware that Mr. Caouette ever made a statement to that effect.

Mr. CHRÉTIEN: I would like to direct a few questions to Mr. Girouard, who seems to represent another section of Social Credit. Mr. Girouard, are you a member of the Social Credit party?

Mr. GIROUARD: I am a member who, as a candidate, told the voters during the general election: Vote Social Credit. I was elected and consider myself as a member of the Social Credit party.

Mr. CHRÉTIEN: Mr. Girouard, are you a member of the "Ralliement des créditistes"?

Mr. GIROUARD: I am a member of the Quebec Association or Organization which is called "Ralliement des créditistes".

Mr. CHRÉTIEN: Who is the national leader of Social Credit?

Mr. GIROUARD: In 1961, at a national convention attended by Messrs. Thompson, Caouette, Marcoux, Grégoire and many others, Mr. Thompson was elected national leader of the Social Credit party; in that capacity, he campaigned in the 1962 and 1963 elections, and he was always considered as the national Social Credit leader. Therefore, he is my chief.

Mr. CHRÉTIEN: Mr. Girouard, at that convention, was Mr. Thompson chosen according to democratic methods?

Mr. GIROUARD: The best way to find out if a convention was democratic or not is by analysing subsequent reactions. Since Mr. Thompson was chosen in 1961 and since there were no reactions from that date until 1963, I believe that he was unanimously accepted and that the convention was democratic.

Mr. CHRÉTIEN: Since that time was he removed from office, from the national party?

Mr. GIROUARD: No; to my knowledge the Social Credit party never dismissed Mr. Thompson as leader of that party.

Mr. CHRÉTIEN: Can you tell us who is the Deputy Leader of the Social Credit at the present time?

Mr. GIROUARD: About 15 days ago, Mr. Caouette wrote me and I addressed my reply to: "Mr. Réal Caouette, Deputy National Leader of the Social Credit party."

Mr. CHRÉTIEN: Mr. Girouard, did you attend the Granby convention held in August?

Mr. GIROUARD: Yes, sir, I attended that convention.

Mr. CHRÉTIEN: Were you an official delegate?

Mr. GIROUARD: Yes, sir, I was an official delegate.

Mr. CHRÉTIEN: Did you vote? It was said a while ago that Mr. Caouette was elected unanimously. Did you vote on that question as an official delegate?

Mr. GIROUARD: No; I did not vote on that motion because I stated—not in public, as I did not want to offend anyone—but I told Mr. Caouette and many others, during the following months that I considered that motion was unconstitutional and that it could not be voted upon.

Mr. CHRÉTIEN: Was that a Social Credit or a "Ralliement des créditistes" convention?

Mr. GIROUARD: It was a "Ralliement des créditistes" convention and its purpose was mainly to discuss financial organization and to set up a kind of study group to publicize Social Credit—solely a provincial organization.

Mr. CHRÉTIEN: In the brief sent for the convention, was anything said about choosing a new party leader?

Mr. GRÉGOIRE: There was definitely nothing to that effect, absolutely nothing.

Mr. CHRÉTIEN: Was there any question of forming a new political party at the convention?

Mr. GIROUARD: No, there was no question about that either. I think there was a suggestion to the effect that we might perhaps consider the possibility of forming a provincial party.

Mr. CHRÉTIEN: If members for western constituencies like Mr. Leboe, Mr. Thompson and others had been present at the convention, in your opinion, would they have had the right to vote?

Mr. GIROUARD: Definitely not. Besides, observers from Ontario were mentioned just now; they did not have the right to vote. It was purely a provincial convention, and only members of the Parliament were entitled to vote.

Mr. CHRÉTIEN: Mr. Girouard, is there any ideological difference between the Ralliement des créditistes and the Social Credit party in the matter of bilingualism and other important issues with which the party is concerned at present?

Mr. GIROUARD: If there are any such differences, they are fairly recent since, on the Atwater marketplace, just before the 1963 election, Mr. Caouette stated that there was no difference of opinion between Mr. Thompson and him.

Mr. CHRÉTIEN: How would you comment on the statement made by Mr. Caouette during the political campaign, concerning the ideological difference between Mr. Thompson and Mr. Caouette, a statement in which he summed up that difference by saying that one of them like his potatoes mashed while the other favoured French-fried?

Mr. GIROUARD: If we were in Court, Mr. Attorney, I would object and say that one must not give a personal opinion while answering a question in Court, but seeing that this is not the case I can tell you that it was simply a typical Caouette quip.

Mr. CHRÉTIEN: So far as you know, did registered candidates for the Social Credit Party in the recent electoral campaign run as members of the *Ralliement des créditistes* or as members of the national Social Credit Party?

Mr. GIROUARD: I think our leaflets read: "Vote Social Credit—With Social Credit there is nothing to loose; it is an established fact that there is nothing to loose with Social Credit" or "It is proved, there is nothing to loose with *les créditistes*".

Mr. CHRÉTIEN: Thank you, Mr. Girouard.

The CHAIRMAN: Mr. Dubé—

Mr. DUBÉ: Mr. Chairman, I should ask Mr. Grégoire only two questions.

Mr. Grégoire, I should like to refer to the Granby convention; that is the crucial point.

Had Mr. Thompson agreed to come to the convention that had been organized—

The CHAIRMAN: I beg your pardon, Mr. Dubé. I believe someone has come to fetch the French reporter as his services are required in the House. We shall then have to wait about fifteen minutes before we can proceed.

Mr. CHRÉTIEN (*Interpretation*): I will move a 15 minute adjournment.

NOTE: From this stage of the proceedings on, there being no French shorthand reporters, their presence having been requested on the floor of the House, the English Text appears as well as the interpretation of the French proceedings.

Mr. WOOLLIAMS: Mr. Chairman, how long do we intend to sit tonight?

The CHAIRMAN: Personally, I have no idea on that; it is up to you to decide.

Mr. WOOLLIAMS: If we adjourn at 10 o'clock, which is 15 minutes from now, I think it would be superfluous to wait. However, if the committee wants to sit all night I am willing. I wonder if you were going to adjourn at 10 o'clock.

The CHAIRMAN: It is up to the committee to decide whether they want to keep on going until 11 or 11.30; it is not up to me to decide that question.

At the moment there is a motion that we should adjourn for 15 minutes.

Mr. DUBÉ (*Interpretation*): I will second that motion.

The CHAIRMAN: It has been moved by Mr. Chrétien and seconded by Mr. Dubé that we should adjourn for 15 minutes. All in favour of that motion.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: We shall adjourn for 15 minutes.

The CHAIRMAN (*Interpretation*): I feel, gentlemen, with regret that I must ask you to adjourn as we have no French shorthand reporter. We also have adopted a resolution requiring us to have a French shorthand reporter in attendance. Therefore, as I say, with regret, I must ask you to adjourn until tomorrow morning.

An hon. MEMBER (*Interpretation*): With regard to this motion for adjournment, I should like the committee to take note of the fact that there is a lack of bilingual staff demonstrated by this shortage.

The CHAIRMAN (*Interpretation*): In answer to that I might say that we had a French shorthand reporter until 9.45. The conclusion reached by the honorable member is not justifiable.

(Text)

The CHAIRMAN: We have a motion for an adjournment before us.

Mr. DROUIN: With respect, Mr. Chairman, I did not hear the motion for adjournment. Who put the motion?

The CHAIRMAN: It was put by Mr. Chrétien.

Mr. DROUIN: If that is the case I did not hear it, Mr. Chairman, and you must be the only member of the committee who did hear it. I spoke before the motion was put.

An hon. MEMBER (*Interpretation*): I for my part would move that we continue with only the English reporters by availing ourselves of the interpretation service, if he so desires.

(Text)

The CHAIRMAN: It was moved by Mr. Sauvé, seconded by Mr. Grégoire that an English and French shorthand reporter and an interpreter should attend all the regular meetings of the committee.

An hon. MEMBER (*Interpretation*): I respectfully submit that if the committee adopted one resolution with regard to the procedure it is quite free to adopt another resolution with regard to procedure.

An hon. MEMBER (*Interpretation*): On a point of order, Mr. Chairman. I moved the adjournment of the committee. I cannot say, however, if I did so before Mr. Drouin began to speak or not. However, I did move the adjournment.

(Text)

Mr. NIELSEN: Mr. Chairman, I did not hear the hon. member's motion for adjournment, but if the French speaking members of the committee are willing to accept the interpreter's interpretation and if he himself is willing to stay, I can see no reason why we should not follow the desire of the House of Commons and sit until the matter is resolved.

The CHAIRMAN: I still wonder whether the House of Commons would accept that procedure in view of the fact that a motion has been made that we have a French and English reporter in attendance. There is a question of principle involved here that we can hardly put aside.

Mr. BREWIN: First of all, Mr. Chairman, I would like to second the motion of Mr. Drouin and I should like to speak to this point of order. We have been asked by the House of Commons to complete this matter as soon as possible. The difficulty that you have referred to is not a serious impediment to the carrying out of our duties. I am rather surprised to hear the Chairman speak in this way without having any motion that I could hear from any member of this committee.

I suggest Mr. Chairman, that we should proceed and do what we have been required to do by the House of Commons.

Mr. GIROUARD: Put the question.

The CHAIRMAN: Is it the desire of the committee to continue?

Some hon. MEMBERS: Yes.

Some hon. MEMBERS: No.

The CHAIRMAN: Shall we continue without a French reporter?

Some hon. MEMBERS: No.

Mr. CAMERON (*High Park*): I think with all due deference to Mr. Drouin, he put the matter in a wrong context. You simply explained to this committee that the French stenographer was not available and that a resolution having been passed that we must have a French and English reporter present at all our meetings, we should not reverse ourselves and proceed in a way contradictory to that resolution. With due respect I think the motion to adjourn is in order.

Mr. KNOWLES: Mr. Chairman, cannot this committee deal now with a resolution notwithstanding the provisions of an earlier resolution and at least for this evening's session get along without a French reporter? Certainly we do not wish to interfere with the tasks that are placed before us by the House of Commons as a result of a technicality unless of course there is strong objection to our proceeding without a French reporter.

Mr. WOOLLIAMS: I am quite surprised to hear one of the leading members of the N.D.P. party speak in such a manner. The English people believe in biculturalism and we certainly agree with the suggestion that we should have a French reporter and interpreter.

(*Interpretation*)

Mr. CHRÉTIEN: On the point of order, I had moved the adjournment and the motion was seconded by the member for Lapointe who is very interested in a quick conclusion to this matter.

(*Translation*):

An hon. MEMBER: I am all in favor of bilingualism and biculturalism but I think in the circumstances I would support the motion made by Mr. Drouin, seconded by Mr. Brewin as well as that point taken by Mr. Knowles to the effect that we should continue tonight without the services of a French shorthand reporter.

Mr. WOOLLIAMS: Let us have a vote.

The CHAIRMAN: Those in favor of carrying on this evening please stand? Those against please rise.

Adjournment is in order.

Mr. KNOWLES: What was the vote?

The CHAIRMAN: The vote was 11 against and 8 in favor.

The CHAIRMAN (*Interpretation*): We will adjourn now until 9.30 tomorrow morning to meet in room 371 of the west block.

TUESDAY, October 8, 1963.

[NOTE: There being no French shorthand reporters available, the English text appears as well as the interpretation of the French proceedings.]

The CHAIRMAN (*Interpretation*): Ladies and gentlemen, it is now twenty minutes to ten and I think we should start. However, before I do so, I would like to say that it appears that Mr. Grégoire has made a statement for radio this morning, and before we go any further, I would like to ask that the tape of that statement be produced for the committee. I might add that we do not have with us again this morning the services of a French-speaking reporter. There are only three French-speaking reporters while there are four committees sitting simultaneously. We have done our best. But I think at this time a resolution would be in order from somebody so that we may continue with an English-speaking shorthand reporter who will take down what is said in English and also the interpretation from the French, so that we may have an official report in both languages. I believe a resolution accordingly has been prepared by the clerk of the Committee.

(Text)

The CLERK OF THE COMMITTEE: Mr. Chairman, it would read:

Notwithstanding the resolution passed on October 3 to the fact that English and French speaking reporters attend all regular meetings of the committee it is now moved and seconded that we proceed for the time being without a French-speaking reporter.

Mr. LEBOE: I so move, Mr. Chairman.

Mr. GIROUARD (*Interpretation*): Mr. Chairman, I would like to ask on a point of order, if the member for Lapointe has any objection, so that later it will not be raised through the newspapers and the radio.

Mr. GRÉGOIRE: The member for Labelle knows full well that if I have any objections to make I will make them, and if I do not make them, then—

(Text)

Mr. BREWIN: I second the motion, Mr. Chairman.

Mr. GIROUARD (*Interpretation*): I would like now to give notice that I am withdrawing the motion which I introduced yesterday, to be replaced by the following, which has the same seconder.

Mr. TURNER: Mr. Chairman, on a point of order, since the record is being translated from French into English through the interpreter, I would think that anybody who is not satisfied with the translation as it goes on must make his wishes known at the time; otherwise we will accept the translation in the English record.

The CHAIRMAN: Thank you.

Mr. GIROUARD (*Interpretation*): Your committee recommends the following:

1. That the New Democratic party be seated next to the Official Opposition, to the left of Mr. Speaker.
2. That the Social Credit party be seated next to the NDP, to the left of Mr. Speaker.

3. That the group led by Mr. Caouette be seated to the left of the Social Credit party.

4. That the question of privileges to be extended to Mr. Caouette's group be submitted to the legal adviser, the Law Clerk of the House of Commons, who will report on same to Mr. Speaker.

This is moved by Mr. Girouard and seconded by Mr. Leboe.

This is by way of explanation, and I may say that this arrangement would meet both tests suggested by Mr. Knowles with regard to precedence which can be invoked; and it meets the test in respect of seniority as it was in the session from 1935 to 1940. As for the test in numbers is concerned, it also meets that test because after the election, in which the Social Credit party had 24 seats, Mr. Caouette's party had no members whatever. But perhaps I should correct that by saying Mr. Caouette's group.

I might add that as far as this matter of privileges is concerned, if I suggest that it be referred to the Law Clerk of the House of Commons for a decision, it is not done to enable us to escape our responsibility, but because I feel that all points of view have been expressed here, and that it would be much better to have recourse to legal advice in this connection. All parties represented here have given their views and opinions, and think that this is the best procedure to be followed.

The CHAIRMAN: Now, Mr. Dubé.

Mr. DUBÉ (*Interpretation*): At adjournment time last night I had begun to question Mr. Grégoire, and with your permission I would like to continue at this time. My first question is this: If Mr. Thompson had been invited to attend the Granby convention, would he have accepted?

The CHAIRMAN: Would he have had the right to vote?

Mr. GRÉGOIRE: In caucus, yes.

Mr. DUBÉ: Would he have had the right to vote at the election of a leader which took place that evening?

Mr. GRÉGOIRE: In the caucus, yes.

Mr. DUBÉ: But I mean at the election of a leader?

Mr. GRÉGOIRE: Yes.

Mr. DUBÉ: But Mr. Grégoire told us last night that delegates from other provinces would not have had the right to vote at that convention.

Mr. GRÉGOIRE: At the convention, no, but at the caucus, yes.

Mr. DUBÉ: Was the leader elected at the convention or at the caucus?

Mr. GRÉGOIRE: In the caucus. The convention suggested names, but they were only suggestions, while the election was made in the caucus. It was for a parliamentary leader.

(Text)

Mr. LEBOE: Might I state at this time that the caucus did not elect our national leader. He was elected at the convention. It has been the practice that the national leader who is elected at the convention will automatically sit as the leader in the House of Commons, and the question was never brought up in our caucus at any time. I thought I might as well clear this point up right now because we might otherwise spend hours on it.

Mr. GRÉGOIRE: Might I add that it was an emergency situation. The leader did not want to call a convention, and because of that the members themselves decided on their own responsibility to appoint a new leader exactly as it should be done in such an emergency situation.

Mr. DUBÉ (*Interpretation*): When Mr. Grégoire went to the other provinces during the election campaign, was he under the banner of the Social Credit party, or under that of the Ralliement des créditistes?

Mr. GRÉGOIRE: Under the Social Credit party.

Mr. DUBÉ: That is all.

The CHAIRMAN: Now, Mr. Knowles.

(Text)

Mr. KNOWLES: Mr. Chairman, I have some questions, first of all, to Mr. Grégoire. May I ask: despite any confusion or inconsistency that we may have that existed yesterday morning, is it not clear that so far as the House of Commons is concerned your group, and the Thompson group, are two separate and distinct entities who have no dealings with each other.

Mr. GRÉGOIRE: Yes.

Mr. KNOWLES: Therefore, this committee need not concern itself with the question whether or not Mr. Caouette is leader of the Social Créditistes, but only with the fact that there are two separate groups.

Mr. GRÉGOIRE: Yes.

Mr. KNOWLES: Is it not also a fact that that when the House of Commons assembled after the April 8th election—when it assembled in May—the Social Credit group under the leadership of Mr. Thompson was recognized as a group in the House of Commons? I gather that you, sir, took part in the election in that caucus which produced the house leader, the whip, the deputy whip, and all that?

Mr. GRÉGOIRE: Yes.

Mr. KNOWLES: So it is clear, Mr. Grégoire, that the Social Credit group under Mr. Thompson has already been recognized in the House of Commons, and it is clear that we now have two separatists groups, Mr. Thompson's group, and yours, so that what is now before this committee—I am trying to narrow the issue to the simplest one possible, despite my friend's assertion that it is not that simple—is your request that your group be recognized as a group in the House of Commons.

Mr. MARTINEAU: I think at this moment I should raise a point of order. I think Mr. Knowles knows what he is doing now is not asking questions of fact of the witness but rather arguing a case. Mr. Grégoire is in the position of a witness when he is being asked questions.

Mr. KNOWLES: No, he is a member of this committee.

Mr. MARTINEAU: When he is asked a question he testifies as a witness. There is no doubt about that. I do not object to what Mr. Knowles has said, but he must not put words into the mouth of the witness. If he wants to put them as his own point of view, that is all right.

Mr. KNOWLES: I suggest that my questions are far more relevant to the issue before us than those that were asked last night.

The CHAIRMAN: I think it is just about the same thing as last night; Mr. Grégoire was questioned and he answered, and Mr. Girouard was questioned, and he answered. I do not see much difference between the two.

Mr. KNOWLES: Might I point out that earlier in this session, twenty-four hours ago, we were at the point where we did not quite know what Mr. Grégoire's group was asking for and that it was his answers to my questions which helped to clear the air, I submit.

Mr. TURNER: Mr. Chairman, on a point of order, I do not object to the questions continuing, because Mr. Grégoire is not, technically, a witness before the committee, although he has been treated as a witness at this hearing.

But surely Mr. Knowles is putting words into his mouth and is leading him. I realize it is very difficult to put words into the mouth of Mr. Grégoire, but that is exactly what Mr. Knowles is doing. I draw that to the attention of the committee, just as Mr. Martineau has done.

Mr. KNOWLES: The line of questions I wished to put to Mr. Grégoire has just about been completed, and I think the committee should be grateful for the fact that it was those questions and the answers thereto which have cleared the air so that we now know what is before this committee, namely, not the question whether Mr. Caouette or Mr. Thompson is leader of the Social Credit party, but rather the question that Mr. Grégoire and his group are asking that his group be recognized.

I wonder, since we are all members of the committee, whether I might ask a question of Mr. Turner? To his knowledge did the Liberal party ever have to present to a parliamentary committee proof that Mr. Pearson was properly elected as leader of the Liberal party?

Mr. TURNER: The Liberal party had its beginnings at confederation and nobody has ever questioned it.

Mr. KNOWLES: But you have not answered my question.

Mr. Chairman, I wonder if I may ask Mr. Martineau whether the Conservative party has had to prove to parliament that Mr. Diefenbaker was properly elected as leader of the Conservative party?

Mr. MARTINEAU: No, because it was obvious to the whole country.

Mr. KNOWLES: The point of my question must be obvious. We have accepted as obvious that Mr. Pearson is the leader of the group because the group says he is. Mr. Diefenbaker is the leader of his group, Mr. Douglas is our leader, and Mr. Thompson is recognized even by Mr. Grégoire as the leader of the Social Credit party, yet, look at what we came to last night, all the goings on at Granby. We had no questions from anyone about the other matter.

Now, Mr. Chairman, it was my intention to move an amendment to the motion that Mr. Girouard put before the committee yesterday. When I drafted it, I realized that some point of order might be raised about it, and I was going to object to a point of order. I thought that if I put the amendment before the committee, it would present to the committee an alternative proposition, but I now find Mr. Girouard has changed his motion, so that the very words I propose as an amendment are now in order. I would therefore like to move—and since a seconder seems to be called for, Mr. Brewin is seconder—the following amendment. I mention that seconder under protest because the rules do not require a seconder in committee.

The CHAIRMAN: That is correct.

Mr. KNOWLES: I move that all the words after the word "that" be deleted and the following words be substituted therefor:

This committee recommends to the house that members of the opposition who belong to groups other than the official opposition be seated in the House of Commons according to their numerical strength.

I suggest, Mr. Chairman, that that amendment is more in order to the motion that is now before the committee that it might have been to yesterday's motion. Yesterday's motion stated the general principle; this morning's motion by Mr. Girouard actually proposes a seating arrangement in the House of Commons. Therefore, my amendment is proper because it alters that seating arrangement. Although we did not consult on this, Mr. Girouard and I have presented the committee with the choice which this committee has to make, that is the seating order to be: New Democrats, Social Crediters, Ralliement des créditistes, or New Democrats, Ralliement des créditistes and Social

Crediters. Is this to be on the basis of precedence and seniority or on the basis of numerical strength? I submit that because the recent decisions have been on the basis of numerical strength, that that should now apply. In other words, Mr. Chairman, a vote on these two propositions that are before the committee could result in our being in a position to make a report to the House of Commons this afternoon. If my amendment carries, that proposal is one recommendation. If it is defeated, if Mr. Girouard's motion is carried, it would be another recommendation. At least we could make that first report in this way, and I think it is desirable we do this so as to keep faith with the recommendation of the house.

Both Mr. Girouard and I have left out in the wording of the motion any reference to the \$4,000. Quite frankly, I think this is proper. I agree with Mr. Turner who said yesterday that this should be left to the comptroller of the treasury who should properly wrestle with this problem. Even though Mr. Speaker mentioned it in his statement, we are not called upon to give an answer to every line of Mr. Speaker's statement. Our reference is on the matters referred to us.

Both Mr. Girouard and I have left out of our wording any use of the word "recognition". I think this is correct. I need not repeat my speech of yesterday, but I think the question of recognition or official status and so on is something that is nation-wide and that we should not be concerned with. What we are concerned with is the seating arrangements, and our motions deal with that, and let the consequences be what they may.

I have left out of my amendment what was in Mr. Girouard's motion, namely, the question of privileges to be accorded to the followers of Mr. Caouette. He would refer this to Dr. Ollivier for study. Mr. Girouard may be a former student of Dr. Ollivier, but I am an old friend of his and I would not want to put that on his doorstep. But, more seriously, I think this is a matter for the House of Commons. The \$4,000 is a legal matter, an interpretation of a statute. Let that go to whoever wants to interpret that statute. However, the question of whether Mr. Caouette is recognized on his round of statements and in the order of speeches, is a House of Commons matter and I think we are obligated as a committee to make a recommendation to Mr. Speaker.

My suggestion is that we should not refer that to Dr. Ollivier but leave it implied in the fact that we seat three groups in this order, and that Mr. Speaker seat those groups in that order.

Mr. MARTINEAU: On a point of order, would Mr. Knowles tell us if he is proposing this as an amendment to Mr. Girouard's motion or is this a new motion?

Mr. KNOWLES: I propose it as an amendment to Mr. Girouard's motion.

Mr. MARTINEAU: The way it was read, it would appear to be a new motion.

Mr. KNOWLES: I said all the words after the word "that" be struck out and the following be substituted therefor. His motion proposes the seating arrangement A, B, C plus something else. My motion is that it be A, C, B.

Mr. NIELSEN: My point of order has to do with this. There are two motions before the committee now and one amendment.

The CHAIRMAN: One motion, as the first one was withdrawn.

Mr. NIELSEN: As I understand the rules, there must be unanimous consent of the committee before a motion may be withdrawn.

The CHAIRMAN: There was no objection at the time.

Mr. NIELSEN: I was here when Mr. Girouard put the second motion and I did not hear you, sir, put the question to the committee.

The CHAIRMAN: Seeing that nobody was objecting, I just let it go.

Mr. NIELSEN: Before you proceed, perhaps I should say that I also intend to put forward an alternative proposal when I have heard a little bit more. I say that so that everyone may know that we do not have only two alternatives to consider.

The VICE CHAIRMAN (Mr. Pennell): With all respect to Mr. Knowles, does your amendment that members be seated according to numerical strength assume that we are recognizing the Caouette group as a distinct group? At the moment we have not decided whether there are two or three groups.

Mr. KNOWLES: The motion by Mr. Girouard refers to three groups.

Mr. GIROUARD: Two parties and a group.

Mr. KNOWLES: Surely a group is a generic term including them. As an amendment I propose that these groups in the opposition other than the official opposition be seated according to numerical strength. By implication I refer to the same three collections to which Mr. Girouard refers in his motion.

Mr. MARTINEAU: Mr. Chairman, I would like to say a few words to the amendment put forward by Mr. Knowles and to some of his comments. Like Mr. Knowles I certainly would prefer if the work of the committee were circumscribed by stating whether or not there exists a new group in the House of Commons and where that particular group or those groups should be seated. However, it so happens that Mr. Speaker has referred more and larger things to this committee. He has stated at the end of his reference:

For these reasons I am of the opinion that the interests of the house, of members and of all parties will best be served if the questions raised by the honorable members for Lapointe, Red Deer, Villeneuve and Winnipeg North Centre in the various letters addressed to me were referred at this time to the proper committee for consideration and report so as to bring about a solution thereto.

Well, Mr. Chairman, one of the questions mentioned in those letters, and particularly in the letter of Gilles Grégoire, member for Lapointe, is this one. He states:

Under the new act, Mr. Caouette is also entitled to the \$4,000 additional allowance paid to every leader of a party that has a membership of twelve or more persons in the House of Commons.

Therefore, he is assuming that Mr. Caouette now heads a new party. That is how this particular paragraph of the letter was interpreted by Mr. Speaker, because he himself stated this in his reference.

Profound constitutional questions arise; for example, can a group of members which did not exist as a party at the time of the election of a parliament be recognized as a party before it has submitted itself to the electorate?

So the committee is seized with that question, and that was the reason for the line of questioning put last night to Mr. Grégoire. It was not clear at the outset of his exposition whether or not he was taking the attitude that Mr. Thompson had been deposed by this new group and that Mr. Caouette was now the leader of the national Socred party. That was not clear. If you look back to the transcript you will see that at some stage of his testimony Mr. Grégoire more or less assumed that Mr. Caouette had replaced Mr. Thompson. So the questioning had to bring out that point.

I believe, Mr. Chairman, after the questioning, Mr. Grégoire did backtrack from that position, and that he then admitted that his group had not substituted itself for the national Social Credit party but that it had always had an autonomous existence other than just being a wing or an integral part of the

national group. To back that assertion the member for Lapointe, Mr. Grégoire, produced, after some hesitation, a document which was filed in the superior court at Montreal. He said that his group, Ralliement des créditistes, is indeed a party that existed before the 1962 and 1963 elections because they were registered as such in the superior court of Montreal under the name Ralliement des créditistes. He said "we have the document". The document was produced. Now, it is very interesting, Mr. Chairman, to read from that document because the document is headed "Ralliement des créditistes" and it is signed by one Gilbert Rondeau, present member of parliament. At that time he was not a member of parliament. He declared he was living at St. Césaire, Rouville county, that his business was that of an accountant, and it gives details as regards his matrimonial status.

Mr. TURNER: Mr. Martineau is a good lawyer as I can judge from his points of order this morning. He knows that a document produced before the committee speaks for itself, and perhaps he would let the document speak for itself and allow us to get on with the hearing.

Mr. MARTINEAU (*Interpretation*): The document does speak for itself. That document is a part of the committee's file. I simply wish to read it and I think I can interpret it and give my opinion as to what the document means. With your permission, Mr. Chairman, I would like to read paragraph 5 of this document: I do intend to carry on business alone in the Montreal said district as well as in the province of Quebec under the form and style of Ralliement des créditistes.

Mr. GRÉGOIRE (*Interpretation*): On a point of order, Mr. Chairman. Mr. Martineau, being a lawyer, has every reason for knowing what registration in the superior court is. We are here only to decide on one point. What Mr. Martineau, who is a lawyer, is attempting to do at this time is to give a show here in front of the committee. We are here to decide one point, and I suggest that we return to the point under discussion instead of making a whole show around what is a registration form and a request for a name and style. Mr. Martineau knows full well what this means.

Mr. MARTINEAU: On a point of order, Mr. Chairman. I think this question is very pertinent. I did not invent or bring this document before this committee. Mr. Grégoire brought it yesterday and he brought it in an attempt to prove that his Ralliement existed as a party before 1958. This proves not that the Ralliement des créditistes was a political party before 1958, it merely proves that one Gilbert Rondeau, then an accountant and now a member of parliament, was in business under the name of Ralliement des créditistes. The document goes on to say, "the kind of business..."

Mr. GRÉGOIRE: He is coming back to the document, Mr. Chairman.

Mr. MARTINEAU: I am on a point of order because I am explaining why I am referring to this document, No. 6 says that the kind of business will be the purchase, the sale of brochures, pamphlets and newspapers as well as other media of publicity. In other words, Ralliement des créditistes is not a political party, it is simply a publicity agency, and this is set out by a registration, and there is no proof before the committee that that registration has ever been annulled. I think Mr. Rondeau would have a point in instituting action against the Créditistes for using a trade name that he has already registered.

I have one more point. No. 8 says that he is still doing business under this firm.

Now, Mr. Chairman, to sum up, I am inclined to agree with my colleague, Mr. Knowles, in a lot of what he has said. I think it is probably impossible for this committee to decide what is a political party, and so on, and that we might reach more concrete results if we circumscribe our work and just state whether or not there is a new group, a fragmentation of the Social Credit

group into two groups, and where they should be seated. We might possibly report to the Speaker as regards whether or not a political party that has not received the baptism of fire by submitting itself to the electorate should be recognized for the purposes of bill C-91. We may report that we cannot reach any decision on that, and I think it would be logical. This would be beyond our scope. We will have to say that there is a fragmentation of the Social Credit group. However, to my mind, that fragmentation means that there still exists the national Social Credit group on one side and on the other side a group which calls itself *Ralliement des créditistes*. As far as privileges of the house are concerned, they can merely be considered as a number of independents who have chosen to go along together.

Miss JEWETT: Mr. Chairman, I think that if we are going to have another motion or amendment perhaps it would be as well to hear it fairly soon. There are a few more mathematical permutations and combinations of the seating order. However, perhaps before we do that we might ask Mr. Girouard if it would be possible to separate clause 4 from the other three clauses. It seems to me, from the discussion we have been having, that we are now agreed to try to settle two things; first of all the seating order, and secondly the question of privileges in the house. I would like to say a word about both of these, and I do think they are separate and might be discussed separately. For myself, after hearing the discussion, and unless I hear more than that, I am in agreement with Mr. Girouard's seating order but not entirely with what he says in paragraph 4. I would prefer Mr. Knowles' feelings on that. I would think, first of all, that the seating order he proposes is the most logical and realistic on several grounds. There is a general agreement that the group under Mr. Caouette has separated itself from the main Social Credit party of Canada and that it is therefore in a sense a breakaway group. It seems to me that if there is any breakaway group from any political party in the House of Commons between elections, even if it numbered 16 people, it should go to the foot of the table, so to speak. They are the newest and they are a breakaway group. Their break has taken place between elections. They have not presented themselves to the electorate, and even if, say 60 Conservatives broke away, I would think it only logical and reasonable that they should be placed after the other political parties. This is not a case that can be decided entirely on either set of precedents because neither is entirely applicable. A similar case occurred in 1926 and this issue of the seating arrangement did not arise because the breakaway group continued to sit in the same caucus.

Mr. GRÉGOIRE: May I ask a question? How can you explain that after a vote in the caucus the majority is the one that separates instead from the minority?

Miss JEWETT: They are still a breakaway group, whatever their size.

Mr. GRÉGOIRE: What was mentioned in the first letter was that the majority has decided on one point and the minority, not being pleased with the decision, separated. How can you expect them to prove that the majority is separating?

Miss JEWETT: After all the discussion, obviously there are two angles. You have one, and the other part of the party has another. I do not suppose this is ever going to be reconciled, but after listening to all the evidence I heard it seems to me, and to the general public judging from the newspaper reports and elsewhere, that even though you had two more people you were the breakaway group and you broke away from the Social Credit party. It seems to me that is all we have to know. Whatever its numbers, it should be in the last place.

I might go on with my other point, and then I will be glad to answer questions because I think the two points are related. My second point is that,

in my mind at any rate, and I think in the minds of many other people, the group under Mr. Caouette is a pretty well organized group. It is, I think, a little more than a bunch of independents. They set up their own leader, their own whip and their own house leader, I suppose. They have become a fairly well organized group. It seems to me therefore that they should be, and indeed are very likely to be, accorded certain rights and privileges in the House of Commons as a reasonably sized and organized group. I would argue, for example, as to whether they should be invited to speak on the usual round of speeches, time consuming though this is, in the address in reply and so on. I do not think there are any rules for us to go on concerning this. There have been cases in Canadian history where a political party was not allowed to have its leader speak on these occasions. Mr. Girouard quoted the Bloc Populaire which was a political party after 1945, whatever the case before, and yet in the address in reply to the speech from the throne Mr. Raymond was not invited to speak by the Speaker even though they were a party. I suppose there were other cases where one was a fairly well organized group with a leader recognized by the members and was not allowed to speak. There are no firm rules on this.

I think that to be realistic, practical and fair we should treat the members of parliament under Mr. Caouette's leadership as an organized group and they should therefore be allowed to speak in turn and to enjoy certain of the other privileges in the house.

Mr. GRÉGOIRE: I have one question for Miss Jewett. If I understood your idea well it is that we should be recognized as a well organized group and a well organized party. The only difference between your point of view and Mr. Knowles' would be that you would prefer the idea of seniority instead of the one based on numerical strength. Would that be the difference between you and

Miss JEWETT: Substantially, although it is not exactly the same as our two earlier precedents. It is true that it is mostly on historical grounds that I suggested the seating arrangements. On the other hand, to look forward, Mr. Caouette mentioned that he hopes that at the next general election his party will have candidates running in every province of the country. This incidentally is a concession that it is the electorate that constitutes the parties. Supposing you did that and got 100 seats, even though you are an offshoot of the original Social Credit party, you would then have come to the electorate as a political party and would be seated strictly in accordance to your numbers. This would be done on a numerical basis. This, however, is a case of a break-away group in the midst of a session of the House of Commons and in between two elections.

If I might just say then, in case there is any doubt, I feel that I would personally like to see clause 4 taken out of Mr. Girouard's motion and the first three clauses remain, while clause 4 would be dealt with in a separate motion or amendment concerning the question of privileges.

Mr. GRÉGOIRE (*Interpretation*): May I put a question to Miss Jewett?

The CHAIRMAN: I had given the floor to Mr. Girouard.

Mr. GRÉGOIRE (*Interpretation*): What I would like to do is to put a question to Miss Jewett so as to clarify the matter. Yesterday evening, when questions were being put to me, the questioners were allowed to put twelve questions and to go on with their questioning indefinitely until they were through.

Mr. TURNER: I would suggest that perhaps, with your permission, for the sake of maintaining some consecutive reasoning in the committee, Mr. Grégoire should be allowed to finish his questioning of Miss Jewett.

Mr. MOREAU: On a point of order, Mr. Chairman, surely Miss Jewett has not got the status of a witness which Mr. Grégoire assumed in this hearing. I think that unless she wishes to answer these questions she need not. She is

only expressing an opinion and she is not giving any evidence. I do not think she should be interrogated in this way at all.

The CHAIRMAN: The main reason for this is that she thought the fourth paragraph of this amendment should be taken out. She would then accept the motion. The mover of the motion wants to say something. We could then go back to Mr. Grégoire. If Miss Jewett does not wish to answer Mr. Grégoire's questions, she has the right to refuse.

Mr. MOREAU (*Interpretation*): Mr. Chairman, on this point of order, we have an amendment on the floor. This is the amendment by Mr. Knowles, and it seems to me that Mr. Girouard has no business at this point to deal with the point made by Miss Jewett as to the striking out of clause 4 of his motion.

Mr. KNOWLES: Where are we getting to?

The CHAIRMAN: Are you ready to vote on the amendment right away?

Mr. MACQUARRIE: Mr. Chairman, perhaps I will not keep the committee long. I am always brief. Mr. Chairman, I would like to take this opportunity, as ex-chairman of the committee on procedure in parliament, to congratulate you in that seat and to wish you well. I remember the days when we went over the Elections Act day in and day out. We were a very quiet group. No members of the fourth estate showed up, which indicates the high seriousness of the times.

The reference to the lack of a French reporter this morning prompted me to think that this committee, being in fact the senior committee in the House of Commons, should not be without the necessary equipage, but I will not make a point of this.

I would like to say, since we have some latitude and I think you are right in allowing latitude, that you might discuss both the amendment and the motion, to use an expression I heard in a certain corner of the house, by saying "a plague on both". I do not think either Mr. Girouard or Mr. Knowles, or both together, have exhausted the possibilities with which this committee may deal on the subject before it. I am a little concerned, indeed I am deeply concerned, with the dangers in the course upon which we might be embarking if we through our deliberations seek to legitimize a great many things which in this parliament and in other parliaments have been irregular and ad hoc through usual channels. Perhaps, our deliberations will not be too illuminating to posterity but they will be available. I may say these are not precedents but to some degree they will stand as precedents. It is for this reason that I am a little concerned about taking the course suggested by either of the honorable gentlemen. The house of course, through this committee, in the initial stages is the judge of the election and return of its own members. We have traditionally exercised that judgment over the election process. The document of our chief electoral officer is the document upon which we can function most efficiently and in line with our proper procedure as the senior committee.

I would like to say, Mr. Chairman, that I am neither speaking for a party nor for a group, and that I would say to Mr. Turner that I do belong to a party which is even older than confederation, and to Mr. Grégoire, that it has had some experience in changing names. But this matter is a serious one. I think that is going back to what happened on election day and to the official documents of election. Last night, at great length, we went back to conventions.

This morning we are going back to meetings which took place before the third last election. But could we not project ourselves forward following this same procedure? Cohesion surely is a necessary ingredient of a party. Should we look forward and ask Mr. Grégoire and Mr. Girouard as to their intentions to remain in this group? We can see the almost ridiculous possibilities in such a situation, although they are not impossible.

Mr. Leboe mentioned things yesterday which in terms of a party—the ones he used as examples—are incredibly impossible. We are dealing with a great many issues here which strike me as not being of a kind upon which this committee should be placing for all time and before this parliament and in this reference, statements and guidance which will become more firmly embedded in the practices of parliament. How are offices assigned? Does the House of Commons really find itself seized with that question?

Seating arrangement is a difficult question. The British, as in many ways, are so much wiser. They do not have desks, so there would not be such a problem with them. I have often been curious about seating arrangements, because I have found myself in all but one of the corners of the house as I moved around. I can only take it that someone at the centre of things does not like me.

I am very concerned about the danger of our making more brittle these procedures and thereby affecting the harmonious relationship which must, in a type of parliament such as ours, be flexible. I shudder to think that if at some future date 2, 3, 6, 8 or 10 defectors from a party might call upon the Speaker, and in turn he would call upon this committee to decide where they should sit and where their offices should be. I wonder what could happen if a certain party changed its leader, when a parliamentary group representing that party chose another leader. Who would notify the Speaker? How does the Speaker find out? For example, how did he find out that Mr. Douglas was to take the office which goes, I presume, to the leader of that particular group.

These things happen. There are many things which go on behind the Speaker's chair. I think it would be hard upon us, because it would be extremely difficult to make a judgment without reaching back and without producing, apparently, affidavits.

This is a process which causes me concern, not because I believe that fragmenting parliament is dangerous, and that this country is indeed in trouble if it does not return to a two party system. That is not the problem which we are gathered together to attempt to solve. We are assembled to look at a situation and to try to find the best way we can to avoid any action or recommendation which would make more difficult the functioning of this and future parliaments. I suggest it is a cause for fear, in that it might harden our attitude, and I speak in terms of texture rather than in terms of sentiment, when I say that a hard line taken on this question might result in making more trouble, because it might bring before future parliaments problems which might cause many, many meetings of committee sessions.

Certainly, Mr. Chairman, we cannot go on day after day wondering where so and so is going to sit. The idea that the solutions are not sufficient goes to the danger and implication there might be for future interpretation and future reference, and I wonder if an arrangement for the seating of these people cannot be handled through the usual channels? I do not think we can possibly go back to Granby and back to Edmonton, and all these places to sort out the very, very intricate process of conventions and separations.

The CHAIRMAN: Now, Mr. Cashin.

Mr. CASHIN: Mr. Chairman, I shall be brief, which is not my custom. I had some things I would like to say but I feel everything pertinent has been said. I think we should resolve this matter or make an attempt to resolve it, and I would like to have the committee now vote on the amendment and on the motion.

The CHAIRMAN: There is a motion that the question be now put.

Mr. NIELSEN: I did not hear the motion, but I have a suggestion. I have not yet spoken, and contrary to what you said to Mr. Girouard, the views of those who support our party in the committee have only now been known by Mr. Macquarrie and perhaps by implication from the remarks of Mr. Martineau.

I would like to make one or two points in regard to the motion and the amendment put by Mr. Knowles. I feel that the reference from the House of Commons has been overlooked in the motion itself—I mean the reference by the house to the committee has been overlooked in the motion itself and in the amendment, and without intending offence to Mr. Knowles, it seems to me that the axe he is grinding here and that his party is grinding in this committee and in the house is to move up his position in the house which will perhaps give them precedence and privileges over the Social Credit Party which is involved in this unfortunate incident, and perhaps be helpful to the NDP party.

Mr. KNOWLES: I know there is no offence intended, but I wonder if Mr. Nielsen wants to recognize the fact that I did propose in the steering committee—and as reported here on the first day that we met—that we take that step first of all, and that I withdrew it of my own initiative in the interest of solving the problem. I am sure that the honorable member means no offence, but there is no arguing about our position.

Mr. NIELSEN: I certainly intended no offence and I certainly impute no motives to Mr. Knowles. It is a simple conclusion I have reached, and it seems to me that your party does stand to benefit if this committee comes up with some arrangements with regard to seating such as that suggested in the motion. As I understand it, the reference to the house deals with a fairly complicated and complex constitutional problem, as has been pointed out by Mr. Martineau, and it is not a simple matter.

If we had had more notice of the motion which was introduced in the house which referred the matter to the committee, I am sure that I would have had second thoughts about the propriety of sending it to the committee, because it does seem to me that in that respect we have been saddled with something that should not have been shunted off on us in the first place.

As pointed out by Mr. Macquarrie, I think we feel it undesirable to surround ourselves with precedents which might injure or harden, as Mr. Macquarrie put it, the operations of the House of Commons in future.

I think that is what we would be doing if we made any decisions as to who should be seated where, or on what basis they should be seated in the house, whether upon numerical superiority or upon seniority. We believe that this is housekeeping, which has always in the past been carried out by officials charged with the responsibility in the house, and I feel we should not have been saddled with this in the first place. I do not think that our committee should go back with any recommendation concerning seating.

I am not going to suggest for a moment, Mr. Chairman, that the reason that this committee is saddled with the responsibility of determining this reference is just that the government is in an embarrassing position and has taken this way out of it; but it does seem to me that if one thing has emerged from the evidence that we have heard today and at our previous sittings, it is that the Social Credit party remains intact. I think we can take it even from the remarks of Mr. Knowles that there has been no disturbance of the skeleton—if I may call it that—of the Social Credit party, although the fabric of the party may have been somewhat disturbed by what I think we can conclude is a split.

We heard Mr. Grégoire and Mr. Drouin say that despite the separation, the followers of Mr. Caouette are still members of the Social Credit party. It seems to me that we have to accept what Mr. Grégoire says on this score, and we have had no denial from the Social Credit party that the policies of Mr. Caouette are not still in fact the policies of the Social Credit party.

Mr. Turner in his remarks suggested that Mr. Caouette's followers had broken away with a new philosophy. On the other hand, we have had Mr.

Grégoire say that there has been no new philosophy insofar as the group that follows Mr. Caouette is concerned.

Mr. TURNER: On a point of order, I just asked if there was a new philosophy and in reply Mr. Grégoire said there was no substantial difference.

Mr. GRÉGOIRE: Not with respect to monetary forms but in respect of other things.

Mr. NIELSEN: From this I conclude, anyway, Mr. Chairman, that there is no basic difference between the philosophy of the Caouette followers and that of the Thompson followers. Mr. Drouin pointed out in his argument that a group can be formed within a political party, and that this does not disturb the party itself. With that proposition I would agree.

Mr. DROUIN: That is your proposition; it is not mine.

Mr. NIELSEN: This is what I understood Mr. Drouin to say: That a group could be formed within a political party. I think he is right there, and I think that is what has happened here. I advance these observations in support of the proposition that the Social Credit party remains intact, and this has to do with the reference that the committee has from the House of Commons. It is a very perplexing problem which the Speaker put to the committee, as was pointed out by Mr. Martineau: "Whether a political party can be formed and recognized as a party after the house commenced its sittings after an election."

Mr. Leboe takes a position that is in support of the original motion, that a split in the democratic ranks would be brought about if the committee did not classify the little group of Caouette followers as independents. But I cannot agree with this proposition. It seems to me that the Social Credit party as a result of events which have occurred, has some house cleaning to do, and I do not think this committee should stick its nose into internal affairs of the Social Credit party and attempt to determine what the results are going to be as a consequence of internal differences that have occurred within the Social Credit party itself.

Mr. NIELSEN: It seems to me that the reference given to the committee by the Speaker and by the house was whether or not the constitutional problem of a formation of a new political party could occur or could have been decided by the committee. I think even Mr. Knowles has said, when he was discussing the party versus the group, that he does not believe that the committee's responsibility is to decide whether or not a new political party has been formed as a result of the Caouette followers leaving the Thompson followers in the Social Credit party, as has in fact happened. So it seems once that question has been decided, the residual questions of seating and of the \$4,000 indemnity are questions of a mechanical nature which should be decided in the normal course.

I have said that in the past, as I understand it, the seating arrangements have always been cared for by the officials of the house. I agree with Mr. Turner that the question of the \$4,000 indemnity should be referred to the proper authority, whether it is the treasury official or the Department of Justice. I suppose treasury would ask for an opinion from the Department of Justice. But certainly this committee should not decide whether Mr. Thompson or Mr. Caouette should receive the \$4,000, no more than they should be called upon to decide the seating arrangements which, throughout the years, have been determined by the officials of the house.

I think that our reply to the House of Commons should be that we should not meddle in the internal affairs of the Social Credit party. It is their mess and they should clean it up themselves. If they cannot do so, that is their hard luck.

In support of those points, Mr. Chairman, I would like to make the following proposal. I think that what I will do is to propose this as a separate motion so that Mr. Knowles' amendment can be dealt with first and then Mr. Girouard's motion. My motion would be taken third. It will read as follows:

It being apparent that the reference of the house to this committee is one concerning the internal differences between at least two factions within the Social Credit party, these differences should be resolved by the Social Credit party, and when resolved the Speaker informed since he has the responsibility of seating arrangements in the house, and that the matter of the \$4,000 leader's indemnity be determined by the proper authority.

The CHAIRMAN: I think you could propose this later on because we should first consider the original motion and an amendment to it.

Mr. NIELSEN: May I finish my remarks? I have one point to make.

The CHAIRMAN: Please proceed.

Mr. NIELSEN: My motion is seconded by Mr. Macquarrie. I just want to make the following point, in anticipation of what other members of the committee might say. I do not feel that by accepting this proposal the committee will be charged with having abdicated its responsibility. We have been charged with determining whether or not a political party can be formed when the house is sitting. We have heard evidence through several meetings and through several hours' deliberations which have clarified somewhat my thinking on it to the point where I can conclude that the matter is one of internal differences within the Social Credit party. This fact was not clear to me when we started because of the lack of understanding which I had concerning the Granby convention, the caucus, and so on, which was referred to by Mr. Grégoire. After hearing all this, I am satisfied that the Social Credit party still exists in fact. As far as I am concerned there is no evidence that can be called evidence to support the proposition that any new political party has come into existence. All I can see is internal strife within a political party and as such it is something which this committee should not meddle with, and indeed I doubt whether it has the power to do so. If we start on this premise, then perhaps we are on the road to very serious trouble. This is why I say that this motion satisfies the reference to us by simply saying that the Social Credit party is intact and that the differences within that party should be determined by the party. When that has occurred, the Speaker can be informed and the usual normal practice of seating can be determined by the officials of the house.

Mr. BREWIN: On a point of order, Mr. Chairman, I do not know whether at this stage you propose to rule on whether this motion by Mr. Nielsen is in order or not. My submission is that it would be clearly out of order.

The CHAIRMAN: This is not a motion. This is notice that a motion will be made.

Mr. BREWIN: I will give notice that I will ask to have it ruled out of order.

Mr. DROUIN (*Interpretation*): May I ask a brief question? Does Mr. Nielsen intend to put this motion on his own behalf or on behalf of his group?

(Text)

Mr. NIELSEN: I might take refuge in the point of order raised by Mr. Moreau, who objected to members of this committee standing as witnesses. The motion is mine.

Mr. MOREAU: You take refuge in the fifth amendment, I understand.

Mr. TURNER: I will yield the floor briefly to Mr. Francis.

Mr. FRANCIS: It seems to me there are three things. The first is one on which we are all agreed, that is that the committee cannot deal with the questions of

the recognition of a party and of the indemnity of \$4,000. By the terms of the statute this is related to political parties and I understand that all members of the committee have agreed it is beyond our terms of reference.

There are two other points which I personally feel should be dealt with by motions, and I propose to move that the question be put as to whether we should deal with the question of seating in the house and other privileges extended to groups. The position of Mr. Nielsen and Mr. Macquarrie, as I understand it, is that these are not proper matters to be decided by this committee. They should be decided in the usual fashion by the decision of the Speaker and of the officials of the house. I cannot accept that in view of the Speaker's expressed reference to the committee. In the circumstances, I move that the original motion be read and the amendment in question be put.

The CHAIRMAN: Please write down your motion and get a seconder for it.

Mr. KNOWLES: I am anxious that we get to the voting but I should like to say that Beauchesne states that a motion for the previous question is not admitted in the committee of the whole or any select committee of the house.

The CHAIRMAN: Are you ready for the question on the amendment? I will read the amendment, moved by Mr. Knowles and seconded by Mr. Brewin, "all words after the word 'that' be deleted and the following words be substituted therefor. This committee recommends to the house that members of the opposition who belong to groups other than the official opposition be seated in the House of Commons according to their numerical strength."

All those in favour will please rise? Those against? Three members for the motion; 19 members against. I declare the amendment lost.

Miss JEWETT: Mr. Chairman, I would like to move an amendment to the main motion in view of the fact that clause 4 might more appropriately be dealt with separately. I would like to move that Mr. Girouard's motion be amended by deleting clause 4 therefrom. This is seconded by Mr. Knowles.

Mr. GIROUARD (*Interpretation*): Can I speak on the amendment?

(Text)

Mr. FRANCIS: Can the motion be read?

The CHAIRMAN: I will now read the proposal and the amendment.

Your committee recommends the following changes in the seating arrangements for parties in the house:

- (1) That the New Democratic party be seated next to the official opposition, to the left of Mr. Speaker.
- (2) That the Social Credit party be seated next to the New Democratic party, to the left of Mr. Speaker.
- (3) That the group under the leadership of Mr. Caouette be seated to the left of the Social Credit party and
- (4) That the matter of those privileges to be extended to Mr. Caouette's group be submitted to the law clerk of the House of Commons who will report upon same to Mr. Speaker.

It was suggested that the last clause be deleted.

Mr. KNOWLES: Dr. Ollivier should get the \$4,000.

The CHAIRMAN: It is moved by Miss Jewett, seconded by Mr. Knowles, that the motion be amended by deleting paragraph 4.

Mr. GRÉGOIRE: On a point of order, Mr. Chairman. I submit that this motion is out of order because the committee will then be deciding which is the official party of the Social Credit, and I do not think it is the problem of this committee to decide which one is the official Social Credit party.

There is a majority of 13 which says that we are the official party, and a minority of 12 which says that they are. This committee would be saying which one is the official Social Credit party. I think it is completely out of order. It is against democratic principles to have other parties decide for our party. I do not see how you can vote on a motion in such terms.

Mr. KNOWLES: Are you talking about the motion or the amendment?

Mr. GRÉGOIRE: The main motion.

Mr. DROUIN (*Interpretation*): With regard to that point of order, I submit that the point of order has been resolved for us by Mr. Caouette himself in his letter of September 16.

Since September 1, our movement has become a national group known under the following name: "Ralliement des créditistes".

Further he says:

Mr. Thompson remains the head of the Social Credit Association of Canada and I become the head of the Ralliement des créditistes in the House of Commons.

The CHAIRMAN: We will return to this point later. I believe we are all out of order at this point. The question is on the amendment, and the amendment calls for the deletion of paragraph 4.

Mr. GIROUARD (*Interpretation*): With regard to paragraph 4, I believe that by voting on the amendment we are meeting the request of Mr. Speaker to come to a decision with regard to the seating arrangements in the house. The seating arrangement we suggest is for one party to be seated in one position and another party in another position.

The CHAIRMAN: Are you ready to vote on the amendment?

(Text)

Mr. NIELSEN: I would like to speak on a point of order. I am in doubt as to whether or not we can make proposals to the house on the matter of the \$4,000, this being one of the privileges.

The CHAIRMAN: There is nothing in the amendment concerning the \$4,000.

Mr. NIELSEN: This was in paragraph 4.

Mr. GIROUARD (*Interpretation*): I should like to add that my proposal would meet the points made by Mr. Nielsen and Mr. Macquarrie with regard to the extension of privileges to such and such a group in the house, which would be resolved by the proper authorities behind the Speaker's chair, as they have said.

The CHAIRMAN: The only thing we have is that the motion be amended by deleting part 4 therefrom.

Those in favour of the amendment please rise. Eight in favour. Those against? Eleven against. The amendment is defeated.

Mr. GRÉGOIRE (*Interpretation*): Mr. Chairman I would like to speak on a point of order concerning the motion. Mr. Caouette, in his letter, says that Mr. Thompson remains the head of the Social Credit Association of Canada while Mr. Caouette is head of the Ralliement des créditistes. I submit that there is no contradiction there. In the first quoted paragraph it is said that we have formed a national group called Ralliement des créditistes; whereas a little further down it is noted that Mr. Thompson remains the leader of the Social Credit Association and Mr. Caouette is the leader of the Ralliement.

The CHAIRMAN: That is not a point of order, Mr. Grégoire.

Mr. GRÉGOIRE (*Interpretation*): I am coming to that. If we are concerned with the official recognition of a party, you have the answer to that. This clearly shows that there is no contradiction between these two paragraphs.

Mr. DROUIN: May I put a question?

Mr. NIELSEN: I want to make one observation here. The very wording of this motion contains an implication that would lead this committee to make a decision as to what is a political party and what is not. That is what I have been saying we should avoid. What the resolution says is that you are creating two political parties.

Mr. DROUIN (*Interpretation*): What is the name of your alleged party, Mr. Grégoire?

Mr. GRÉGOIRE: The Social Credit party.

(*Interpretation*): Mr. Chairman, I will appeal your decision to accept this motion by declaring it in order. I will appeal it in the House of Commons.

The CHAIRMAN: You cannot appeal my decision in the House of Commons. It has been decided by several speakers that these matters are decided in committee.

Mr. GRÉGOIRE (*Interpretation*): I will therefore appeal your ruling to the committee.

The CHAIRMAN: I have called the motion in order. I believe you have understood me. I have called it in order because it appears to me to be in conformity with Mr. Speaker's request. Mr. Grégoire has appealed this decision. Those in favour of maintaining the chairman's ruling will please rise. Twenty-one in favour. Those against? One against.

Those in favour of the motion moved by Mr. Girouard? Twelve in favour. Those against? Eight against. I declare the amendment accepted.

Mr. KNOWLES: I assume a report on this will be made to the house this afternoon?

The CHAIRMAN: We cannot make it this afternoon because before we make the report we have to have the transcript of the reporters and this may take two or three days. We can make a report but nobody will be able to discuss it in the house. If you wish to have it this afternoon, it can be brought to the house this afternoon but no discussion will be allowed.

Mr. NIELSEN: The committee having decided in favour of Mr. Girouard's motion, it would be pointless to make mine and I wish to withdraw it.

The CHAIRMAN: Is there unanimous consent that Mr. Nielsen withdraw his motion?

Mr. DROUIN: He never moved it.

Mr. Knowles: I just wish to reserve the right to discuss the matter if it is up in the House of Commons. The decision finally taken by the House of Commons, I believe, one we should all accept.

The CHAIRMAN: The meeting is adjourned.

The committee adjourned.

## APPENDIX C

*(Translation)*

No. 110 PS

SUPERIOR COURT

District of Montreal

TRADE NAMES

"LE RALLIEMENT DES CRÉDITISTES"

## AFFIDAVIT OF TRADE NAME

*Certified Copy*

CANADA

PROVINCE OF QUEBEC

DISTRICT OF MONTREAL

No. 110 PS

SUPERIOR COURT

Trade Names

"RALLIEMENT DES CRÉDITISTES"

I, the undersigned, Gilbert Rondeau, accountant, having my domicile and residence at St. Césaire, Rouville County, P.Q., do hereby state as follows:

(1) I have my domicile and residence at St. Césaire, Rouville County, District of St. Hyacinthe, Province of Quebec;

(2) I work as an accountant;

(3) I am of age and am married to Monique Viens, who is also of age and still living; I was not previously married.

(4) I was married under separate estate, in compliance with a marriage contract, drawn up by Mr. Maurice Cloutier, notary, who at that time was practising at St. Ours, Richelieu County and now has his office at Sorel, District of Richelieu, the said marriage contract having been drawn up approximately two weeks before I was married on August 16, 1952;

(5) I intend to go into business on my own in Montreal, the district of that name, and in the province of Quebec under the trade name of "RALLIEMENT DES CRÉDITISTES";

(6) The type of business I shall engage in will be the purchase and sale of Créditiste leaflets, brochures and newspapers, together with all other publicity means and media;

(7) My main place of business or registered office will be at Pont Viau, Laval County and District of Montreal, at No. 482 Cousineau Street;

(8) I shall be doing business on my own under the said trade name.

In witness whereof I have set my hand at Montreal on June 3, 1958.

(SGD.) GILBERT RONDEAU

Certified copy Vol. 110 PS

Deposited and registered at the office  
of the Protonotary for the District of  
Montreal on June 4, 1958

(sgd.) Paul Pelletier  
Deputy Protonotary

N° 110 PS  
 COUR SUPÉRIEURE  
 District de Montréal  
 RAISONS SOCIALES

«LE RALLIEMENT DES CRÉDITISTES»  
 DÉCLARATION DE RAISON SOCIALE

Copie authentique

CANADA  
 PROVINCE DE QUÉBEC  
 DISTRICT DE MONTRÉAL  
 N° 110 PS

COUR SUPÉRIEURE  
 Raisons Sociales

«RALLIEMENT DES CRÉDITISTES»

Je soussigné, Gilbert Rondeau, comptable, ayant mon domicile et ma résidence à St-Césaire, comté de Rouville, P.Q., déclare ce qui suit:

(1) J'ai mon domicile et ma résidence à St-Césaire, comté de Rouville, district de St-Hyacinthe, province de Québec;

(2) J'exerce le métier de comptable;

(3) Je suis d'âge majeur et marié en premières noces avec Monique Viens, d'âge majeur elle aussi, laquelle vit encore;

(4) Je suis marié sous le régime matrimonial de la séparation de biens, en vertu d'un contrat de mariage passé devant Me Maurice Cloutier, notaire, pratiquant alors à St-Ours, comté de Richelieu, et maintenant à Sorel, district de Richelieu, le dit contrat de mariage ayant été passé quelque deux semaines avant le jour de mon mariage le 16 août 1952;

(5) J'entends faire affaires seul à Montréal, dit district, ainsi que dans la province de Québec, sous les nom et raison sociale de «RALLIEMENT DES CRÉDITISTES»;

(6) Le genre d'affaires sera l'achat, la vente, de feuillets, brochures et journaux créditistes, ainsi que de tous autres moyens ou médiums de publicité;

(7) Ma principale place d'affaires ou siège social sera à Pont-Viau, comté de Laval et district de Montréal, au n° 482 de la rue Cousineau;

(8) Je fais affaires seul sous cette raison sociale.

En foi de quoi j'ai signé à Montréal, le 3 juin 1958.

(SIGNÉ) GILBERT RONDEAU

Copie Conforme Vol. 110 PS

Déposée et enregistrée au bureau du Proto-  
 notaire du district de Montréal, le 4 juin 1958.

Paul Pelletier,  
 Député Protonotaire.

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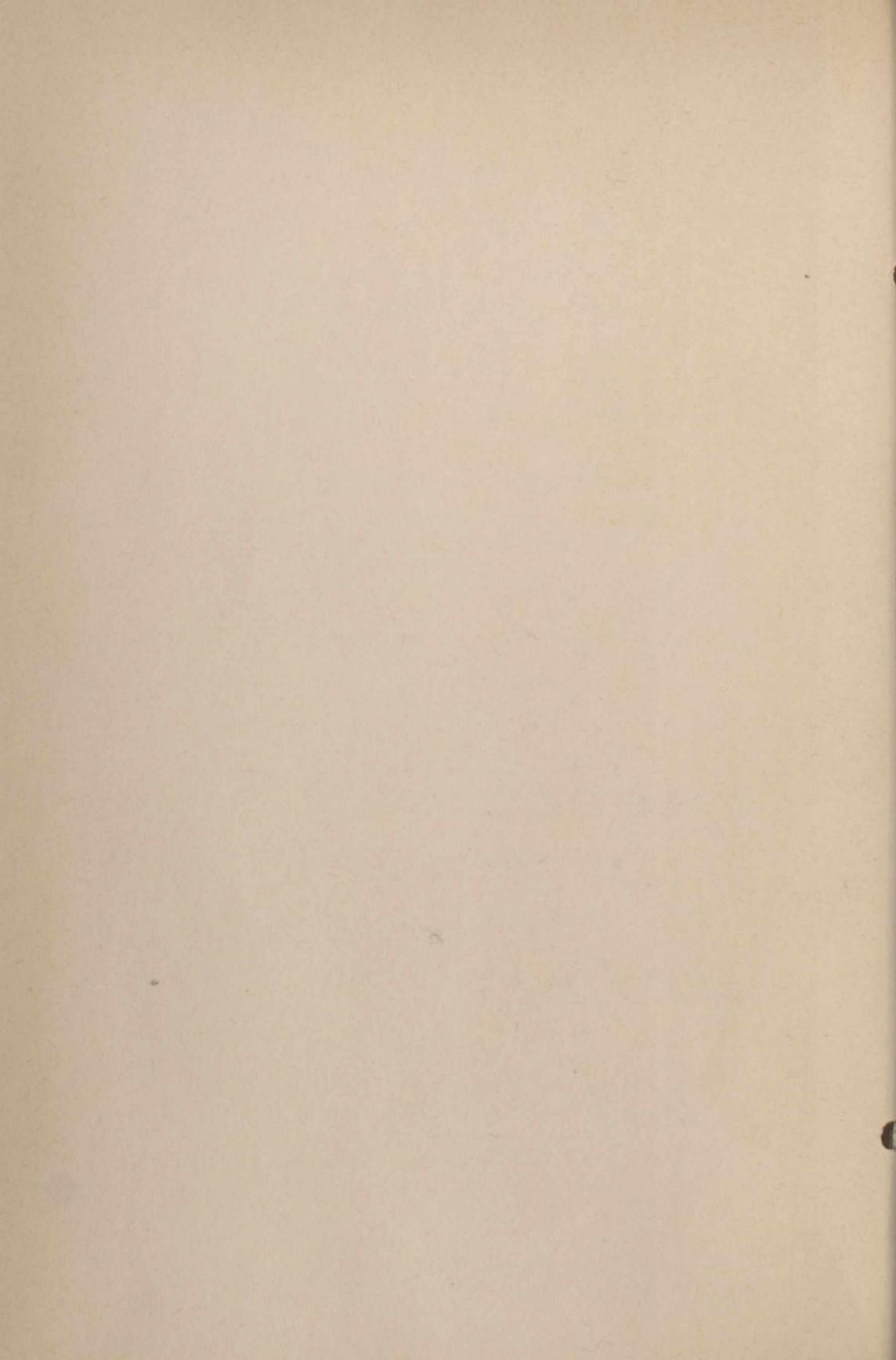
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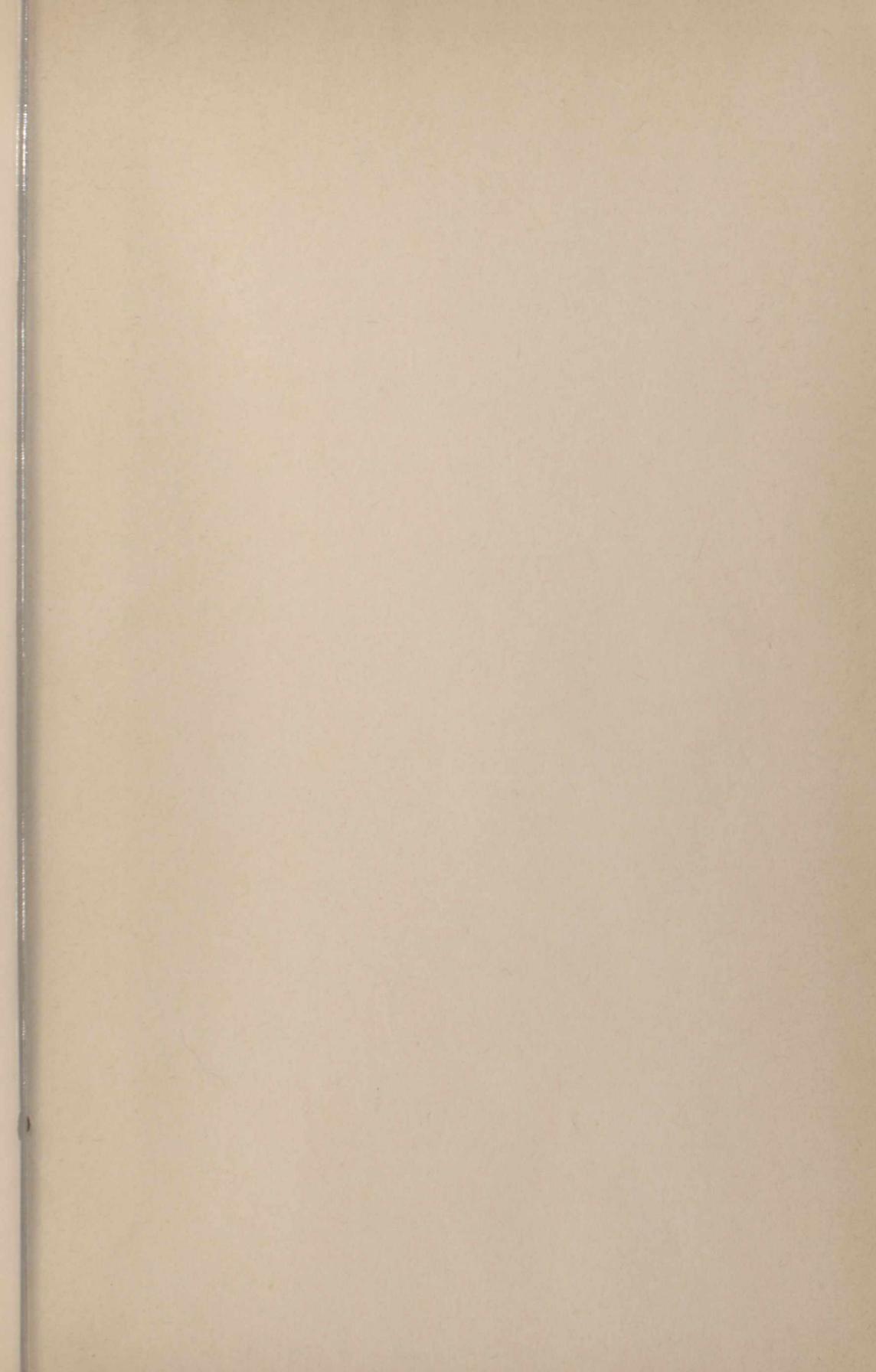
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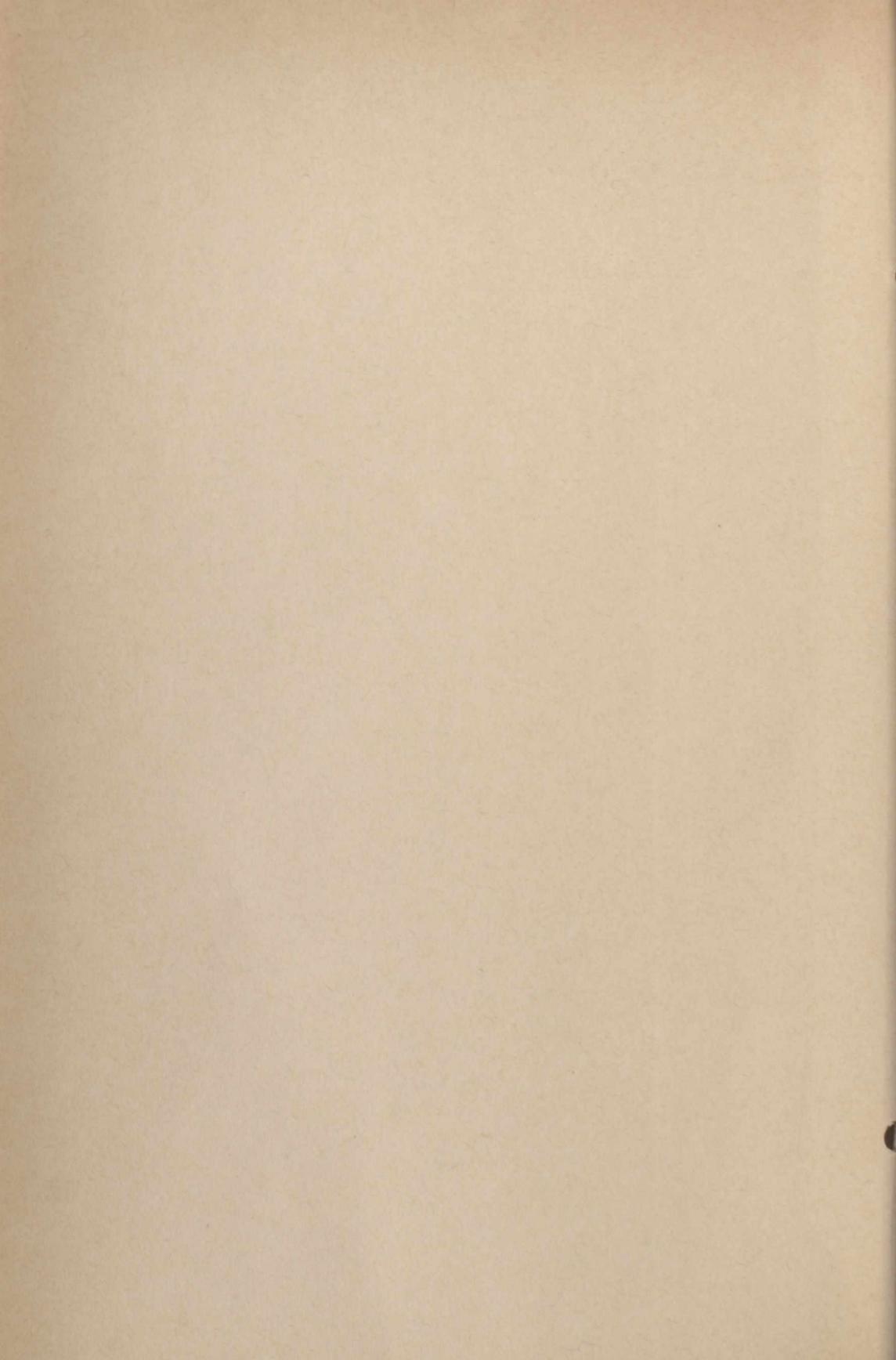
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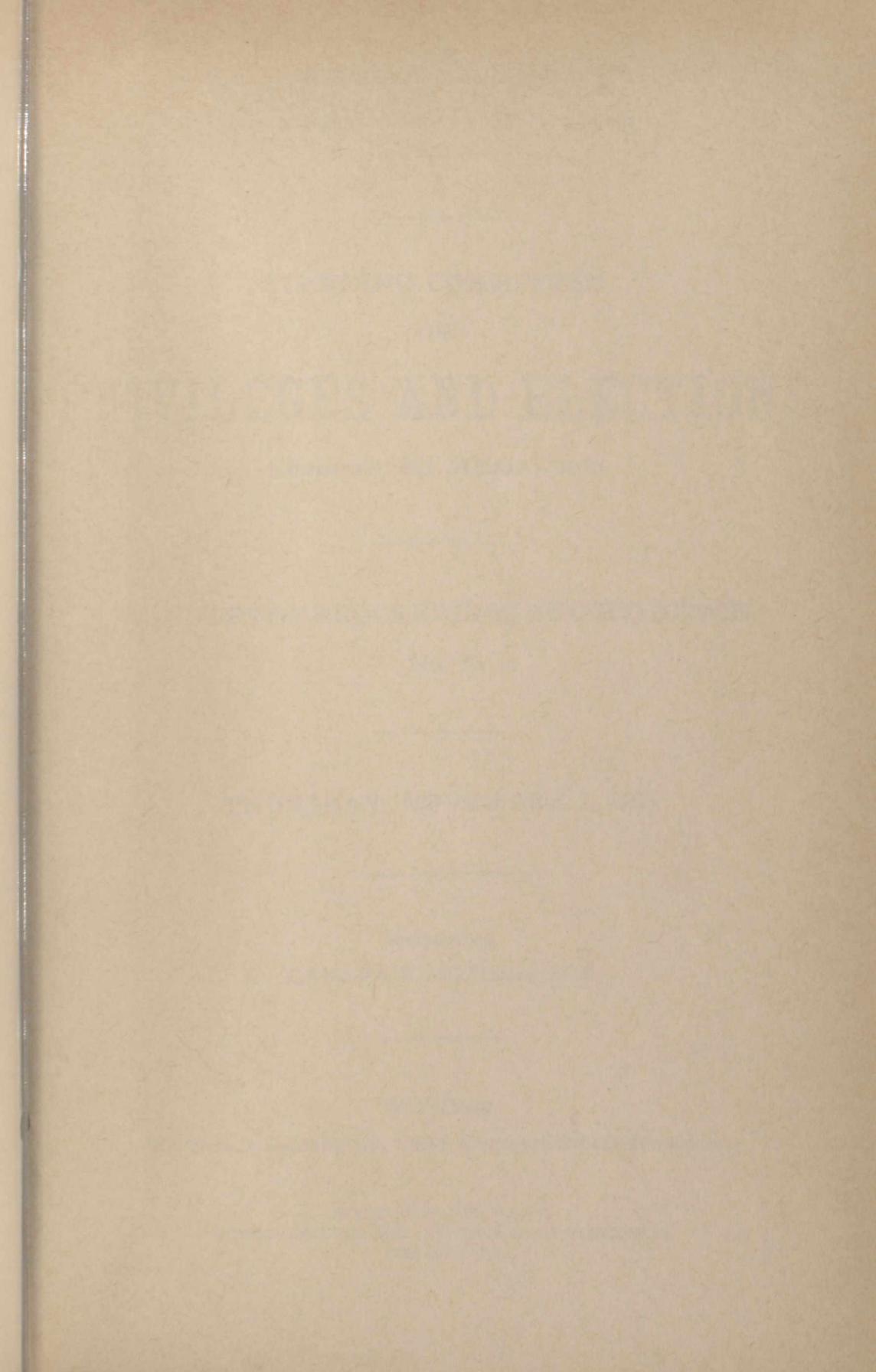
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HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

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THURSDAY, NOVEMBER 7, 1963

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

<sup>2</sup> Blouin,	Howard,	Nielsen,
<sup>1</sup> Brown,	Jewett (Miss),	<sup>6</sup> Olson,
Cameron ( <i>High Park</i> ),	Leboe,	Paul
Cashin,	Macquarrie,	Richard,
Chrétien,	Martineau,	<sup>4</sup> Rideout,
Doucett,	Millar,	Sauvé,
Drouin,	Monteith,	Turner,
<sup>5</sup> Fisher,	More,	Webb,
<sup>3</sup> Greene,	Moreau,	Woolliams—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

- NOTE: <sup>1</sup> Replaces Mr. Blouin on October 22, 1963.  
<sup>2</sup> Replaces Mr. Francis on October 24, 1963.  
<sup>3</sup> Replaces Mr. Brown on November 6, 1963.  
<sup>4</sup> Replaces Mr. Dubé on November 6, 1963.  
<sup>5</sup> Replaces Mr. Brewin on November 6, 1963.  
<sup>6</sup> Replaces Mr. Girouard on November 6, 1963.

## ORDERS OF REFERENCE

House of Commons,  
FRIDAY, October 11, 1963.

*Ordered*,—That the subject matter of Bill C-26, An Act to amend the Canada Elections Act (Advance Polls), be referred to the Standing Committee on Privileges and Elections.

TUESDAY, October 22, 1963.

*Ordered*,—That the name of Mr. Brown be substituted for that of Mr. Blouin on the Standing Committee on Privileges and Elections.

THURSDAY, October 24, 1963.

*Ordered*,—That the name of Mr. Blouin be substituted for that of Mr. Francis on the Standing Committee on Privileges and Elections.

WEDNESDAY, November 6, 1963.

*Ordered*,—That the question of Raymond Spencer Rodgers' right to use the facilities of the Press Gallery be referred for quick study and a report back to the House on its merits by the Standing Committee on Privileges and Elections.

*Ordered*,—That the names of Messrs. Greene, Rideout, and Fisher, be substituted for those of Messrs. Brown, Dubé, and Brewin respectively on the Standing Committee on Privileges and Elections.

WEDNESDAY, November 6, 1963.

*Ordered*,—That the name of Mr. Olson be substituted for that of Mr. Girouard on the Standing Committee on Privileges and Elections.

LÉON-J. RAYMOND,  
*The Clerk of the House.*



REPORT TO THE HOUSE

TUESDAY, October 15, 1963.

The Standing Committee on Privileges and Elections has the honour to present its

THIRD REPORT

A copy of the printed minutes of Proceedings and Evidence (Issues Nos. 1 and 2) is tabled herewith in both languages.

Respectfully submitted,

ALEXIS CARON,  
*Chairman.*



## MINUTES OF PROCEEDINGS

THURSDAY, November 7, 1963.

(6)

The Standing Committee on Privileges and Elections met at 10:07 o'clock a.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Cameron (*High Park*), Caron, Chrétien, Drouin, Fisher, Green, Knowles, Macquarrie, Millar, More, Moreau, Olson, Paul, Pennell, Richard, Rideout, Turner, Webb and Woolliams—(20).

*In attendance:* Mr. Greg Connelley, President of the Canadian Parliamentary Press Gallery.

*And also Messrs.* N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officers, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office. Also a Parliamentary Interpreter and interpreting.

In opening the meetings, The Chairman informed the Committee that two matters had been referred to it by the House:

1. The Canada Elections Act.
2. The question of Raymond Spencer Rodgers.

The Chairman added that since the Press Gallery representative was not ready to proceed now with the question concerning Mr. Rodgers, it might be better to study the Canada Elections Act first and consider the case of Mr. Rodgers at a later date.

Mr. Fisher, seconded by Mr. Chrétien, moved that the Committee study now the question of Mr. Rodgers' rights and privileges. After debate thereon, and by unanimous consent, the above motion was withdrawn.

On motion of Mr. Fisher, seconded by Mr. Pennell,

*Resolved,* That the questions relating to Mr. Rodgers' rights and privileges be considered by the Committee on November 25th and subsequent days. The Committee agreed.

The Chairman then asked the Clerk to read the Orders of Reference in respect of the Canada Elections Act and Bill C-26, "Canada Elections Act".

Mr. Castonguay, Chief Electoral Officers, gave explanations relating to the recommendations dealing with the Canada Elections Act and he had distributed to the Members of the Committee documents relevant to his proposed amendments to the Act.

After discussion about the availability of Committee rooms equipped for simultaneous interpretation, the Chairman assured the Committee that he would look into that matter.

At 11:45 o'clock a.m., the Committee adjourned until Tuesday, November 12th, at 10:00 o'clock a.m.

M. Roussin,  
*Clerk of the Committee.*



## EVIDENCE

THURSDAY, November 7, 1963.

The CHAIRMAN: Gentlemen, we have a quorum. I think we should start now.

Yesterday when the committee met to decide what we should do today, we intended to go ahead with what was said by the house yesterday with regard to the press gallery. However, I was received by the president of the press gallery who told me that his association was not ready to proceed because they had to have a meeting of the committee to decide what they wanted to present to this committee in defence of their principle and point of view in this matter. We therefore called Mr. Castonguay to submit to the committee what he has prepared as an amendment to the Election Act. This, I believe, will take the morning, and then we might take a week off in order to study it more thoroughly before starting again with our study of the electoral law.

Mr. FISHER: Purely as information, did you find out from the press gallery when they would be ready to proceed?

The CHAIRMAN: They are not ready at the present time, and the president is going with the defence committee delegation to Europe to visit the army bases there. Therefore they may not be ready to present their case for two or three weeks.

Mr. FISHER: This is not good enough. This was referred to the committee for quick despatch. If the press gallery feels it is involved in this matter, surely someone can be delegated to come before the committee. Why should this be delayed any longer?

Mr. MOREAU: I agree.

The CHAIRMAN: I will ask the chairman of the press gallery to express his point of view.

Mr. G. CONNELLEY (*Chairman, Press Gallery Association*): The matter has been referred to the committee. It is a matter of very great importance to the press gallery and to parliament as a whole. We need considerable time to study all the factors relating to the matter.

It is necessary for us to have an executive meeting and then to call a general meeting to find out the will of the association in this matter. All this will take time. In addition, as the chairman has mentioned, I will be away for two weeks, and I think it is important and not unreasonable to ask the courtesy of this committee in this matter so that I may be present when it is dealt with. Surely that is a question of elementary justice. I do not think the question of urgency suggested by Mr. Fisher is so great that any harm will be done to anyone by a delay of two or three weeks. I would ask the indulgence of the committee in this regard.

Mr. MOREAU: How long has this matter been under consideration by the members of the press gallery? I have heard a figure of two and one-half years. I would like to know whether or not this matter has been under consideration for such a length of time.

Mr. CONNELLEY: I think the figure of two and one-half years is not a correct one. I think that refers to Mr. Rodgers' initial appearance in the gallery when he applied for membership and was accepted. He was a member until a

little more than a year ago. You will recall, of course, that a petition was made by him to this same committee last February. The proceedings died when parliament was dissolved. There has been nothing before us in respect to Mr. Rodgers since then. We have had no communication in this matter since then.

Mr. MOREAU: You say the matter was before the committee last February? Would it not be reasonable to expect that the executive of the press gallery would have taken a position at that time and that the position now would be substantially the same?

Mr. CONNELLEY: That I could not say because the executive has changed since last February. Moreover, I am certainly not in a position to say what will be the will of the general meeting; they may change their minds now. In the usual democratic process, we must hold a meeting to find out what they want to do.

Mr. FISHER: I would like to move that this committee recommend to the house that the Sergeant-at-Arms ensure the right to the use of blues, mail services and press releases, and a seat in the gallery over the house for Mr. Rodgers until the committee has an opportunity to hear the matter fully.

The CHAIRMAN: Are we in such a hurry?

Mr. WOOLLIAMS: That is a motion. I do not think the chairman can rule out a motion.

The CHAIRMAN: I am merely questioning. I have a right to question. The matter can be put to a vote after that.

Mr. FISHER: May I read the motion again? The intent of the motion is of course to see that this man has at least the use of the physical facilities, and this certainly will not make him a member of the press gallery association.

My motion is that this committee recommend to the house that the Sergeant-at-Arms ensure the right to the use of blues, mail services and press releases, and a seat in the gallery over the house for Mr. Rodgers until the committee has an opportunity to hear the matter fully. This means a seat in the Gallery where the newsmen sit.

Mr. CHRÉTIEN: I second the motion that Mr. Rodgers have the right to use the gallery, the blues and have all the rights afforded to the press gallery until the case has been heard.

Mr. FISHER: Mr. Cameron has asked me whether I would give an explanation of my motion.

Mr. Connelley, the president of the press gallery, has informed us that the press gallery is not prepared to go ahead at the present time and that it may be three weeks, perhaps longer, before they are ready because of the circumstances involved.

We feel the intent of the motion of the house is quick despatch of this matter. The provision of the use of these physical facilities does not enter into the question of the relationship of Mr. Rodgers with the press gallery association. My motion is a temporary expedient to take care of the period until such time as we can hear the case fully.

Mr. CAMERON (*High Park*): It seems to me that we are prejudging the case by taking this action.

The CHAIRMAN: I think it was ruled out of order yesterday in the house.

Mr. CAMERON (*High Park*): If you afterwards decide that he is not entitled to the privileges, you then have to reverse yourself.

Mr. OLSON: Yesterday the house accepted the motion moved by Mr. Fisher that this matter be referred to the committee for quick study. The injustice of the matter is that it has been going on for well over a year, during which

time a man has been deprived of rights and privileges paid for by the public for the benefit of the press gallery. This matter of delay is merely a matter of ruling in favour of one of the parties against the other. If there is to be further delay it should not be without the liberties and privileges that are afforded by the facilities.

Mr. CAMERON (*High Park*): I would approve the resolution if we were to give it immediate consideration; but in this case we are putting the cart before the horse, which I do not approve.

Mr. FISHER: The blues are the transcripts that are provided to anyone in the press gallery; mail service is simply the right to have a spot there; and a seat in the gallery is just a seat there instead of in the diplomatic gallery, where Mr. Rodgers is at the present time. This does not give Mr. Rodgers a right to a desk in the gallery. It does not force him upon the press gallery membership in any way.

Mr. OLSON: He should have access to the press releases too.

Mr. WOOLLIAMS: In elementary justice, in all court cases there is generally an interim order made so the matter can proceed until there is a hearing without doing any harm, and in that regard I think the effect of this motion would be to carry out the principles of temporary justice.

Mr. CAMERON (*High Park*): You are talking about interim injunctions. This is a mandatory order.

Mr. WOOLLIAMS: The interim order is to create a harmless situation until the matter is brought to court.

I feel no harm could arise as a result of this motion.

Mr. CONNELLEY: May I speak again, Mr. Chairman? It seems to me, with respect, that Mr. Olson is certainly prejudging this issue. He has found the press gallery at fault. He has not heard any evidence from us at all in this matter. The proposal Mr. Fisher has put forward would give Mr. Rodgers privileges that he is not presently enjoying, although he has a mail service and a seat in the diplomatic gallery and so on. I think to force Mr. Rodgers on the gallery, as this would certainly do, would be to prejudge the issue and I think it only reasonable that the committee should hear our side. You people have not heard anything from the press gallery. You assume everything that Mr. Rodgers has told you is correct. Surely you should hear from us first.

Mr. MACQUARRIE: What are the privileges envisaged by Mr. Fisher's motion which Mr. Rodgers does not now enjoy on an ad hoc basis?

Mr. FISHER: My motion is to give him the right to have a set of blues put in a slot, to have press releases put in a slot, and also to go in and sit in the gallery where the rest of the press sit. That is the extent of the privilege.

Mr. PENNELL: Without trying to prejudge the matter, it seems to me that the old maxim "justice delayed is justice denied" is applicable. If it was delayed a week, I do not think it would do any harm. May I put forward this suggestion? I do not think this matter should be delayed interminably, but a week would certainly give the press gallery ample time to organize whatever they want to put forward to the committee, so I suggest it be delayed a week. This short week would not be too hard on Mr. Rodgers considering the long time he has been excluded.

It was my understanding when we dealt with this matter before that there was some question of our authority. I was a new member at the time, but that was my understanding of the conclusions we reached.

Mr. FISHER: It is not a case of one week.

Mr. PENNELL: That is the suggestion I make. They surely should have one week in order to get their case prepared, and that would remove any objec-

tion. If we were to deal with the matter in the way suggested by the motion now, we would be put in a rather embarrassing position if when we heard the evidence we decided he had to leave.

Mr. FISHER: I will withdraw my motion if it is understood that we will deal with the matter in one week.

Mr. PENNELL: I suggest it be dealt with peremptorily in one week, and then no one can suggest they have been short-circuited.

Mr. CHRÉTIEN: I withdraw my seconding of Mr. Fisher's motion.

Mr. CONNELLEY: We appreciate the gesture implicit in the suggestion put forward by Mr. Pennell, but it would still mean that I would be unable to attend. If you could hear the matter in two weeks, the defence committee would be back in Canada. They will be back on November 24. If you could meet on the 25th or the 26th this would be most appreciated.

Mr. OLSON: A point has been raised in regard to our authority. I would like to point out that this matter has been addressed to this committee by the house; and that gives us authority.

Mr. PENNELL: I did not agree with the finding before, but that was the understanding I had. I am not saying they reached the right conclusion; I merely point out that this may be raised again in the course of this hearing.

Miss JEWETT: Would Mr. Fisher be willing to withdraw his motion if the meeting could be held and the chairman of the press gallery could be present on November 25.

Mr. FISHER: Have we permission to sit when the house is sitting?

The CHAIRMAN: We have the right; we are authorized by the house.

Mr. OLSON: I would like to ask one question. Is there a report from the committee that considered this matter last session?

The CHAIRMAN: We have no report from the committee. Unless the house authorizes us to obtain copies of the proceedings last year, we cannot use that. We have to study it all over again.

Mr. FISHER: Is it the general agreement of the committee, including the chairman, that if we need we can go right ahead on November 25 and the days following in order to clear up this matter?

The CHAIRMAN: If that is the will of the committee. It is the committee who decide.

Mr. FISHER: Is that the general understanding?

The CHAIRMAN: Is that the general understanding? Does the committee wish to commence on November 25 and carry on until the matter is disposed of?

Mr. DROUIN: D'accord.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. KNOWLES: We should have another motion to the effect that we will deal with this matter on November 25.

Mr. FISHER: I move that this matter be dealt with on November 25.

Mr. PENNELL: It will be peremptory on the 25th? I will second that.

The CHAIRMAN: Is it agreed that we will make the study on the 25th?

Mr. FISHER: On the 25th and any subsequent days that may be necessary.

Agreed.

Mr. PENNELL: I understand that is a Monday. I am not trying to delay the matter at all; I merely point out that it is a Monday.

The CHAIRMAN: We will read the order of the house on this.

The CLERK: There are two more orders of reference before the committee.

On July 26, it was ordered that the standing committee on privileges and elections be empowered to study the Canada Elections Act and settle amendments thereto suggested by the chief executive officer and to report to the house such proposals relating to the said act as the committee may deem to be advisable.

Friday, October 11, 1963, ordered that the subject matter of Bill C-26, an act to amend the Canada Elections Act, be referred to the standing committee on privileges and elections.

The CHAIRMAN: (French)

(*Interpretation*): Mr. Leduc's motion which was approved by the committee, refers the matter which deals in fact with the subject matter to be dealt with by Mr. Castonguay. It could be dealt with at the same time, so there might be a point in waiting until we are through with Mr. Castonguay, then we can be dealing with Mr. Leduc's motion at one and the same time, because it would be incorporated in Mr. Castonguay's evidence.

Mr. MACQUARRIE: What was the agenda item which you had in mind when you called the meeting for today?

The CHAIRMAN: The electoral act, but there came up the matter of Mr. Rodger's, and we decided to deal with it first and get rid of it and then go ahead with the Canada Elections Act. But as we have done today, we have just set it back to the 25th, so we shall have to start with the Canada Elections Act and ask Mr. Castonguay to give us his point of view on this matter.

Mr. MACQUARRIE: This is fine. I was interested because I just got my notice before the house sat.

The CHAIRMAN: We had a meeting of the steering committee when we decided that we could deal with this tomorrow if the other item came up today. So it is coming up today and we will be free to study it, tomorrow as well as over Sunday and Monday. Those of you who so wish may have a chance to study the question. I shall now ask Mr. Castonguay to address the committee.

Mr. N. J. CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman, and members of the committee, since the committee on privileges and elections met in 1960 there is no new information. We had two general elections, and the Canada Elections Act has been put to two tests. Therefore I have a rather voluminous bill for you to consider, not only because of the two tests which the Canada Elections Act received in the last two general elections, but also because in 1960 I gave an undertaking to the committee that I would, with the legislative section of the Department of Justice, review the penalty and offences provisions of the Canada Elections Act to bring them more in line with the revision of the Criminal Code and also to remove some of the provisions which were of the informal character. The committee did some reviewing in 1960, and I gave evidence at the time that it might take six months to make a comprehensive and detailed study so that the committee would have something before it to consider. This was an informal undertaking and you will find the discussion in Minutes of Proceedings and Evidence No. 15 for Thursday, May 26, 1960.

In this bill I have also incorporated a review of the penalty and offences sections together with my recommendations or proposals. I have prepared, as I have done in the past, a kit, an envelope for you with a draft bill which I have prepared in both French and English, with explanatory notes. These will embody all my recommendations of specific amendments which I included in my report to the Speaker after the 1962 general election and the 1963 general election.

I also have in this envelope a mimeographed copy of my reports to the Speaker in 1962 and 1963, and I have an office consolidation of the Canada Elections Act. In addition I have the Canadian forces voting rules for the assistance of the members.

*(Interpretation given in French)*

I also wish to submit for the consideration of the committee all the suggestions and representations which I have received in my office since the committee met last in 1960. These are suggestions or representations which have been made with respect to changes in the Canada Elections Act and I have here the original copies for the committee.

*(Interpretation given in French)*

Mr. WOOLLIAMS: I have one question to ask: are these changes going to be merely amendments to the act, or does it mean changing the whole act?

The CHAIRMAN: I think it would depend on the length and the importance of the changes. If there are to be many, then we might as well get a new act. But if there are just a few, we might leave the act as it is.

Mr. PENNELL: Mr. Chairman, in the past, as I understand it—and maybe Mr. MacQuarrie would correct me if I am wrong—Mr. Castonguay went through the act section by section, and then the committee looked at any suggested changes. These are just administrative changes which Mr. Castonguay has put together, and it may be that we, as members of the committee—if there are sections upon which he does not touch—might wish to present them, and I presume we would follow the same procedure. I believe Mr. MacQuarrie will vouch that this method worked very effectively last time when we went through the act section by section.

Mr. MACQUARRIE: Yes, that is right; we went through it section by section and line by line.

Mr. PENNELL: I may be taking up a lot of time as a new member, but I have one further observation to make following which I shall be silent. From my perusal of the minutes of the last time this committee sat it seems to me there was a lot of time taken up in discussion about permanent lists. It seems to me that if you are going to make administrative changes in the present act, these permanent lists would throw the present act and amendments out the window.

I think we should make up our minds whether we want to deal with permanent lists at this time, or to deal just with administrative or other changes in the present act, and to set aside permanent lists, because I understand it would be a major operation, and it would throw out most of the present act. This is what they resolved to do last time the committee met. They decided at that time that it would perhaps be premature to go into all these changes of a permanent list until amendments to the present act could be made. I would respectfully suggest that we determine the question and that Mr. Castonguay express himself on the question of permanent lists at this time. Thank you, Mr. Chairman.

The CHAIRMAN: Is it the wish of the committee that Mr. Castonguay make known to us his views on permanent lists or not?

Agreed.

Mr. CASTONGUAY: Well, Mr. Chairman, I have previously given evidence on permanent lists. This evidence I find is rather substantiated by my visit to Australia and New Zealand recently. The evidence I gave stands up very well in so far as the observations and study I was able to make in my very short trip.

Many members do not realize that we have had a permanent list here. Up until 1919 the list employed at the most recent federal election was used, and there was provision then to amend it after a federal election and to revise it.

In 1934 parliament adopted the franchise act which was in the form of a permanent list. The master list was compiled in October 1934, and there was a period of revision in June, 1935, for the election to be held in October. After the election the members of all parties unanimously decided that the list was not satisfactory and they reverted back to the old method of compiling lists.

One of the points I wish to bring to your attention is that in my observations in Australia, the great difficulty with all the permanent lists, not only across Australia but everywhere else where they have them, was that of keeping them up to date. In Australia you have compulsory registration. In addition to that there is an annual review made house to house in metropolitan areas. In rural areas they have a system of bringing the list up to date. They have list of electors numbering approximately 6 million. It may be astounding to the committee to know that the number of changes of address in a year, the number of operations required to put on the list the names of electors who have reached the age of 21, the number of operations required to remove the names of persons who died amounted to 1,600,000 changes a year.

It may be of interest to know that with our family allowance here in Canada there are two-and-one-half million accounts, and there are 600,000 changes of address per year on account of family allowances. This statistic is very reliable, because, as every member knows, if an envelope containing a cheque for family allowance is misdelivered to a house, even though the addressee is living, the envelope must be sent back to the regional office, in order to correct the master list at the regional office in connection with such a change of address. So this is a fairly accurate statistic.

Now there are people who believe that with advanced enumerators and these machines, this is a very simple process. I thoroughly agree with them, but we know that it has not been so easy after all because you have to feed these machines with information of changes, and there is no machine I know of or any device I know of that will feed this machine from each dwelling. It has to be obtained by enumerators, or reviewing officers, or some such means.

Most of the successful systems I have observed which have permanent lists are decentralized to the extent that they have a permanent returning officer, and permanent assistants to the returning officer. The returning officer has office space in the electoral district on a continuing basis of approximately 800 square feet. He has power to appoint other enumerators or reviewing officers, and he does canvasses annually, with one full review once a year, each dwelling, to ascertain whether the people are still living there who are on the list, and that they compare with the list of the year before.

In Australia you have a chief electoral officer, a commonwealth electoral officer, who is responsible for the election in each state, and you have a permanent returning officer, who has assistants. And in metropolitan areas the returning officer has power to appoint reviewing officers.

With compulsory features in Australia you would expect that there would not be many changes picked up on review. But I have obtained some figures from one of the electoral districts that may be of interest to the committee. This concerns an electoral district of approximately 39,000 electors.

Mr. Chairman, in each electoral district the returning officer's responsibility is to divide the electoral district into subdivisions and, in Australia, the subdivisions will contain between 2,000 to 12,000 electors. Once a year a reviewing officer—and, I am speaking now of metropolitan areas; this is urban—will arrange a walk, which means a reviewing officer will be given a street and a

card. These are the habitation cards and, as you will note, there is an address for each dwelling and the people living in it. This information was inserted there the previous year.

These reviewing officers will do a street and, when they come back, they give this back to the returning officer. These reviewing officers have no authority to strike off or to add a name; they merely find out whether the people who are on these cards still reside there or whether there are new persons who have moved into these houses.

According to law in Australia you must register within 21 days if you have changed your place of residence, so if you have moved from one electoral district to another within 21 days of the time you reach the new electoral district you must register in the new electoral district.

When the cards come back to the reviewing officer he sends a nice letter to the elector concerned. This is a form letter and it is a notification to a person who is alleged to have failed to comply with the regulations of section 42 (2) of the commonwealth electoral act. It is addressed, as I said, to the elector, and it reads as follows:

Regulation 18.

Form 14

COMMONWEALTH OF AUSTRALIA

*The Commonwealth Electoral Act.*

State of NEW SOUTH WALES.

Electoral Division of

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NOTIFICATION TO A PERSON ALLEGED TO HAVE FAILED TO COMPLY WITH THE REQUIREMENTS OF SECTION 42 (2) OF THE COMMONWEALTH ELECTORAL ACT

To.....

.....

You are hereby notified that it would appear that on the..... you were entitled to have your name placed on the Electoral Roll for the Subdivision of.....and that your name was not on the said Roll upon the expiration of twenty-one days from the date upon which you became so entitled to have it placed on the said Roll; and I do therefore allege that you have contravened the provisions of Section 42 (2) of the *Commonwealth Electoral Act*. (NOTE: The provisions of the said section are set out on the back hereof.)

A contravention of the section mentioned is punishable under the *Commonwealth Electoral Act* by a penalty of Ten shillings for a first offence and not less than Ten shillings and not more than Two pounds for any subsequent offence.

You have the option of having the alleged contravention dealt with by the Commonwealth Electoral Officer for the State (thus avoiding costs of Court) or by a Court of Summary Jurisdiction.

If you desire to have the matter dealt with by the Commonwealth Electoral Officer, you must fill in and sign, in the presence of a witness, who must be an elector or a person qualified to be an elector of the Commonwealth, the form of consent at the foot of this form and send it or deliver it to me so as to reach me not later than the.....

If you desire to answer the allegation you may send or deliver to me, so as to reach me not later than the lastmentioned date, a declaration in the form printed on the back of the form of consent setting out any facts relevant to the matter.

If your answer be accepted as a satisfactory reply to the allegation, no further action will be taken, and no further notice will be sent to you.

If it be decided to proceed with the case and you have forwarded within the specified time your consent to the matter being dealt with by the Commonwealth Electoral Officer, your declaration will be considered by him. If you have not consented within the specified time to the matter being dealt with by the Commonwealth Electoral Officer your declaration (if any) will be forwarded to the Court by which your case is to be dealt with.

.....

*Divisional Returning Officer for the above-named Division.*

Date..... Address—

This form is sent to each elector and is picked up on the review by the reviewing officers.

Now, I asked if there were any statistics in Australia showing how many names of electors are picked up in this manner, and I asked that an average district be given. They gave me the statistics for the electoral district of Brisbane in the state of Queensland. This electoral district has 39,172 electors and they found 2,021 had not registered within the 21 days. They received 1,387 replies to this form which I read out to you. 634 did not answer in the prescribed time. Another notice was sent. Now, out of the 2,021, 1,300 consented to be dealt with by the commonwealth electoral officer instead of the courts; 869 were withdrawn because of a valid reason for not registering in the proper time; 431 persons were not valid and only the commonwealth electoral officer could deal with them. 431 were given to the commonwealth electoral officer for him to deal with and he assessed a minimum penalty of 10 shillings on 428 electors and withdrew three. He did not fine three of them. 400 paid; one was remitted; two written off; 25 revoked; 198 summonses were issued to be dealt with by the courts, and there were 160 convictions obtained, none dismissed, 20 withdrawn, 14 were extended for service, and not heard, four.

Now, bearing in mind this is compulsory registration and this is an electoral district with 39,172 electors, and bearing in mind you have a certain number of electors who will automatically register—and, this does not mean all do—although I have not the figures as to the actual changes that year there were 2,000 picked up by the reviewing officers, and how many voluntarily registered within the 21 day period I do not know.

Mr. CASTONGUAY: Another factor I looked into, and a very important one, was that of cost.

I pointed out to you there is a permanent chief electoral officer, a commonwealth electoral officer, a permanent returning officer and his assistant. The

total permanent staff, which is selected and appointed by the public service commission, which is similar to our civil service commission, is 319 employees. Their salaries per year run to £415,170 which, in our Canadian funds, would be \$998,900—and, that is for 122 electoral districts. This is the permanent staff.

The reviewing officers are paid, and the estimate of the cost of the reviewing officers, who are casual employees and who are selected by the returning officer—and they may number from one to four—average per electoral district—and, this is urban—is £50,000. The cost of electoral agents for the rural district amounts to £3,000, which would be \$7,800 and, with the £50,000 this would amount to about \$100,000 in Canadian funds. That is the cost.

If I may point out, this does not include the cost of printing or taking the vote; these costs are strictly for the permanent staff and the reviewing officers to bring the list up to date.

I pointed out to you that they have 122 electoral districts. I visited at least seven or eight of these and noted that returning officers' offices contained 800 square feet. The commonwealth electoral officer's office would contain about 3,000 square feet of office space. So, this gives you a picture of the cost in Australia, and this is quite a factor.

The INTERPRETER: The question asked by Mr. Paul was:

Mr. Castonguay, could you give us an approximate idea of the cost of the preparation of the list for our federal election in Canada?

Mr. Castonguay's reply was:

Including the paying of the enumerators, including printing costs involved and the revision of the voters list for each federal election the total cost would be in the vicinity of \$8 million.

The INTERPRETER: The question put by Mr. Drouin was:

Have you made any calculation as to the costs which would be involved in Canada in preparation of a permanent list?

Mr. Castonguay replied:

There has been no actual total survey made of that matter.

The INTERPRETER: Mr. Castonguay said:

Well, I have not, as I said, made a detailed study of the cost involved; however, I can give you my own ideas on the subject. It depends on how many revisions we would have to bring to the list. In Australia they have compulsory registration and yet they feel it necessary to have a once a year revision of the electoral list.

Here in Canada, without compulsory registration, I feel we would need two revisions, especially for urban centres, one in the spring and one in the fall; in cities where moves take place in May and September we would need one probably in May and in September.

However, if we did have compulsory registration and if the act in Canada did provide for such registration I think we could get away with one revision a year.

Mr. CASTONGUAY: There are other aids to keep the list up to date.

I recently attended an electoral administration conference in Pittsburgh. In attendance at that conference were 20 electoral officers and 20 professors of political science. It was a three day seminar and we had the opportunity of discussing permanent lists with all the administrators of elections in the various states. In the case of one state, whenever a person notifies a post office of a change of address, a duplicate copy of that notice comes to the registrar

and the registrar is alerted to the fact that the elector has moved. He then will send someone to that address to see if it is a temporary or permanent move. Now, this is an aid. It would depend on the number of major aids other than a house to house canvass which parliament would require in order to keep the list up to date.

There is another aid that I found in the United States, and this seems to be generally practised. If after an election it is found that an elector has not voted at the last two elections, he is then notified by registered mail that he has been put on a suspended list and that he can no longer vote unless he reapplies for registration.

Mr. KNOWLES: That is a good system.

Mr. CASTONGUAY: I found in Los Angeles this was being used. The electoral officer told me that they remove up to 24 per cent of the roll after polling day, which means on polling day 24 per cent of the list is obsolete. The cost of such an aid in Canada would be hard to estimate.

If parliament should comply with my views that we need two annual revisions, I would say they would cost at least \$4 million each per year.

Mr. DROUIN (*Interpretation*): Does this mean it costs as much today to provide for a complete revision?

Mr. CASTONGUAY: Therefore you have two revisions a year which could cost a minimum of \$4 million. In Australia for 122 electoral districts the cost is \$120 million, and we have far more. Our annual cost of permanent staff alone would be in the neighbourhood of \$2.5 million. I do not know what the cost of rental of all these premises would be but it would be substantial. The offices I saw in Australia were not little shacks away in a corner, they were right on the main stream. These offices were good offices and were equipped. I think most members will realize what the cost would be for office space of 800 feet in the center of the city, on an annual basis.

Mr. Chairman, if I may condense all this, it would seem to me first you have to establish the master list. It would mean that each elector would have to sign an application card rather than using our present electoral system whereby the enumerator goes to the door and obtains the information from the elector or janitor or anyone who answers the door. It would require in this country that we establish a master list, which would mean each elector would have to sign an application to register on the list of electors. The initial cost of that would be \$10 million.

Currently I have a staff of 18 in my office, but this would mean increasing the permanent staff to at least 700 employees. The salaries in Australia are low, and I am not suggesting that I should be brought down to the same salary as the chief electoral officer in Australia, which is \$9,000. The salaries of the other staff are proportionate. However, you can add another one-third to the Australian salaries and you will be closer to the Canadian pay rates.

The next cost would be that of printing the lists. In Australia they are printed annually and given to all the parties. The cost of this is considerable.

Mr. DROUIN (*Interpretation*): Did you say \$1 million or \$2 million for the salaries in Australia?

Mr. CASTONGUAY: I have said \$1 million in Australia but I have raised it to \$2½ million because they have 122 districts whereas we have 263, so that is the minimum figure. We would have to have the returning officer, clerks and so on, in each electoral district of this country, so the basic minimum is \$2½ million and because of the difference in salary rates this figure would probably have to be increased.

Mr. GREENE: Mr. Castonguay, is the registration and list produced thereby used for other purposes, such as national registration, economic purposes and so on?

Mr. CASTONGUAY: It is purely for electoral purposes.

Mr. GREENE: Is there any good reason why it is used for this purpose only?

Mr. CASTONGUAY: It has been found that where other purposes are attached to election lists the situation has not been satisfactory. In Australia it is purely for electoral purposes and there are no side benefits.

Mr. CAMERON (*High Park*): Is this used in municipal jurisdictions as well as national?

Mr. CASTONGUAY: In Australia they are used only for commonwealth purposes, for national elections, but there are four states which share joint rolls with the federal roll. It is not used at municipal level; it is used only at the state level and the commonwealth level.

Mr. MORE: Mr. Chairman, I wonder whether I might ask you if it would not save time and be to the benefit of the committee and Mr. Castonguay if we asked him to give us a written report of this information. We would then be able to study the report and ask questions on the basis of the report before we make up our minds. It is very interesting to sit here, but it seems to me that it is a great waste of time and I can foresee long sessions without accomplishment. If we had a brief report from Mr. Castonguay on what he found in Australia, then we would be able to study it and decide on the basis of that what questions we want to ask him. I think it would be a much more efficient manner of getting at the problem.

Mr. MOREAU: There is a second problem, a very real one. This committee will hold long meetings I think, and quite a number of them, resulting in a very heavy work load for members of this committee. It seems to me that we should be meeting in a room where we have simultaneous translation facilities, which would cut the time in half. I feel it is essential. I do not know how the other members feel, but I happen to understand both languages and it is rather tiresome to have to listen to every statement twice, whether it is in English or French originally. Surely the next meeting should be held in a room which offers simultaneous interpretation facilities.

Mr. CHRÉTIEN: I agree.

Mr. CASTONGUAY: As far as the suggestion of a report is concerned, in order to do justice to such a report I would need four or five months. It would not be fair to ask me to make a report on my observations in Australia in a very short period of time. However, I do have here memoranda from the chief electoral officer of Australia which show the details in brief form. For me to prepare a report and put down my views would take considerable time. My primary mission, of course, to Australia was not with regard to the permanent list, it was to make a study of the distribution. I only looked at the permanent list as a sideline; I was dealing with the electoral offices of the commonwealth. Naturally I considered the electoral list, but I did not make a study in depth of that list. I did make a study in depth as to the methods of distribution.

Any further observations and views I have on the Australian situation would take only four or five minutes of your time.

I think what interests the committee particularly at this stage are the costs of implementing a permanent system or continuous system of electoral rolls. Let us say that the initial costs would be \$10 million minimum to establish the master list. The annual cost would be a minimum of \$8 million a year for revision of the list. That figure would be for two revisions a year if parliament agreed to two revisions. Another cost would be the permanent salaries of approximately 700 civil servants, which would be a minimum of \$2½ million.

We can therefore see that we have a known expense of \$10 million a year minimum. The other expenses are such that I cannot give you an estimate; they include the cost of offices in each electoral district and the cost of printing a list.

It seems to me, although I may be completely wrong on this, that there are three reasons why we may want to institute a continuous electoral roll. I am not necessarily giving my reasons in the order of importance. I would say the first consideration is that there has been a feeling in recent years that the period between elections should be shortened, and we cannot shorten it with our present system. If this desire is real then we must adopt continuous electoral rolls.

A second reason would be provision of additional facilities for electors to vote—the absentee voting method. Parliament in 1960 opened up advance polls to everyone. The first election in which electors had this privilege was I think 1962. We had approximately 98,000 voting at advanced polls. In the last election it dropped down to 85,000. Parliament has not found a solution yet which will give persons a right of voting who are sick, who because of business have to be absent from home and so on.

Excuse me for using the Australian figures but they are the only figures which are detailed. In Australia 10 per cent of the electorate vote through absentee methods and through advanced polls. These are necessary in Australia because compulsory voting is the system there. Not only do they have compulsory registration but they have compulsory voting, and therefore it is necessary to have absentee voting facilities for the electors.

The third reason would be that this system would give additional uniformity and possibly then the permanent list would be enticing to provincial governments who may wish to have joint rolls with us, giving a joint roll for two levels of government. This would not represent a saving in cost but it would bring about uniformity. I have heard it expressed quite often in the last few years that there is duplication of enumeration. We have had many elections, both provincial and federal, in the last few years and people have asked why a joint roll could not be instituted at least at two levels of government, federal and provincial. If continuous rolls came in to being the possibility of some provincial participation might arise.

That is all the evidence I wish to give but I would be glad to answer any questions that are raised.

In all my discussions with the New Zealand, Australian and United States electoral officers, I do not think there has been evidence that if a permanent list is instituted that list will be any more accurate on polling day than the present type of list. If it is the hope of the committee that the list will be more accurate on polling day, I think it is a very false hope. Our list on polling day is as accurate as the permanent lists on polling day. This is the view I have formed from my discussions. The present lists may not be as accurate in the sense that the occupation is as accurately recorded as it would be on a permanent list, but in other ways our present system is as accurate. One of the great criticisms offered of the permanent list in 1955 was the fact that we had a closed list in the rural areas. Those of you who represent rural constituencies will know that there is a voucher system which allows an elector to vote in a rural area. With the permanent list there is no system which allows anyone in the world to vote if his name is not on the list. It is inoperable if you allow this. If the feeling of the committee is that it would be desirable to have a permanent list in order that it will be more accurate, I think they are under a false impression because it would not be any more accurate than the present list. My predecessor told me that the great fiasco of 1935 was caused by a closed list in rural areas.

When someone had moved into the district or had moved out of the district, no one was notified, and no one was notified of any deaths. The list closed in June and the election was held in October, and no one in the urban or rural areas could vote unless their names were on the list. The true reason why that list failed was that parliament bought half a system; they bought the title but not the working parts. The working parts are an annual revision in the urban areas on a house to house basis, and if you do not have that then you will run into the same problem as you ran into in 1935.

Mr. OLSON: Mr. Chairman, I would like to ask Mr. Castonguay for his opinions respecting some of the partial lists being used by at least one and perhaps more of the provinces. There is substantial cost to the federal government to set up machinery to do this. I realize it is not a complete list, but it does provide protection. A partial list does give protection to the elector that he will not be left off the list if he is not at home when the enumerator calls. Moreover, in urban areas they compile it not only for per capita capital grants, but also for other reasons.

As far as any discussion concerning permanent list boundaries, and those of polling subdivisions for a permanent list go, it would be essential that a permanent list be compiled contemporaneously. In some of the municipalities they may hold annual elections while in others they may hold them less often. With a municipality which has the machinery set up and which is providing for the cost of compiling a complete list, they would be calling at every address or home each year. Would this be acceptable for the purposes of federal elections?

Mr. CASTONGUAY: We had this experience prior to 1920, when for federal elections use was made of the list employed at the most recent provincial election, plus a system of reviewing the list for our federal election. But it did not prove to be too satisfactory, because it was found that the most recent federal or provincial election might have been held from 14 months to two years before, and the list would prove to be obsolete. So it would seem to me that it would only be possible to have a combined roll at two levels of government. It is all right to say that you can get a computer program and machine to turn out lists for municipal, provincial, or federal use. But the information has to be obtained by enumerators. And if you ask the enumerators to find out the qualifications for three election rolls, all the residence qualifications and so on, this asking for too much. Right now they have difficulty in ascertaining qualifications for a federal election. But if you throw on top of that these other things, it would be difficult. However, in getting a joint list, for instance, as in Australia, the costs are pretty well absorbed by the federal government. There you have that joint list, and you have these four states who have agreed to use the list, and there is no cost to them. But they have also accepted the qualifications for the federal elections in the commonwealth.

There would have to be some understanding with the provinces, if the provinces were to have uniformity in the qualifications of electors. For example, we have four provinces where the voting age is not uniform. In the province of Quebec it is 18, in Saskatchewan, it is 18, in Alberta, it is 19, and British Columbia it is 19. Then we have six other provinces where the voting age is 21. Some of the provinces require residence of up to two years in the province in order to be able to vote provincially. Municipally there are some municipalities, which allow only certain electors to vote such as property holders. My own view, not to enlarge too much on this, is that it is possible to have a joint list at two levels, the federal government and the provincial government, providing you can obtain uniformity in the matter of qualifications and rules of residence, while the other arrangements could be worked out.

Mr. OLSON: Have any of the provinces standardized their qualifications?

Mr. CASTONGUAY: None that I know of, and I keep in very close touch with the chief electoral officers of the provinces. Some of them feel it would be desirable, but they cannot speak for their governments. They merely say that it would be a very good idea.

Mr. MOREAU: Mr. Castonguay indicated that there were two annual revisions likely possible in view of the fact that we did not have satisfactory registration. I wondered if one of those revisions might be substituted for in post office changes of address, information supplied by telephone companies, by the hydro people, and so on, who could inform the returning officer about changes.

Mr. CASTONGUAY: I was invited to Colombia in South America to help them with their electoral problems. They had a permanent list. You may remember the Pan-American riots and the deaths during those three days, which reached a total of some 2,000 to 8,000. In Colombia following a death burial must be made within 24 hours, and you must obtain permission from a notary for such burial. The notary, in turn, is supposed to inform the registrar so that he may remove the card. The Pan-American riots took place in May or June of 1949. Bogota has a population of 500,000. The registrar was informed that there were approximately 25 deaths in May, 34 deaths in June, and maybe about 27 deaths in July. It was never higher than 34. With a city of 500,000, you would have expected the average death rate to be about 50 per month; yet it was never higher than 30. So when you get people from other departments, for instance, in vital statistics, supplying this information, it is never too accurate. There is also the feeling that this is an aid whereby to keep your list up to date. There has been a feeling in the committee before that mail carriers might help and that this would be sort of going along with their work.

They tried this idea in Australia but abandoned it in 1947. The union of letter carriers was not satisfied, the postal department was not satisfied and the electoral officers were not satisfied with the arrangement. I have the correspondence here. They abandoned this idea. The letter carrier would say that he was not sufficiently remunerated, and secondly that he had enough to do to deliver the mail, and that he would not be stopping at each house necessarily, and that he could not do this work along with his mail deliveries unless he were given time off.

In so far as the electoral people are concerned, they had asked the letter carrier to do the work. The letter carriers said that they would have to do it in their time, and this was not satisfactory. I am generalizing.

Mr. MOREAU: I was not suggesting that this is the best way to keep the list up to date, but only as an aid in that you would have a permanent returning officer who could collect the change of address cards from the post office, who could be informed by the hydro people of any change of occupancy and so on, and who could be informed by the telephone companies and similar agencies of any change in their lists. While this information would be voluntarily given, it would not necessarily be complete.

Mr. CASTONGUAY: Your suggestion is good in so far as it includes changes of address received from the post office. But to ask the hydro or telephone people to do it is another matter. They have a mass of commercial listing changes, and they would have to read through it all in order to provide information and it would become so cumbersome that the thing would just crumble. I think the only aid, other than a house to house canvass which would be effective would be the changes of address provided by the municipal

departments. Then you would have uniformity. But to ask telephone directories, Might's Directories, or any utility service to inform you—it would completely crumble.

Miss JEWETT: Mr. Chairman, it is now the hour of adjournment, so I shall save my questions for the next meeting.

The CHAIRMAN: Have you a question on the permanent list? I remember once in 1935 in the province of Quebec they had a permanent list, and I know that my name was on it at three different places. It is true that I had moved several times, but they had never corrected it. So we had too many people on it, that is, more than we should have had.

Mr. KNOWLES: Did you vote the same way each time?

The CHAIRMAN: No. I was too well known to do that.

Miss JEWETT: When is the next meeting?

The CHAIRMAN: We looked at the list. To save time we should meet in a place where there are translation facilities. The room in question is in use on Thursday and Friday mornings, but we could sit in the afternoon or evening. We could not use these places except on Tuesday. We might sit on Tuesday and be ready to go to work because we have a lot to do. We might have to sit two or three times a day, if you do not object. We may sit Tuesday morning in room 308 with the translation facilities, and Thursday afternoon and evening, and we might sit on Friday afternoon or Friday evening while the house is in session. But it is up to you to decide. I will ask the steering committee to deal with it.

Mr. MORE: Surely we would not sit Thursday evening and Friday evening while the estimates are going through!

The CHAIRMAN: It is up to you to decide. We have to do something.

Miss JEWETT: It looks like next Tuesday.

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

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TUESDAY, NOVEMBER 12, 1963

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Respecting

THE QUESTION OF MR. RAYMOND SPENCER RODGERS'  
RIGHT AND THE CANADA ELECTIONS ACT

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WITNESSES:

Mr. Raymond Spencer Rodgers, and Mr. Nelson Castonguay,  
Chief Electoral Officer for Canada.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell  
and Messrs.

Blouin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Doucett,  
Drouin,  
Greene,  
Grégoire,  
<sup>1</sup>Howard,

Jewett (Miss),  
Leboe,  
Macquarrie,  
Martineau,  
Millar,  
Monteith,  
More,  
Moreau,  
Nielsen,

Olson,  
Paul,  
<sup>2</sup>Peters,  
Richard,  
Rideout,  
<sup>3</sup>Rochon,  
Turner,  
Webb,  
Woolliams—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

NOTE: <sup>1</sup> Replaces Mr. Knowles on November 8, 1963.

<sup>2</sup> Replaces Mr. Fisher on November 8, 1963.

<sup>3</sup> Replaces Mr. Sauvé on November 8, 1963.

ORDERS OF REFERENCE

HOUSE OF COMMONS  
FRIDAY, November 8, 1963.

*Ordered*,—That the names of Messrs. Howard and Peters be substituted for those of Messrs. Knowles and Fisher respectively on the Standing Committee on Privileges and Elections.

*Ordered*,—That the name of Mr. Rochon be substituted for that of Mr. Sauvé on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

LETTERS OF RECOMMENDATION

Office of the Secretary  
Washington, D. C.

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed appointment of Mr. [Name] to the position of [Position] in the [Department].

I have reviewed the records of Mr. [Name] and find that he has been employed by the [Department] for a period of [Number] years, during which time he has shown a high degree of efficiency and loyalty.

I believe that Mr. [Name] is well qualified for the position to which you propose to appoint him, and I recommend his appointment with pleasure.

Very respectfully,  
[Signature]

[Name]  
[Title]

[Address]

[City, State]

[Date]

## MINUTES OF PROCEEDINGS

TUESDAY, November 12, 1963.

(7)

The Standing Committee on Privileges and Elections met at 10.10 o'clock a.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Cameron (*High Park*), Caron, Chrétien, Drouin, Howard, Macquarrie, More, Moreau, Olson, Peters, Richard, Turner.—(13).

*In attendance:* Mr. R. Spencer Rodgers, correspondent for the *St. Catharines Standard*.

Also, a Parliamentary Interpreter and interpreting.

The Chairman opened the meeting and informed the Committee that on account of special reasons, Mr. Rodgers had expressed the wish to be heard this morning.

After discussion, on motion of Mr. Howard, seconded by Mr. Chrétien.

*Resolved*,—That Mr. Rodgers be heard today.

After the question being put, the motion was agreed to, on division.

Thereupon, the Chairman invited Mr. Rodgers to address the Committee.

By leave of the Committee, Mr. Fisher questioned the witness.

Mr. Olson raised a point of order and proceeded to quote from last year's Committee proceedings relating to Mr. Rodgers.

The Chairman expressed doubt that this could be done on the grounds that those Proceedings had not been referred to the Committee.

After discussion, the Committee agreed to allow Members to quote from last year's Evidence.

Mr. Rodgers undertook to file with the Clerk, as requested, a copy of his application to the Press Gallery, the refusal thereof, and a copy of a Court Order dated August 8, 1962.

Thereupon, the Committee agreed to hear Mr. Castonguay, the Chief Electoral Officer, at the next meeting, and a representative of the Canadian Parliamentary Press Gallery on Thursday morning.

Members of the Committee expressed the wish that they be informed in advance of the topic to be considered at subsequent meetings.

At 11.00 o'clock a.m., the bells ringing for the opening of today's meeting of the House, on motion of Mr. More, seconded by Mr. Moreau, the Committee adjourned until 3.00 p.m. this day.

### AFTERNOON SITTING

(8)

The Standing Committee on Privileges and Elections met this day at 3.25 o'clock p.m. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Messrs. Cameron (*High Park*), Caron, Drouin, Greene, Howard, Macquarrie, More, Moreau, Pennell, Peters, Richard, Rochon, Turner.—(13).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office. Also a Parliamentary Interpreter and interpreting.

In his opening remarks the Chairman reported that the Subcommittee on Agenda and Procedure had decided to recommend that the first item to be considered should be the establishment of a permanent list of voters. A discussion followed.

Mr. Turner then tabled the following motion:

*Whereas* this Committee does not feel that it has sufficient evidence to enable it to decide whether to recommend a permanent list of electors.

Moved by Mr. Turner, seconded by Mr. Drouin,

*That* the question of a permanent electors list be postponed for the purpose of the present revision of the Canada Elections Act,

*That* a study be undertaken under the chairmanship of the Chief Electoral Officer for the preparation of a full report on the question of a permanent electors list and of a method of absentee voting, stating the arguments for and against the adoption of a permanent list; and

*That* the Committee recommend to the Government that it approach the Governments of the provinces with a view to participating in such a study and to canvass the possibility of a joint permanent electors list.

After discussion, Mr. More, seconded by Mr. Cameron, moved in amendment thereto:

*That* the Committee proceed to deal with the proposed amendments to the Canada Elections Act on the basis of the present Act and that any further references in the motion be deleted.

The question being put on Mr. More's amendment, it was resolved in the negative. Yeas, 3; Nays, 6.

Thereupon, the question being put on the main motion, it was resolved in the affirmative. Yeas, 6; Nays, 4.

The Chairman then suggested that the Committee proceed with the consideration of the draft amendments to The Canada Elections Act, as proposed by the Chief Electoral Officer.

Mr. Castonguay was questioned and he tabled with his draft amendments a list of suggestions and the correspondence received pertaining to The Canada Elections Act. (*The said list is printed as Appendix "A" to today's Evidence*).

The witness read a letter dated May 4, 1962, from Justice Frédéric Dorion.

The Committee proceeded to its section by section consideration of the Act.

*On Section 1.*

Adopted without amendment.

*On Section 2.*

Allowed to stand, except the following which was adopted on motion of Mr. Drouin, seconded by Mr. Richard:

(1) Subparagraph (a) of paragraph (13) on section 2 of the *Canada Elections Act* is repealed and the following substituted therefor:

(a) in relation to any place or territory within the judicial districts of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Associate Chief Justice, as the case may be, each acting for the district in which he resides, or such other judge as may be assigned by the said Chief Justice or Associate Chief Justice to perform the duties in this Act required to be performed by the judge;

(2) Subparagraph (d) of paragraph (13) of section 2 of the said Act is repealed and the following substituted therefor:

(d) in relation to the electoral district of Yukon, the person exercising from time to time the jurisdiction of the judge of the Territorial court of the Yukon Territory and in relation to the electoral district of Northwest Territories, the person exercising from time to time the jurisdiction of the judge of the Territorial court of the Northwest Territories;

*On Section 3.*

Adopted.

*On Section 4.*

Adopted.

*On Section 5.*

Adopted as amended. Amendment follows.

Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor:

(2) If during the course of any election it transpires that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers, including revising officers, who shall, however, be appointed by the appropriate *ex officio* revising officer, who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent; but in the exercise of this discretion no nomination paper shall be received by a returning officer after two o'clock in the afternoon on nomination day and no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll on the ordinary polling day or on the days on which the advance poll is held.

*On Section 6.*

Adopted.

*On Section 7.*

Allowed to stand and to be considered together with Section 33.

*On Section 8.*

After debate thereon, Mr. Howard moved, seconded by Mr. Turner,

*That Mr. Castonguay prepare a draft amendment to Section 8, subsection (1) for the next meeting.*

And the Committee's consideration continuing, the examination of the witness was interrupted at 4.50 o'clock p.m., and the Committee adjourned until Thursday, November 14, at 10.00 o'clock a.m.

M. Roussin,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, November 12, 1963

The CHAIRMAN: Miss Jewett and gentlemen, I see a quorum. Will you give me your attention please and we will begin our meeting.

You will remember that we adjourned the hearing of Mr. Rodgers' case until November 25. However, Mr. Rodgers has visited almost all of us and told us why he felt he was unjustly treated. I think perhaps we should hear from Mr. Rodgers today before we come to any conclusion. Is it the wish of this committee to hear from Mr. Rodgers at this time?

Mr. OLSON: I move that we hear him now, Mr. Chairman.

Mr. CAMERON (*High Park*): Mr. Chairman, would it be proper for us to hear from Mr. Rodgers at this time in view of the fact there is no representative present from the press gallery?

The CHAIRMAN: I agree that the representative from the press gallery should be present at this hearing. I was informed that there may or may not be a representative here.

Mr. CAMERON (*High Park*): Is there any objection voiced on behalf of the press gallery?

Mr. CHAIRMAN: If the executive of the press gallery wish to present some objection to this committee I am quite prepared to hear that objection.

Mr. CAMERON (*High Park*): I have no objection to hearing from Mr. Rodgers at this time, but I do raise a point of order. I am not sure that we should follow this course. Normally the parties to both sides of a case are in attendance.

The CHAIRMAN: You are right in that regard.

Mr. OLSON: Mr. Chairman, in this case both parties have been informed, which is more than happened in respect of our last meeting.

The CHAIRMAN: I instructed someone to inform both parties to this case before the last meeting. Unfortunately that individual was in contact with only one party to this case.

Mr. MOREAU: Mr. Chairman, at our last meeting we agreed that we would consider this case on November 25, and it seems to me that we are reversing our position at this stage. I do not have any particular objection, but I point out that we decided to consider this situation on November 25.

Mr. OLSON: Mr. Chairman, we made that decision without informing Mr. Rodgers. Therefore we have no idea whether that date is convenient to him.

The CHAIRMAN: It was my understanding at our last meeting that Mr. Rodgers had been informed of this fact. I learned the following morning that he had not been informed.

Mr. CAMERON (*High Park*): Mr. Chairman, Mr. Rodgers is present at this time. Perhaps he can tell us whether he can attend on November 25.

The CHAIRMAN: Is it the consensus of this committee that we hear Mr. Rodgers this morning?

Some hon. MEMBERS: Agreed.

Mr. CAMERON (*High Park*): I am opposed, Mr. Chairman.

Mr. MOREAU: Is there a motion to that effect, Mr. Chairman?

Mr. HOWARD: I move that we hear Mr. Rodgers, Mr. Chairman.

Mr. CHRETIEN: I second that motion, Mr. Chairman.

The CHAIRMAN: It has been moved by Mr. Howard, seconded by Mr. Chretien, that Mr. Rodgers be heard this morning. Is there any objection to this procedure?

Mr. MORE: Mr. Chairman, I think we are now in an unfortunate position. We made arrangements last week to hear this case on November 25. Unfortunately, we did not contact Mr. Rodgers in this respect, so he quite properly can object. I think we should hear him this morning only on the point of the delay, and what effect this delay will have on his position. I do not think we should listen to his complete case this morning in view of the arrangements we made last week.

The CHAIRMAN: All those in favour of the motion raise your hands.

All those against the motion please raise your hands?

I declare the motion carried. We will hear from Mr. Rodgers.

I have some correspondence in my possession but I think I should allow Mr. Rodgers to explain his position.

Mr. RAYMOND SPENCER RODGERS: Mr. Chairman, members of the committee, I agree fully with the sentiment that the case should not be disposed of until the press gallery has had an opportunity to present its views, so that all I am going to do is make a very brief statement which will take approximately five minutes. I first will explain why I have asked for an earlier hearing and then, if I may humbly suggest Mr. Chairman, the press gallery is meeting this afternoon to determine its position, so this committee could perhaps consider this matter finally on Thursday, at which time the press gallery will be able to state its side.

As I have said, all I intend to do is put a very brief statement on the record today.

The reason I have asked for an earlier hearing has been set out in a letter addressed to the Chairman. The reason largely involves a personal problem which I do not think I should go into deeply. Briefly, I have illness in the family which may require me to be away on November 25.

Secondly, the position of the press gallery can be explained by any member of the executive. The position of the press gallery will be decided by a membership meeting this afternoon. I do not feel the president himself necessarily should present the point of view of the press gallery. This view can be expressed just as well by the secretary.

I will now read what I feel should be placed on the record and no more.

The press gallery rejected my application for associate membership. Dr. Ollivier testified at a committee meeting held last year, stating that there is a right of appeal to the Speaker as the impartial custodian of the parliament buildings. I have appealed to the Speaker. The Speaker first wants a lengthy study made of the whole question of press gallery reform.

As a working journalist, I meanwhile require the use of press facilities, I am asking this committee, and thus the House of Commons, to give me access to press facilities pending final determination by the Speaker whether at this session, the interim between this and the next session, or perhaps sometime during the next session. I bare this request, and my case for final determination, on the practice prevailing in other parliaments similar to that of Canada. For example, as stated to me in a letter from the Australian press gallery:

We . . . give full-time membership to any newspaperman working in the press gallery whether he is part-time or fully employed by any organization. We have four members of the gallery who work for themselves. They run small services of their own and are not connected with any of the news or radio organizations.

My position is that I write from one to three articles a week for my newspaper and am in frequent touch by phone as news arises. This is more "copy" as newspapermen call it, than is written by many gallery members. Obviously more than is written for *Weekend*, *Time*, *Saturday Night*, *Maclean's* and the *Family Herald*. I spend four afternoons and one morning each week at parliament.

This folder contains my work over the last few months and it may be compared, for example with the contribution made by Mr. McKeown, a member of the press gallery whom I respect very highly, who has written a number of articles for the *Weekend* magazine this year which can perhaps be counted on one or two hands.

(Translation)

In addition to my legal position with regard to the press gallery, I would like to draw the committee's attention to the consequences arising from my exclusion from the press gallery.

In the first place, the gallery arrogates to itself the right to determine the choice of a newspaper correspondent.

Secondly, the result is exclusion of a point of view which is not sufficiently represented among English-speaking journalists—notably, Canadian economic independence.

I spend each afternoon in Parliament for my newspaper. I have as much right as any other correspondent to press releases, etc.

I have no wish to be a member of the press gallery association—I only want to be treated as a member and granted the facilities of a member.

I would prefer to answer all questions in English, for I wish to be precise.

(Text)

The CHAIRMAN: Is it true that the Speaker allowed you a place in the diplomatic gallery?

Mr. RODGERS: Mr. Chairman, Mr. Speaker Michener when this matter first arose placed me back in the press gallery itself. When Mr. Speaker Lambert came into office he expected this matter would be settled by parliament, and rather than antagonize the press gallery or the executive of the press gallery—and I wish to make that distinction there—Mr. Lambert placed me in the diplomatic gallery. I have remained there since. Mr. Speaker Macnaughton also gave me this right.

The CHAIRMAN: So you do have a place where you can listen and receive press releases?

Mr. RODGERS: I do not receive press releases, sir.

The CHAIRMAN: You do not receive press releases?

Mr. RODGERS: No. When statements are made in the House of Commons, as all hon. members are aware, usually the assistant of the minister goes to the press gallery part of the chamber and distributes the press releases. I do not receive these releases, sir.

Mr. MOREAU: Is it your understanding that Mr. Lambert treated this matter as he did because he did not want to antagonize the executive of the press gallery?

Mr. RODGERS: Sir, Mr. Lambert thought there would have been action taken by parliament before this time and on that basis did not want to antagonize the press gallery or upset the situation. I do not impute any motive other than that to Mr. Lambert, sir, if that is what you have in mind.

I make the following statement without notes, but perhaps I could help this committee by simply pointing out the two main arguments which the press gallery uses against my application.

The first argument is that there is a space problem. They maintain that the facilities in the press gallery are very crowded. I maintain that this is incorrect for a number of reasons. For example, only a few months ago the press gallery, at the time when Mr. Lambert was Speaker, was offered use of extended facilities in the west block. I believe that 20 members wished to accept that offer. The press gallery executive, however, chose to turn down this offer. In view of this, I do not see how they can argue a space problem.

Secondly, what I am really after is a press release box approximately 20 cubic inches in size where various press releases are placed. From the point of view of space, the matter of supplying me with a box 20 cubic inches in size is not a very onerous thing. In addition, there is the fact that although the press gallery has approximately 100 members in fact half of them are not there every day; some of them very rarely are there.

If the press gallery was to be reorganized in a manner in keeping with press galleries in other parliaments, at Washington or at the United Nations where I have had the privilege of working, there would be no space problem. In our press gallery each member has his own private desk. At the United Nations, Washington, and other parliaments, there is instead simply a large room with a number of tables and typewriters. Anyone can go in and use one of these. There are many reasons why the space argument does not hold up.

The second argument they use against me, vis-à-vis the Speaker and the committee, and therefore vis-à-vis the house, is that it would be very dangerous for politicians to determine who should not use the press gallery. I agree with this principle myself. I think it is dangerous. But there is an analogy to the law which needs to be considered here. Parliamentarians first implement statutes and a politician, the Prime Minister, appoints judges. From there onwards the politicians have no say in how the judges interpret law. Necessarily the legislature has to first establish the system under which law can operate. I agree with Mr. Pickersgill's remark last year in this committee that it would be very unsound if politicians were to start bringing pressure to have people pushed in or out of the gallery. But surely it is not dangerous with politicians—and I use the word with respect because I believe it is a very good word—when they seek to get somebody into the gallery; this is different from trying to exclude somebody from the gallery.

Basically I am arguing that the system in Canada whereby the press itself determines who shall be in the gallery is very unsound, and that at some stage politicians have to look at this and advise the Speaker in respect of a more proper procedure. In other parliaments this situation does not prevail. To the best of my knowledge Canada is the only parliament in the parliamentary democracies where the press gallery itself has the final say as to who should be in the gallery. We have had testimony from Dr. Ollivier that this is not sound legally, and that the final say is that of the Speaker. What I am attempting to do is reassert this legal position.

Let me explain why it is just as dangerous for the press to be able to exclude other persons from the press gallery as it would be for politicians. The reason is very obvious. Perhaps I might inject a slight note of humour. Mr. Clement Brown, past president of the press gallery, a few weeks ago wrote an article in which he said it is very improper for members of parliament to determine whether Creditistes should have a place in parliament. My argument is that it is equally improper for members of the press gallery to determine whether or not a competitor shall have access to the space facilities.

I have said that it is unsound for members of the press to keep others out, and that it is unsound for parliamentarians to be involved in these affairs. What is the answer? An impartial person who will make a final determination. In

the British parliament it is made by the speaker. The same thing prevails in South Africa, Australia and New Zealand. I believe in Eire there is something closer to our Canadian pattern.

At the United Nations, where I have been a correspondent, I have to go to a secretariat official who is impartial; he is neither a politician, a diplomat, nor a member of the press gallery. One would go to him and say, "Gentlemen, I write this kind of copy for my newspaper; I am a legitimate correspondent; I ask for access to the press gallery." All I ask is that we do the same thing in Canada. A correspondent may first apply to the press gallery—I do not object to that—but if he is turned down there should be right of appeal to the Speaker. That is really the essence of my argument.

Mr. OLSON: Have you presented some official credentials to the Speaker?

Mr. RODGERS: Yes, sir. Last year my newspaper wrote a letter to the then committee chairman and asked for an opportunity to appear before the committee; and they are willing to appear at this time. I have a letter in my file which I will show the clerk. I believe the chairman also has received a letter this morning.

The CHAIRMAN: I received a letter from Mr. Larry N. Smith, managing editor of *The St. Catharines Standard* asking for admission of Mr. Rodgers to the press gallery.

Mr. TURNER: Would you read the letter?

The CHAIRMAN: If it is your wish, I will read the letter:

I hope you will allow me the liberty of directing this letter to you on a matter which is of some concern to my newspaper.

I have heard this week, through stories in the press and by a telephone conversation with Raymond Rodgers, that your committee will be meeting again on November 25 to discuss the problem of Mr. Rodgers' request for associate membership in the parliamentary press gallery.

Mr. Rodgers, as you are aware, is a part time parliamentary correspondent and columnist for this daily newspaper of 29,000 circulation serving Lincoln county and other parts of the Niagara peninsula. He writes a long weekly article for us, as well as occasional special articles when events arise in Ottawa concerning this area and its people.

I must make clear that he does not report the daily parliamentary debates for this newspaper, nor has it ever been claimed that he does. For a newspaper of our size, already subscribing to two major news services, it would be uneconomic to have a full time correspondent covering daily debates. However, it is most valuable to such a newspaper to have a person who will write a regular column, reflecting current issues, as well as specific stories on federal matters of local implication, from auto parts imports to fruit crops and canal and seaway problems. Thus he supplements the regular news reports, and gives our readers not only opinion but detailed background on specific subjects.

Mr. Rodgers is paid on a part time basis for the work he does—a basic retainer, and extra for extra work. It would be improper for me to suggest to the gallery executive that he is a full time employee, on our payroll, making his main livelihood from writing for us. By the same token, we also purchase a three-times-a-week column from another writer in Ottawa who happens to be a member of the press gallery yet who, of course, is only part time as far as we are concerned. I have often wondered whether, if Mr. Rodgers were able to sell his services to several additional papers, he would then be allowed to join the gallery.

If Mr. Rodgers is denied access to the various gallery facilities—especially the press releases which are distributed only there—his value to any newspaper obviously becomes less. Thus a small newspaper, wishing to provide its readers with an extra voice from Ottawa, on national affairs, is either denied this right, or must purchase this service from someone already in the gallery and, presumably, on the payroll of some other newspaper.

I am most grateful to the various Speakers who have provided temporary facilities for Mr. Rodgers to carry on his work. And I am most grateful to the House of Commons, and the committee of which you are chairman, for taking this very intricate problem under consideration. If there is any further information which I can provide for you, I am only too glad to do so.

Respectfully yours,  
Larry N. Smith,  
Managing Editor.

Mr. CAMERON (*High Park*): As a premise for your remarks you mentioned that the opposition to you in the press gallery was based on an illness in your family. That appears to me to be entirely irrelevant to what we have under consideration.

Mr. RODGERS: It would be very difficult for me to wait until November 25, because my mother-in-law and father-in-law are terminal cases of cancer and are expected to pass away very soon.

Mr. CAMERON (*High Park*): It was suggested that it had something to do with the press gallery opposition.

Mr. RODGERS: No, no.

Mr. CAMERON (*High Park*): It appeared to me to be entirely irrelevant.

Mr. RODGERS: No. It is relevant to whether or not I should be here on November 25.

The CHAIRMAN: Have you any objection to Mr. Fisher speaking? He is not a member of the committee. He has been replaced by Mr. Peters, and he will be brought back this morning.

Mr. FISHER: On the question of allowing me an opportunity of asking questions through another member, I am not a member of the committee, because I understood the committee was going to go on with the chief electoral officer, and I was not interested in that. But I have some questions to ask, if it is agreeable.

The CHAIRMAN: Are there any objections?

Mr. MACQUARRIE: I have a general observation to make. It would be very helpful to all of us, when the agenda items are altered between meetings, if the members were informed. I have come here today to discuss matters with Mr. Castonguay. I see that he along with Mr. Anglin are present. On the specific matter before us I have no objection, but I think we should get unanimous consent, and advise the members what is coming up in an informal way. However, since Mr. Fisher is here, I have no objection.

The CHAIRMAN: Is there unanimous consent for Mr. Fisher to put his questions?

Mr. TURNER: I have no objection to Mr. Fisher acting on a roving commission, but I would also echo what Mr. Macquarrie said. I am not prepared this morning to finish this hearing at all. If you are going to call press gallery representatives, then I would like to exercise my right as a member of the committee to recall Mr. Rodgers for further questioning if we need him, before we decide this matter.

The CHAIRMAN: Is there any objection to Mr. Fisher?

Mr. FISHER: Are you familiar with the constitution of the Canadian parliamentary press gallery?

Mr. RODGERS: Yes, I am fairly familiar with it.

Mr. FISHER: Did you under article II (g) thereof make application for associate membership?

Mr. RODGERS: Yes, I did.

Mr. FISHER: Who informed you that you were not acceptable as a member, and what reasons were stated?

Mr. RODGERS: I was informed, if I remember rightly—because this goes back to the spring or early summer of 1962—by a very terse note on behalf of the executive, giving no reason why I was excluded. But since then there have been a number of reasons given, which I mentioned earlier today, such as the so-called space problem. I have forgotten what the other one was.

Mr. FISHER: You applied for associate membership as distinct from active membership?

Mr. RODGERS: Oh yes, I applied for associate membership, because I felt that since I was only a half time correspondent—I use that term rather than part time correspondent—I did not require a desk. Moreover, it is the desk which presents the real space problem to the extent that a space problem does exist. Therefore I only applied for associate membership because this does not include the use of a desk.

Mr. Brown, I think it was, last year told the committee that there was no such a thing as an associate member and that there have not been any for some years. But if you will look at the 1959 Parliamentary Guide you will find eight to ten associate members listed. Moreover, when I first came to the gallery in early 1960, I came as an associate member.

The CHAIRMAN: Are they still there?

Mr. RODGERS: No, there are only three now, and they happen to be the editors of the local newspapers.

Mr. FISHER: Under article II of the constitution of the Canadian press gallery, it is stated.

(g) Associate Membership may be granted, as a courtesy, on recommendation of the Executive Committee, approved by a two-thirds vote at a General Meeting of the Gallery, to persons not qualified for active membership under Article II (a), but whose journalistic duties cannot consist of writing or broadcasting reports or comment on parliamentary or government affairs, providing:

1. A week's notice of any application for associate membership shall be posted on the Gallery notice board.
2. Notwithstanding the terms of Article VII, a two-thirds vote of those present at a General Meeting of the Gallery shall be required to grant an associate membership.

Associate Membership shall entitle the holder, on payment of an annual fee of \$10, to such facilities as may be extended by the Executive Committee at its discretion and which may include reasonable access to the Gallery premises, admission to press conferences, use of Gallery stationery, telephones and mail boxes; but not the right to attend or vote at meetings, to run for or be elected to office, to admission to the lobbies of the House of Commons, to desk space in the press room nor to a specific seat in the Press Galleries of the Senate and House of Commons.

I would like to ask you with respect to this entitlement set out under associate members and non-continuing associate members if associate membership as set out in this constitution would be adequate for the purposes that you wish?

Mr. RODGERS: Yes, I think so except for one thing, that I do not see the distinction as to exclusion from the lobby, because if a correspondent wishes to speak quickly to a parliamentarian on a particular matter of interest, it is advantageous to be able to do so in the lobby. For example, Mr. McNulty may raise a question or something having to do with the St. Catharines area, and I would have to send a messenger into the house to ask him if he would be good enough to come out and see me outside. On the other point, if the reforms which I mentioned briefly earlier were implemented, that is, if our gallery were organized along the lines of the press gallery at Washington and elsewhere, then the matter of the desk question would not be a problem. But in answer to your question I would be perfectly satisfied with associate membership in the press gallery.

Mr. FISHER: Was there a vote of the members of the press gallery membership taken? Were you informed that there was a vote by the general membership of the press gallery with regard to your application?

Mr. RODGERS: I specifically asked for an opportunity to appear before the executive in order to explain my request for associate membership. But this was denied to me. In addition, I was denied an opportunity to speak to the general membership. And it was on this basis that I managed to get the Supreme Court of Ontario to grant me an interim injunction against the press gallery, not as a parliamentary institution but as a club or private organization. The court was sufficiently impressed with the fact that I had been denied a hearing by both the executive and the membership to grant an interim injunction. Since Mr. Michener was out of town, it lasted until his return.

Mr. FISHER: To your knowledge there has not been a vote by the general membership of the committee under this section which I have read?

Mr. RODGERS: To the best of my knowledge. However, Mr. Kelly is a member of the press gallery who is present today, and perhaps he could answer that question.

Mr. FISHER: No, you are the one who is being questioned.

Mr. RODGERS: I was not at the membership meeting so I do not know; but to the best of my knowledge there was no vote excluding me from the press gallery.

Mr. FISHER: Are you aware of the distinction between associate member and active membership?

Mr. RODGERS: I do not know what you mean.

Mr. FISHER: Are you aware of the terms set out in the constitution regarding active members getting a majority, or a major proportion of their income through writing or broadcasting parliamentary material?

Mr. RODGERS: I think that distinction is nonsense. After all, a man could have a very good income from private investments yet under that constitution he could not be a member of the press gallery. I know there are people in the press gallery who make two or three times more money from outside activities, and they in fact are not properly members under the constitution. My whole point is that the situation is twofold. It is arbitrary, and I can cite you several examples of that. But, my fundamental point goes beyond the constitution, which is that there should be a right of appeal to the Speaker regardless of what the constitution says.

In respect of the arbitrariness, in 1962 Mr. Clement Brown was the president of the press gallery; he resigned from that position to run for

parliament, which is a fine thing to do, but after he had run for parliament he was reinstated as president of the press gallery without any vote being taken on the subject by the membership committee. It seems to me that this is an arbitrary and unconstitutional manner in which to operate.

Mr. FISHER: Are you suggesting that even as set up by this constitution the affairs of the parliamentary press gallery as an institution, with an executive, have not been conducted properly, or it has not in this specific instance you mentioned?

Mr. RODGERS: I feel it is not conducted properly in general, but I am confining it to my own case.

I can cite documentary evidence to show that injustice has been done. I am not here with a chip on my shoulder to plead injustice done to me. Perhaps I can explain my motives in this manner; I apologize to the committee for wasting the time of parliament on this matter, particularly when Canada is in a crisis. I feel the crisis in which Canada has placed itself is because of our tendency to follow the British tradition of muddling through. My case arose because of certain muddling. If I can clarify one area of Canadian life, namely the freedom of the press against the privilege of the press gallery, a part of the muddling through will be over with. This is my motive in being here, namely to re-establish the fundamental legal principle that the Speaker should make the final determination as to membership.

I have no objection to there being a press gallery club or a constitution. I am the first to agree with the press gallery, that there has to be a line drawn as they cannot let everyone in.

In a statement to the Canadian Press last Wednesday Mr. Connolly implied that I am a professor, a housewife or some such thing. The important thing is that the line be drawn at the right place. Anyone can see the amount of copy I have supplied to my newspaper within the last few months. I am not a dilettante; I am a working journalist. Although I agree the line has to be drawn—they are drawing it in a funny place.

Mr. FISHER: Let us look now at another aspect of the argument. I am going to express an opinion here which, I think, is shared by some of the members. I do believe most of us recognize the Canadian parliamentary press gallery as a private institution which is, it seems to me, analogous to a club. I believe the only interest or responsibility we have in it is because of the fact they administer public facilities which are paid for by the taxpayers. There is a distinction in coming at it from this point of view and your point of view. Implicit in your argument is that the Speaker should have the final say about the membership of, as I understand it, a private organization.

Mr. RODGERS: No. My feeling is that the Speaker should have the final say in respect of access to the press gallery facilities. Theoretically, I am not asking for membership in the press gallery. I said earlier I would be content with an associate membership in the press gallery association. But, this is not what I am asking parliament or the Speaker; I am asking for access to press gallery facilities. If they wish to make it a private club and exclude me I cannot resent that any more than, say, the Rideau club excluding some of the members who are here this morning. I am only asking for the facilities which are paid for by the taxpayers in Canada.

Mr. FISHER: In respect of this question of facilities available, to your knowledge is there any contribution made by the press gallery as a club in financial terms to the facilities that are provided?

Mr. RODGERS: Yes. Each member pays \$10 a year, in return for which the taxpayers of Canada contribute something like \$100,000 a year.

This week, Mr. Connolly, the president of the press gallery, is in Europe very largely at the expense of the taxpayers of Canada and yet I, as a correspondent of a daily newspaper, cannot get \$1 worth of press releases.

Mr. OLSON: Sometime ago the question under consideration was spelled out very clearly in the committee

At page 29 of the committee hearings held last year Dr. Ollivier was asked by a member of the committee—

The CHAIRMAN: Mr. Olson, if I may interrupt, I do not think you can bring forward what went on in the committee last year.

Mr. OLSON: Surely some of the official evidence which was given at that time is valid in this case.

The CHAIRMAN: It is my understanding that you cannot bring up again the evidence which was heard in that committee. We were not directed to this by the house.

Mr. HOWARD: I would like to object to your ruling, Mr. Chairman.

The CHAIRMAN: Authority was not delegated to us by the house and you are referring to things of the past. Since then there has been a change of government and it is my understanding that we cannot bring it forward.

Mr. HOWARD: I do not think Mr. Olson is trying to bring back the past; that is not possible, but to refer to what happened before with respect to this particular item is surely in order. You cannot exclude everything that ever happened. We have spent the entire morning so far with Mr. Rodgers answering questions and explaining in an initial way about things that happened in the past, and this refers to one of them.

The CHAIRMAN: But—

Mr. HOWARD: Please let me finish. I think Mr. Olson has a perfect right to make reference to what transpired in the privileges and elections committee last year in respect of the particular subject matter which is now before us.

Mr. OLSON: My reason for bringing it up is that I take objection to the line of argument being made here today that we should conduct ourselves and make our decision on the basis of what is acceptable to the press gallery association respecting the contravening of their constitution. When Dr. Ollivier, counsel to the Speaker and other members of parliament, was asked in this committee what his interpretation was of the control and so on of the press gallery, he said this—

Mr. MOREAU: On the point of order, Mr. Chairman, surely this evidence is quite relevant to the argument and, therefore, quite admissible. Even in the house reference is made to *Hansard* of the past. It is my opinion that official testimony given by Dr. Ollivier should not be excluded. If it is in the records of a previous committee hearing it should be quite relevant to the proceedings today.

Mr. OLSON: I am quite sure that reference will be made to this again and I would like to read it because it clears up the matter, as far as I am concerned, where the ultimate or end responsibility lies.

The CHAIRMAN: Well, if the members of the committee wish to make reference to that I have no personal objection. I was looking at Beauchesne's fourth edition, paragraph 320, article (4), which says:

A committee cannot report the evidence taken before a similar committee in a previous session, except as a paper in the appendix, unless it receives authority from the house to consider it.

Mr. MACQUARRIE: But we are not reporting to the house.

Mr. HOWARD: Mr. Olson is making reference to it as an individual member of the committee; he is not asking the committee to report to the house on this evidence.

The CHAIRMAN: Well, I have no personal objection.

Mr. TURNER: Mr. Olson is endeavouring to refer us back to the relevant line of inquiry and, to illustrate, he is reciting the evidence given by Dr. Ollivier, the parliamentary counsel.

Mr. OLSON: Dr. Ollivier said:

All the galleries of the House of Commons are under the control of the house. No exception is made for the one reserved for the representatives of the press. If any member takes notice of strangers being present, Mr. Speaker could put the question under standing order 13 that strangers be ordered to withdraw and the members of the press gallery would have to leave just the same as the occupants of the other galleries. Mr. Speaker may direct the Sergeant-at-Arms to issue cards allowing people to sit in any of the galleries. The fact that, under a tacit understanding, galleries have been reserved for the Senate, the officials, the press representatives, and so on, has no effect whatever on the Speaker's authority which extends over the precincts of the house and all the rooms used by persons connected with the house and its various services. The members of the press gallery cannot be denied the right to form an association from which they may exclude anybody, but they overstep their privileges when they endeavour to prevent a duly accredited representative of a newspaper from using for his work the premises set aside by the House of Commons for newspaper reporters.

My point, Mr. Chairman, is that when we consider this matter we may agree that we are not going to finally decide it today, but when we do consider it and do finally decide what we are going to do with this case, what is in the constitution of the press gallery is irrelevant. We have to concern ourselves with the control of the press gallery as exercised by the house. Here is the official testimony of Dr. Ollivier respecting the control that the Speaker and ultimately the house shall have over all of the galleries including the press gallery.

Mr. RODGERS: I have to correct Mr. Olson, if I may. Those words you quoted were the words of Mr. Beauchesne, not those of Dr. Ollivier. Dr. Ollivier was repeating them, and I presume adopting them for himself.

My second point is that while I agree that this matter should finally be determined either by the Speaker or the committee later, I do urgently request that this week, perhaps after the gallery has been heard on Thursday, I be given temporary access to the press gallery without prejudice to any final determination. This I must ask for the reasons I have given before.

Mr. TURNER: Well, Mr. Chairman, with respect to the last remark by Mr. Rodgers, I sympathize, as does every member, with his personal problems of his family's sickness, but it is not up to the witness to decide when the committee should bring down its decision.

Mr. RODGERS: I am sorry, I did not mean that. What I meant, in agreement with members, was that the press gallery should have a full opportunity to state their side, and I believe they are meeting this afternoon to decide their position. I trust some determination can be made speedily after that.

Mr. MORE: You said you came to the press gallery as an associate member. How did you lose your status?

Mr. RODGERS: I became a full member very shortly thereafter.

Mr. TURNER: Has Mr. Fisher concluded his questioning?

Mr. FISHER: Yes, I have concluded my questioning. I just wanted to get from Mr. Rodgers the relationship with the gallery and its constitution. I do not think that what we will hear from the press gallery will be particularly relevant to the problem either. I do not think the line I was following was particularly relevant.

Mr. TURNER: On the basis that, relevant or not, we may have to refer to this constitution, I wondered whether members of the committee might be furnished in the future with a copy of it. I also wondered, since in answer to Mr. Fisher's question Mr. Rodgers said he made application for associate membership and was refused, whether Mr. Rodgers could furnish a copy of the application and of the refusal.

Mr. RODGERS: I am not sure I made a carbon copy of my application, but I will look through my files and if I have it I will deposit it with the clerk of the committee immediately after the meeting.

Mr. TURNER: And would you perhaps have a copy of the transcript of the court proceedings?

Mr. RODGERS: I have it with me now.

Mr. TURNER: Could you deposit it with the clerk of the committee, since you referred to it, please?

Mr. MOREAU: I would like to ask one question: what is your profession, Mr. Rodgers?

Mr. RODGERS: In addition to being part time or half time correspondent, I also have a small publishing company which publishes paperbacks related to parliamentary matters. I could therefore even, if I wanted to, construct an argument that I am full time on parliament hill. I also do a certain amount of freelance broadcasting, and I write. I have written three books. My only other occupation is that of militia staff officer. As you can see, I am half dressed to go to parade tonight—but this is not a relevant part of my income.

Mr. MOREAU: Your main source of income would then be from your writing?

Mr. RODGERS: Yes, writing, broadcasting and publishing. Let me make it very clear, gentlemen. I am not a lobbyist. I represent no companies, although I do know another member of the press gallery who does. I am not a public relations consultant, or any of these things. I am strictly a publisher and a publicist.

Mr. TURNER: Mr. Rodgers, whoever decides whether you are to have access to the press gallery or to the physical features of the press gallery, whether it be this committee in its recommendation to the Speaker or whether it be the Speaker himself, or whether it be membership in the gallery, the club, someone is going to have to decide on allocation of space and someone is going to have to decide the priority of space. What are your views on the allocation of space as between a full time and part time representative of a newspaper?

Mr. RODGERS: As I have explained earlier, I do not think that is really a problem, and I say this in full honesty and having given a great deal of thought to it. There really is no problem of space. Should I mention again briefly why I feel this is so? It is simply this, that first of all the main thing that I am asking for is a press release box, which is some twenty cubic inches, and if necessary they could have these running the entire length of the press gallery wall. Secondly, I asked for the opportunity to go into the press gallery within the chamber of the House of Commons. Any of you gentlemen will note that except at question time the gallery is almost empty, and even at question time there is plenty of standing room. They could pack in twice as many correspondents if they wished.

Another point which has been mentioned to me by a member of the press gallery who happens to be present in this room, is a very relevant point with which I fully agree. I do not want to embarrass him and mention his name, but his point is that the press gallery should not have to do the job of other officials in solving the space problem. His view is that the press gallery should admit any legitimate correspondent duly accredited, and if there is a space problem, this is a matter for the gallery to solve in consultation with the Speaker.

As I mentioned earlier, during Mr. Lambert's tenure, he made an offer to extend the facilities in the west block. The press gallery chose to turn down that offer. They cannot, on the one hand, turn down an offer of extra space, and then come and argue that they cannot let me in because there is a space problem.

The CHAIRMAN: It is 11 o'clock and the house sits at 11 this morning. We will have to adjourn until 3 o'clock this afternoon in this room.

## AFTERNOON SESSION

Tuesday, Nov. 12, 1963

The CHAIRMAN: Gentlemen, we have a quorum.

I wonder if we should not reduce the quorum from the present number as it seems rather difficult for people to arrive on time for the meeting. Is it your opinion that we should reduce the quorum?

Mr. MOREAU: We had very short notice of a sitting this afternoon, Mr. Chairman, and some of us found it a little difficult to change our activities to enable us to be here. I myself wanted very much to be here for 3 o'clock, but I was unable to arrange my commitments in such a way that I could do so. I do not know whether we need to reduce the quorum; I do think we need a little more notice of the time of the sitting in future.

The CHAIRMAN: Then we will proceed with the business the steering committee decided we should deal with. The first matter we should discuss this afternoon is the permanent list. We have to make a decision on this in order that Mr. Castonguay may go ahead with the rest of his amendments.

This matter has been discussed in the past, and it can be discussed again today. I hope we will be able to make a decision on it so we can follow the rest of the amendments which have been proposed by Mr. Castonguay.

Mr. DROUIN (*Interpretation*): It is with regret that I say the ideas submitted by Mr. Castonguay at the last meeting of the committee are not agreeable to me, and I move that we should not proceed with discussion of the advisability of producing a permanent list. I do not think we should proceed with that at all in view of Mr. Castonguay's previous evidence.

The CHAIRMAN (*Interpretation*): Is this the general opinion? Do you feel that we should stop talking about the permanent list right now and come back to it at some time in the future?

(Text)

Mr. MOREAU: Would it be in order to recommend that this matter of a permanent list be referred to the federal-provincial conference in view of the fact that perhaps the province would share in the costs? Perhaps Mr. Castonguay would comment on that?

Mr. HOWARD: I do not know if I understand clearly or not. I thought the motion was that we should not proceed with the discussion relative to the permanent list, as distinct from a negative motion to propose the establishment of such a list.

The CHAIRMAN: That is right. The motion is that we should not proceed with discussion on the permanent list at the present time.

Mr. HOWARD: Implicit in that, I think, is the understanding that we should come back to it again at a later date. If this is the understanding then I think it is incorrect because it puts the committee in an awkward position. Mr. Castonguay has explained to the steering committee and to other meetings of

this committee in years past, every time the question of a voters' list arises and we proceed section by section on the Canada Election Act, we have to discuss all over again the method of presentation of the voters' lists.

For these reasons I think we should not even table the motion; the motion should be withdrawn by the hon. member who made it so we can come to a conclusion about this particular question.

The CHAIRMAN: About the permanent list?

Mr. HOWARD: Yes.

While I am dealing with this subject, perhaps I could suggest that we are dealing with this the wrong way round. The question of a permanent list is to me only of secondary importance to other things. Other things are far more important for our consideration. Once we make decisions about those, then we automatically look at the question of the permanent list and whether it will assist in putting those other things into effect. I am thinking particularly of absentee voting, of which I have been an advocate since I have been involved in elections. I think you and I, Mr. Chairman, came to an agreement in years past in the committee that an absentee system of voting would be helpful to the people of Canada.

What we should be dealing with, I think, is whether or not we should have a system of absentee voting which would let a voter cast his ballot for his home town community even though on election day he may be 500 miles distant or even at the other end of the country. I think we should be discussing the principal question of the possibility of working with the provinces, and consequently with municipalities, for the establishment of a set of rules which will allow for one list to be used throughout. When we have come to some conclusion about that we can then see where we stand with regard to a permanent list.

I think we should be dealing with the key issues first rather than with the secondary issue of the permanent list.

Mr. MOREAU: Surely this is a matter of procedure. It is the duty of the steering committee of this committee to determine the order of business in the committee, unless there is something particularly urgent. Parliament, under the constitution, has the responsibility for revising, or at least looking at, the Canada Elections Act; and we should perhaps be very anxious to do this in view of the fact that we are a minority parliament and may have to face an election at any time. We therefore have a real responsibility to carry through a revision of the election act as quickly as possible.

Mr. TURNER: Mr. Chairman, while I agree with what Mr. Howard says about the necessity for deciding the question of a permanent list, I disagree with his priority. From the way the act is drawn, it would seem that this committee must decide and face up to the initial question of whether or not we are going to recommend a permanent list.

It would be pointless to deal with other sections of the act because the whole statute is based on a mechanic that implies the enumeration system rather than the permanent list. As I understood the chief electoral officer at the last session, he could not recommend to the committee what the amendments should be to the Canada Elections Act until he received instructions from the committee as to the basis of enumeration and until he was told whether it was to be enumeration in the process of a writ of election or whether it was to be a permanent list.

If I understood the chief electoral officer correctly, we have to dispose of that question first.

The CHAIRMAN: Will you clarify the situation, Mr. Castonguay?

Mr. CASTONGUAY: Mr. Chairman, I merely pointed out at the last meeting that the procedure in the past has been the discussion of permanent lists and

absentee voting methods, and this was first undertaken by the committee to enable them to make an orderly study of the Canada Elections Act. Therefore the decision to be made is on permanent lists and on absentee voting; and then the committee will be in a position to consider the amendments I have submitted to it.

Should the committee decide to adopt permanent lists and absentee voting, a great many of my amendments would not stand up and there would have to be new drafting for permanent lists and absentee voting. This is the procedure that you, Mr. Chairman, Mr. Cameron, Mr. Howard and other members may remember was followed by the committee in the past.

Mr. MORE: Mr. Castonguay, if a permanent list is rejected does that mean there cannot be any expansion of voting in regard to absenteeism? I have in mind people who are in hospital for example, and students in universities who are entitled to vote either at their university or at home. If they take jobs maybe 200 miles from their homes they are disfranchised under the act.

Mr. CASTONGUAY: My own view, Mr. Moreau, would be that these facilities cannot be provided under our present elections act with the normal safeguards. As I testified at the last meeting, absentee voting runs with a permanent list, and the elector must apply to be registered, at which time he signs a registration form. The absentee voter registers on a form with his signature, which is the acceptable safeguard for a postal or absentee vote.

As you realize, our six enumerators collecting ten million names do not collect signatures. I do not know of any safeguard in this regard. I do not know if the collecting of signatures is adequate because people who compare the signatures are not handwriting experts. This matter of signatures is acceptable in at least part of the electoral world.

I am presently convinced that under our present system one can extend these privileges, but there can be no safeguards. For instance, if an election was won with a majority of 200 and the official addition of the votes of a candidate indicated that there were 800 postal ballots, I am sure that every member of this committee would like to know whether these ballots were cast by bona fide electors of their own districts. There is no assurance that these votes actually come from the district.

In other electoral countries where they have permanent lists and absentee voting people in these areas are satisfied with signatures. Here we have nothing to assure us that these are ballots cast by electors of individuals constituencies in other electoral districts and sent to the particular constituency. I do not think anyone in this room would be very comfortable with a majority of 300, having 800 postal ballots with no identification or safeguards.

Mr. MOREAU: Referring to an earlier question, Mr. Castonguay, supposing we were to take the position that this matter should be deferred perhaps until after the next revision, and it seems to me in passing that nothing has been done in regard to revisions, has anyone ever investigated the possibility of having the provinces share in the cost and provision of mechanics to maintain a permanent list

Mr. CASTONGUAY: There has been no detailed study or study of depth in respect of this particular matter. I have discussed this with my provincial colleagues in the provincial electoral offices, but they cannot speak for their governments. They would welcome some type of solution but they cannot originate or initiate such a solution. There has been no study to my knowledge by anyone of the academic world, and I am unable to find any publication which related to such a study.

I have spoken to this committee before, and I know that our committees have felt that they lacked something to study. I pointed out to the committee at the last meeting that the difficulty arises from the fact that there has not been an extended study of this matter.

I have discussed this problem with various election officials and I have formed certain views. This committee relies on my evidence and points of view, but I am certain that there must be points of view other than mine.

Mr. MOREAU: Mr. Castonguay, would you say that it would be worthy of consideration that this committee propose the setting up of a dominion-provincial study of this matter so that we might gain something of value in respect of a future revision of the act?

Mr. CASTONGUAY: I think what would be gainful for the committee would be the undertaking of a study in depth so that you would have some material to study and consider.

I could use the Australian or New Zealand system to give you a helpful comparison so that you may arrive at a conclusion. I found, prior to my trip to Australia and New Zealand, that I thought their legislation was ideal, but there is a great difference between looking at legislation and seeing its application.

I was fortunate enough to have a discussion with those commissioners regarding redistribution, and all the commissioners for redistribution in Australia are either state electoral officers or commonwealth electoral officers with perhaps one or two exceptions. I was able to get their views on the problems.

If there was some study made so that this committee could actually arrive at some conclusion the situation would be fine, but whether this could be accomplished, as you suggest, I do not know. Someone must make a study in this regard.

Mr. MOREAU: I would hate to see the idea abandoned, because we do not have sufficient evidence on this subject, but it seems to me that it would certainly be worthwhile to explore further into this problem. I do not know whether this committee has the material or the wherewithal to make such an exploration, but I wonder whether you might suggest some mechanism whereby this study in depth could be carried out?

Mr. CASTONGUAY: You will recall that in 1955 the committee was given terms of reference to study the methods of redistribution in Canada and in other countries. They passed a resolution to undertake such a study so that the committee could be in the position to consider methods of redistribution. The government of that day accepted this resolution and somebody was supposed to make this study, but the matter was never referred again to the committee.

The committee members in 1955 felt that they had nothing to study and recommended to the House of Commons that a study be undertaken. Whether this recommendation is effective today or not I am afraid I do not know. However, that is one precedent that I do recall.

Mr. CAMERON (*High Park*): Have you any views Mr. Castonguay, as to how this study could be carried out? You have given us the illustration of Australia and New Zealand, but perhaps you could recommend a simple and efficient way of making such a study.

Mr. CASTONGUAY: The great problem in respect of a permanent list is keeping it up to date. I do not know of any other way of keeping such a list up to date, effective and satisfactory than having at least one canvass made per year. I do not know of any machinery that would simplify this process. There is machinery designed to simplify the actual compilation of such list once you get the information from each dwelling, but there has been nothing designed, to my knowledge, that will affect this machinery operation so that we will know that an individual has moved, died or just reached the age of 21. That information has to be obtained by an actual check.

In 1934 it was hoped that a legislation introduced then would solve the problem. The responsibility was left to the electors to notify and register any change in status. This procedure proved ineffective and the evidence is in existence.

Mr. CAMERON (*High Park*): Was there an enumeration in 1934?

Mr. CASTONGUAY: There was a master list compiled in 1934, following which any change in an elector's status could only be given to the registrar, during the first two weeks in June. One could not get on or off that list at any other time. There was one revision made each year. There was no house to house canvass attached to this list of 1934.

I do not know whether you have read the evidence given to the committee in 1936 and 1937 but a reading of that evidence will indicate that no one was satisfied with that particular arrangement.

Mr. CAMERON (*High Park*): I understand there was an enumeration in 1930; is that right?

Mr. CASTONGUAY: Our present system was in existence at that time although we did not have the dual enumeration system.

Mr. CAMERON (*High Park*): There was only one enumeration at that time.

Mr. CASTONGUAY: There was only one enumeration. There is much evidence of this difficulty which can be found, as I have pointed out to this committee. We could make this study and explore the possibility of acquiring changes in status through family allowance and old age pension registrations. This would not involve privileged information, but we would still require a minimum of one revision per year. Is the House of Commons prepared to legislate compulsory registration? I am not speaking of compulsory voting but compulsory registration. If we had compulsory registration with one revision per year and a house to house canvass, taken together with these aids such as learning changes in addresses from family allowance and old age pension registrations, we might be able to reduce the cost, but I am convinced that the cost is going to increase under our present system.

Mr. CAMERON (*High Park*): Such a system would be better than our present system; is that correct?

Mr. CASTONGUAY: I am not convinced of that fact. There is one other great problem involved. If we embark on a new method of redistribution and attempt to implement a permanent list of absentee voting and then have an election, I am convinced that this would be the most chaotic election we have had since confederation.

Mr. CAMERON (*High Park*): I certainly agree with that suggestion.

Mr. CASTONGUAY: I think it is impossible to adopt a new system with our current situation. I have discussed this with the electoral commissioners in Australia and New Zealand, and they felt that in respect of the problem of redistribution this would be impossible.

Mr. MOREAU: I think we might all agree that the solution to this problem should involve two stages. I am interested in exploring the mechanism this committee may set up or recommend regarding a future study of the problem of establishing a permanent list. I should not like to see the idea of establishing such a list just die, but think that some study in depth should be initiated.

The CHAIRMAN: Perhaps this committee should suggest to the government that Mr. Castonguay be instructed to carry out a study in respect of this matter and report his results next year.

Mr. MACQUARRIE: Mr. Chairman, I think that probably some of us are in agreement with this suggestion. I am not sure we can even now decide what we should recommend. Perhaps it might be a larger body than Mr. Castonguay, if I might use that expression for such a fine figure of a man.

Having listened to what has been said I am prepared to second the motion which came before us, that perhaps we might apply ourselves to these recommendations. I would hope before the session ends that we might be able to give some thought to this very special subject, with some recommendations thereto. However, for procedural purposes I think we should accomplish something before time overtakes us.

Mr. MOREAU: Would you consent to have the motion replaced by one to ask the government to set up a study into this problem and that it be removed from the committee's discussion at this time? However, it would at the same time initiate something more concrete in the way of action on this question.

Mr. DROUIN *Interpretation (Translation equipment temporarily out of order)*

(Text)

Therefore, I move to simplify the motion.

The CHAIRMAN: Would you write it down?

Mr. TURNER: Mr. Chairman, I have one written up here. I might preface it by saying I do not think the members of the committee have in any way abandoned the idea of a permanent list but in view of the lack of information before the committee and the fact we have to proceed with re-distribution at this session as well I might suggest that the motion to the committee be as follows:

Whereas the committee does not feel it has sufficient evidence before it to enable it to decide whether to adopt and recommend a permanent list of electors, moved that the question of such a permanent list of electors be postponed for the purposes of the present revision of the election act and that a study be undertaken under the chairmanship of the chief electoral officer with a view to preparing a full report of his findings on the subject and to state the argument in favour and against the adoption of a permanent list of electors, the whole to be reported to a subsequent meeting of this committee.

The CHAIRMAN: Have you it all written down?

Mr. TURNER: Yes, but it is illegible. Perhaps the reporter would read it back.

Mr. DROUIN: Does it read better than it was said?

Mr. TURNER: I will be glad to decipher it for the clerk after, Mr. Chairman.

The CHAIRMAN: Could you read back what he said?

Mr. DROUIN: (French) (*no interpretation*)

(Text)

Mr. TURNER: It is up to Mr. Castonguay to decide.

Mr. CASTONGUAY: I do not know that it is proper for me to suggest this. I am only suggesting it because the members raised this question of exploring the possibility of having joint roles with the provinces at two or three levels of government. Unless the federal house shows any interest in this matter, some direction and initiative for the exploration, it will be some time before the provinces will be in a position to initiate it themselves. It may be that the federal house would like this particular matter explored.

Mr. MOREAU: That would be my recommendation.

Mr. TURNER: The Chairman said he is incapable of reading my resolution. With the permission of my seconder I would add a term of reference to the study to be undertaken; that the chief electoral officers of the provinces be approached to participate in such a study.

Mr. CASTONGUAY: The governments really.

Mr. TURNER: Yes, that the governments of the provinces be approached to participate in such a study. Would that be satisfactory?

Mr. CASTONGUAY: I think if the terms of reference mention the chief electoral officers, who are servants of the house or the legislatures, they are not in a position to arrive at any concrete decision on this unless the government of each province requests that their chief electoral officers participate in this. I think the government of each province would have to show an interest in this, and then we could ask their chief electoral officers to co-operate or assist us in this study. I could not initiate it here unless parliament asked me to do it.

Mr. TURNER: Would it be your wish, Mr. Chairman, to adjourn the meeting for five minutes so that a resolution could be drafted which might meet the objections that have been taken to it?

The CHAIRMAN: If we give it back to you could you read it, Mr. Turner?

Mr. TURNER: Yes, I could read it but I do not guarantee to read it in the same way as I read it the first time.

Mr. MORE: Mr. Chairman, if I understood what has been said correctly, Mr. Castonguay has drafted amendments to the Canada Elections Act based on the assumption that we are not going to accept a permanent voters list, as a result of which the matter before us now is to decide whether we are going to go ahead and deal with these draft amendments on this basis or not. In the meantime, I think the other matter can be left; otherwise you are going to ask Mr. Castonguay to do something which he is unable to do while the committee is meeting on this.

Mr. MOREAU: Speaking for myself, and perhaps some other members of the committee who are not entirely happy to leave this matter of the permanent voters list completely out of this discussion unless there is some assurance that something is going to be done about it, I think this is a vehicle whereby we hope something would be done in the future. At the same time we recognize that we are willing to abandon the subject at least for this revision. It was on that basis the motion was made that we would initiate a study at least for future discussion, which would allow us then to go on with the proposed amendments to the elections act under the present system of enumeration. I do not think this would in any way prejudice the discussion that is being put forth in connection with this resolution, if we adopt such a motion.

Mr. MACQUARRIE: When the motion before us was seconded I thought we would vote to defer this particular subject until we dealt with the amendments. I do not know that we could now think of the terms of our recommendations in respect of the permanent list; that is something we might do after we have dealt with this. I thought it was a matter of deferment, and I think Mr. Moreau's suggestions were along that line as well.

The CHAIRMAN: Perhaps this will be a long term study.

Mr. TURNER: If there is a deferment and we go on to discuss the amendments proposed by the chief electoral officer then it will have to be conclusive; otherwise the amendments to the act will be academic.

Mr. DROUIN (*Interpretation*): I do not believe we can have any serious study in co-operation with our colleagues in the provinces if they have not received instructions similar to those we have given Mr. Castonguay. Would it not be proper to send a copy of our resolution to the people who prepare the agenda for the federal-provincial conference so that we could have some continuity in this regard and see that in the various provinces they could be authorized to establish permanent voters' lists, perhaps in consultation with their federal colleagues?

(Text)

The CHAIRMAN: You have heard the question.

Mr. TURNER: I can read this a little more clearly so that all members of the committee will get the intent of it:

Whereas the committee does not feel it has sufficient evidence before it to enable it to decide whether to recommend a permanent list of electors;

Moved that the question of such a permanent list be postponed for the purpose of the present revision of the election act, and that a study be undertaken under the chairmanship of the relief electoral officer for the purpose of preparing a full report on the question of a permanent voters' list, and to report in favour or against adoption of such a list; and that this committee recommend to the government that it approach the governments of the provinces with a view to participation in such a study, and with a view to canvassing the possibility of a joint election list.

Mr. CASTONGUAY: Every time we have discussed joint permanent lists, we have also discussed absentee voting. It is not only a study of voting lists, but also the methods of absentee voting. They go hand in hand.

Mr. HOWARD: Which has priority?

Mr. CASTONGUAY: We will let the committee decide.

Mr. TURNER: I would be prepared to add the words "the question of absentee voting methods" to the words "permanent voters' list" wherever that appear in the resolution.

Mr. DROUIN (*Interpretation*): I am not ready to accept the motion of my friend, Mr. Turner, when it includes a study of permanent lists and a study of absentee voting. I think we can dispose of the second matter as early as this year. I believe the two subjects do not go together.

(Text)

Mr. CASTONGUAY: A study in depth, of course, takes some time. Obviously, when we begin to study this matter there are various methods which can be applied at the same time as we have a permanent list. It would be better, I think, to study the two matters at one and the same time. So far as I am concerned personally, I feel that a study of permanent lists should also include a study of the other records. In the past, members of the committee did not have any more information on the methods of voting and these two matters were together.

Mr. DROUIN (*Interpretation*): Because of the explanation I will withdraw my objection. I am ready to second Mr. Turner's motion, even with the addition of absentee voting.

(Text)

Mr. MORE: I think we just need a simple motion to deal with the amendments before us. There may be more questions we would want to study after going through the amendments. When we have gone through the amendments, then we can make a recommendation to the house for a study on the basis of the problems arising out of these amendments. I think this would be a premature motion at this time, and I oppose it.

The CHAIRMAN: There always will be an interim report which will be made on this matter. It is up to you to decide.

Mr. MORE: If you pass this motion now and other questions arise, you will have amendments later on to your report. It seems to me that the easiest way is to leave this until the end.

The CHAIRMAN: Are we going to bring up the question of permanent lists every time we come to decide something on the matter of voting lists?

Mr. MOREAU: It seems to me this would mean we would never do anything on permanent lists. I suggest if the committee members are ready, that we vote on the amendment.

Mr. HOWARD: I do not have any great illusions about what is going to result from this dominion-provincial-municipal proposal. I do not think much will come out of it in the way of over-all agreement, at least in the foreseeable future. I do not think the study, if we do endorse it and if it is undertaken, should be confined merely to the question of trying to work out something on a three level government basis, but that it should proceed independently as well from our own point of view on the question of absentee voting so far as the Canada Elections Act is concerned, and the question of a permanent system of registration so that there is a safeguard to make sure that the person who does vote by absentee vote is, in fact, what he claims to be. This should be a two pronged study. I may have misunderstood the whole purpose of this, but at this juncture I wonder if I might ask Mr. Castonguay whether one of the reasons for his going to Australia was to confer with his counterparts on the question of absentee voting and permanent lists?

Mr. CASTONGUAY: No; purely in respect of redistribution. As I pointed out earlier, however, every commission is manned by the state electoral officer and the commonwealth electoral officer, and, therefore in our discussions we did get into permanent lists. I also had the advantage of being an observer at a state election in Queensland where the state enjoys joint lists with the commonwealth and I was able to see this in operation. I was there only less than two weeks, and my primary purpose in being there was to study distribution.

The CHAIRMAN: Are you ready to vote on the motion?

Mr. MOREAU: I was just going to say that I agree with Mr. More. I think he made a very sensible suggestion. I believe the consensus of opinion is that we are going to deal with the proposed amendments of the chief electoral officer on the basis of the general system of preparing voters' lists.

Mr. CAMERON (*High Park*): We should reserve our decision on this motion in case we have some other suggestions to add to it. That is what we are going to do, and I think that would be keeping the record straight; we are going to proceed and listen to the suggestions made by the chief electoral officer on that basis. I am simply suggesting that we should not take a vote at the present time but that we should proceed on the basis suggested by Mr. More, namely to listen to Mr. Castonguay's suggestions on amendments of the present act and on the present method of enumeration.

Mr. MORE: I am going to move an amendment to that effect. I move that we proceed to a study of the draft amendments to the Canada Elections Act on the basis of our present act.

The CHAIRMAN: Would you write it down, please?

Mr. MOREAU: I do not see that the two motions are in conflict. This is what we are going to do even if we pass this motion. I do not see that the amendment is necessary.

Mr. PETERS: Why does the committee not decide that they have no intention of going ahead with this permanent list now? This committee is obviously shelving the matter. Let us say fairly and squarely we have not got the guts to go ahead. Why do we not say so?

The CHAIRMAN: Some members want to go ahead and others do not. We have to decide whether or not there is a majority in favour of going ahead with this.

Mr. PETERS: It seems to me there is no point in talking about these amendments if they are not going to apply. If, at a later date, we have a permanent list, we will not need these amendments. We will have to rewrite the whole act to comply with the permanent list arrangement, and the absentee voting as well. If that is the principle, whether we make a major change or whether

we do not make it now, we cannot make it afterwards. It seems foolish to postpone that decision, if you are going to have to make it next year. Let us make it now.

The CHAIRMAN: Some of the amendments will go anyway whether or not we have a permanent list. I have here a motion moved by Mr. Turner seconded by Mr. Drouin. Have you a seconder for your amendment, Mr. More? The amendment is that we proceed to deal with the proposed amendments to the Canada Elections Act on the basis of our present act, and that any further reference to the main motion be now deleted. Is there a seconder for that? Mr. Cameron (High Park) seconds the amendment.

Mr. HOWARD: Are you saying that that is in order?

The CHAIRMAN: I think it is because it says that any further reference to the motion be now deleted. It will be easier to vote right away and decide. We will vote on the amendment first. Those in favour of the amendment?

Mr. HOWARD: I would like some discussion on it first. I am opposed to it on principle. As far as I am concerned, I think we do not make any reference to the initial motion of study, but the principal thing that should be in our minds is how to take some steps to ensure that people in this country, who by reason of their vocation or employment or because they are students or because they are in hospitals or for some other reason, can be given an opportunity to vote. There is an opportunity provided by way of additional advance poll times, and an expansion will be made to include everybody to vote in an advance poll, but we still disfranchise thousands of people in this country who are not home on election day and who cannot possibly vote unless they are home on election day.

In British Columbia we have an absentee system of voting. I would say from memory that absentee voting ranges in some constituencies anywhere from perhaps 2½ per cent up to 9 or 10 per cent of the population who vote. This is a fairly large chunk of voters and this is what we should be directing our minds to; that is how to guarantee that these people have the right to vote. That is my principal concern. I submit that the way we can do that, the only way, with any guarantee of preservation of the fact that one person with one vote shall prevail and that he is in fact the person he claims to be, is to institute a system which will give him the right to cast his ballot in Halifax, if he happens to be there on election day, while he is registered at the other end of the country, in Vancouver. We also want to ensure that everyone in the country can exercise his right to elect his member of parliament even though he may be away from home. Attached to it we want to include the safeguards necessary to ensure that skulduggery does not take place and that people are not voting when they are not entitled to vote, that they are not voting in someone else's name. We have this system in British Columbia, and the safeguard is in a permanent electoral list. It is true that it runs pretty haphazardly mostly because we have a government in that province that is not concerned with making regular revisions of the list. As Mr. Castonguay said is necessary in order to keep the list up to date. It is for this reason primarily that I am opposed to this particular motion.

Mr. TURNER: To the amendment or to the motion?

Mr. HOWARD: To the amendment if that is what we are dealing with. I thought we might deal with that subject in that way because I feel that if we put this question to a vote here we will lose it, and I would rather have a study undertaken in the hope that we could put it into effect later on rather than lose it entirely. For this reason I am opposed to the amendment as moved. Our concern is to guarantee these people the right to vote.

As far as the permanent list is concerned and working it out with the provinces and municipalities, I do not have great hopes that this will come into effect, that we will get any agreement among the provinces to put such a system into effect.

Mr. MOREAU: On this question, I think the point Mr. Castonguay made was very well taken, that we probably could not do both things in the same election; that we could not have redistribution and a permanent voters' list coming in all at the same time. I think it was certainly with that idea in mind that the original motion was proposed in the first place; that we would at least initiate a study of the whole question so that we would be able to decide it at a future date. We realize it would be most unwise to proceed with such a system at this time, in a year when we are going to be faced with redistribution. To add to what Mr. Howard has said, I would certainly like to see the study and I would be opposed to shelving the matter entirely because I think it is a real problem and something we should look at.

Mr. MORE: I have one more word to say. My position simply is that I think we put the cart before the horse here. We have to find a basis for studying the amendments, and my amendment proposes the basis be the act. When we do that, there may be other questions referred to us, and then we can make an all-inclusive motion, and make a recommendation to the house on these matters. That is simply my position; that it is too early to decide what this study should encompass.

Mr. TURNER: Mr. Chairman, in answer to the remark by Mr. More and also in answer to the statements made unofficially by our witness, Mr. Peters, I might say first of all that I do not think it is putting the cart before the horse, because unless we deal with the cart, it is no use examining the horse at all because he may have to be pulling a different type of cart. In other words, it would be useless for this committee to study the provisions of the act based on the present enumerating system if at the end of our study we were to decide, after having approved or rejected the amendment suggested by Mr. Castonguay and others, that we do not want the present system but we want a permanent voters' list, which would make all of this discussion academic.

With respect to Mr. Peters, I might say that the reasons which dictated my motion follow from the evidence of the chief electoral officer which seemed to indicate that we have a high frequency of displacement of voters in metropolitan, and even in rural areas. And we should contemplate the cost before recommending it. As my friend Mr. Moreau said, we have the issue of redistribution immediately before us which would involve administratively the element of duality, if I might put it that way. So it was for these reasons, with the intention of having a permanent voters' list, and that this committee should later decide on the basis of the evidence before it, that I put the motion.

Mr. DROUIN: We might also expect other suggestions being put to Mr. Castonguay which would not be covered by Mr. Turner's motion. There is nothing to prevent us from submitting other matters to Mr. Castonguay.

The CHAIRMAN: Are you ready to vote on the amendment? Those in favour please raise their right arms. Those against? I declare the amendment lost. Now, we shall vote on the main motion. Those in favour please raise their right arms. Those against? I declare the main motion carried.

Mr. HOWARD: Will this be contained in one of our early reports to the house?

The CHAIRMAN: Yes, it will be contained in our report of today to the house.

Mr. HOWARD: We will report to the house by tomorrow.

The CHAIRMAN: As soon as I can get it from the reporter I will do it.

Mr. HOWARD: We do not intend to include this in our last and final report?

The CHAIRMAN: It will appear in our report of today.

Mr. HOWARD: I move we report the decision which we have just made to the house at the first opportunity.

The CHAIRMAN: Yes, that is what I intend to do.

Mr. TURNER: There is a difference between reporting to the house and moving that the house adopt the report. I think the committee would want to avoid a situation where there is a series of intermediate reports giving rise to a whole series of debates on the Canada Elections Act. While I agree that the matter should be reported and brought to the attention of the house, I think it would be unfortunate for the committee to ask for such a report until the report of the whole committee is collected.

Mr. MOREAU: We might report progress to the house because of the coming dominion-provincial conference, but we could not expect a debate on the adoption of the report.

Mr. TURNER: I would take it too, Mr. Chairman, without wishing to interrupt Mr. Howard, that on the basis of this motion, if the chief electoral officer found he was unable to persuade the provincial governments to participate in this study, he might give us a study of his own.

Mr. CASTONGUAY: That is what I understood from the motion, that we turn to and study a permanent list and absentee voting, and that this would be a further term of reference, to explore the possibilities. It seems to me that before you speak to the provincial governments, you would have to have a study of methods of permanent lists and absentee voting to present to them.

Mr. TURNER: There are two parts to the motion.

The CHAIRMAN: We shall now study the amendments to the electoral law brought forward by Mr. Castonguay. After the last election he saw where we were in need of changes and he prepared these amendments.

Mr. TURNER: How much longer do you wish to sit, Mr. Chairman?

The CHAIRMAN: Until five, let us say one-half hour longer from now.

Mr. HOWARD: Why not stop at ten minutes to five?

The CHAIRMAN: Why?

Mr. HOWARD: Because I have something to do at that time and I cannot do it while I am here.

The CHAIRMAN: Do you want me to start with the different sections of the Canada Elections Act, and when we come to an amendment by Mr. Castonguay we should stop there and discuss such amendment, and in that way we could go through the whole act in a very short time?

Mr. HOWARD: And also stop when you have any proposals which members of the committee have to make, in addition to those of Mr. Castonguay's.

The CHAIRMAN: Yes.

Mr. CASTONGUAY: And in addition we have suggestions from the public.

The CHAIRMAN: Yes, we also have suggestions from the public.

Mr. MOREAU: Are we to restrict our initial discussion to those amendments proposed by Mr. Castonguay rather than to include any suggestions of new proposals by members of the committee? Since we may all have a number of suggestions to make, it would seem that we would be holding Mr. Castonguay here for a long time if we all decided to present our own proposals at the same time. So I suggest we proceed with the amendments proposed by Mr. Castonguay and restrict ourselves to a discussion of them.

The CHAIRMAN: Mr. Castonguay suggested that we proceed as we did last year, section by section, and stop when you had something to bring up, or whenever we met an amendment from Mr. Castonguay.

Mr. CASTONGUAY: I think it would be ill advised if you restricted discussion to my amendments, because some of them deal with suggestions from members of the committee or from the public. In the past you have taken it up section by section, starting with section 1. I simply want to draw what is in my bill to the attention of the committee. And the members of the committee here may have suggestions and we could dispose of them as we went along.

The CHAIRMAN: Section 1 is the name of the act, Section 2 is the question of . . .

Mr. CASTONGUAY: I have an amendment at page 1 of the bill, which was suggested by the then acting chief justice of the province of Quebec in a letter addressed to me on May 4, 1962.

(Translation)

Quebec, 4th May 1962.

Mr. Nelson Castonguay,  
Chief Electoral Officer,  
Ottawa, Ont.

Dear Mr. Castonguay:

On consulting the electoral act, particularly paragraph 13 of section 2, I note that the text is not in correspondence with the designation of assistant chief justice of the Superior Court for the province of Quebec.

In fact, in sub-paragraphs "a" and "b" of paragraph 13, there is mention of the "acting chief justice". This was formerly the correct designation, but since some years ago, this description has been changed, and now it is the "associate chief justice", and in French "juge en chef adjoint".

If it should by chance, come about that the law undergoes amendments in the more or less near future, you could perhaps take the opportunity to have these modifications inserted in it.

Yours truly,  
Frederic Dorion.

(Text)

That is clause 1 of my suggested amendment.

The CHAIRMAN: Is there anything you would like to change in the other parts of section 2 of this bill?

Mr. DROUIN (*Interpretation*): In your suggestions, Mr. Castonguay, do you take into account the letter of the hon. judge? I have not the text here.

Mr. CASTONGUAY: Yes.

Mr. DROUIN (*Interpretation*): You are amending it in consequence of that, therefore?

(Text)

Mr. CAMERON (*High Park*): Have we an associate chief justice in Quebec now?

The CHAIRMAN: There is an associate chief justice in Montreal, Quebec, as well as the chief justice in Quebec city.

Mr. CASTONGUAY: Yes, the chief justice is in Quebec and the associate is in Montreal. Both the chief justice and the associate chief justice act. The chief justice, as I have said, is in Quebec city now and the associate chief justice is in Montreal. It is a different situation from that which prevails in Ontario.

The CHAIRMAN: Is there anything else in section 2 which interests you?

Mr. CASTONGUAY: The same thing applies to the territorial court of the Northwest territories. This amendment is just to bring this up to date under the present circumstances.

The CHAIRMAN: We will stand section 2 over until the end of the study of the bill.

An amendment has been brought before by Mr. Castonguay. Does anyone wish to move the adoption of the amendments?

Mr. DROUIN: I so move.

Mr. RICHARD: I second the motion.

The CHAIRMAN: It has been moved by Mr. Drouin, seconded by Mr. Richard, that the amendment be adopted. Are there any objections?

Motion agreed to.

We will let section 2 stand until the end of our discussions on the bill, when we will come back to it.

Mr. MOREAU: What was this?

The CHAIRMAN: The amendment was to clause 1 of the draft bill, which is paragraph 13 in the old act.

We now turn to clause 3.

Mr. TURNER: Are you going through the sections of the act?

The CHAIRMAN: Yes.

Mr. HOWARD: Do you mean section 3 of the act?

Mr. CASTONGUAY: I have no amendments and there are no suggestions from the public.

Mr. HOWARD: There is another section involved with this; perhaps we can deal with it here. In 1960, when the act was revised and presented to the house, the procedure was to repeal the then act and re-enact this in its entirety. As a result, all the returning officers ceased to exist. They lost their positions because of the introduction of the new act. This, of course, raised some concern in some circles as to why all the returning officers suddenly were relieved of their duties under a Conservative administration.

The CHAIRMAN: This will come under section 8.

Mr. HOWARD: I wanted to know where we should deal with it.

The CHAIRMAN: Section 4:

Rank, powers, salary and tenure of office of the chief electoral officer.

Do you have any amendments on this?

Mr. CASTONGUAY: There are no amendments and there have been no suggestions from the public.

The CHAIRMAN: Number 4(2):

Vacancy in office of chief electoral officer.

Section 4(3):

Appointment of substitute.

Section 4(4):

Tenure of office of substitute.

Section 4(5):

Absence of chief justice.

Section 4(6):

Remuneration of substitute.

Section 4(7):

Travelling and living expenses.

Section 4(8):

Payment.

We now come to section 5.

Mr. CASTONGUAY: I have an amendment on page 2 of my draft bill, clause 2. I am asking that my powers be restricted, and it is underlined in lines 18, 19 and 20. The problem is that although no request has been made to me officially to extend the hours during which the returning officers may receive nomination papers, there have been candidates who have arrived after 2 p.m. at the last two elections, 2 p.m. being the close of nomination. Also, candidates may arrive two minutes before 2 p.m. with incomplete papers. I instructed the returning officers not to accept the papers of those who arrived after 2 p.m.; this is the law.

In regard to those who arrived with incomplete papers—in one case a cheque was not certified,—I instructed the returning officer to send them to have their papers completed and to receive them with completed papers if they arrived before 2 p.m. In the case of the uncertified cheque the candidate did not arrive before 2 p.m. One candidate arrived with 25 signatures, 12 of which were not signatures of qualified electors of the electoral district. I instructed the electoral officer not to accept that paper if it was not returned to him by 2 p.m. with 25 signatures of qualified electors.

No request was ever made to me to extend the time for filing nomination papers. I would feel much happier, however, if the committee would see their way to specifying that I cannot extend the time beyond 2 p.m. bearing in mind that candidates have approximately six weeks in which to file their nomination papers. According to our act candidates can file nomination papers at any time after the publication of the proclamation—and the proclamation must be printed after they receive my telegraphic notice of the election, before nomination date, bearing the date of the writ. Polling date is normally 50 to 60 days thereafter. We have never had fewer than 57 days nor more than 62 days. Candidates have approximately five weeks in most constituencies in which to file their papers, which should be ample time.

In 1960 the hours of polling were set for advanced polls. I have no power to extend the hours of the normal polls, and I would wish to have absolutely no power to extend the hours of voting at advanced polls. I would not like to have such powers. I would, therefore, be happy if the committee agree to this.

Agreed.

Mr. DROUIN (*Interpretation*): Under this amendment, should not the returning officer or the chief electoral officer be authorized to change the date of the election or the date of the nomination of the candidate? There is no restriction in this regard though there is a restriction in regard to the closing hour of the polls. There is no restriction in regard to the date of the election and no restriction in regard to the date of the filing of the nomination. At first sight it would appear to me that this could be changed by the chief electoral officer. I understand that the chief electoral officer would hesitate to do this, but I see nothing here that would prevent him from acting in this way. Perhaps he could add these two points of restriction at the end.

Mr. CASTONGUAY: I would like to call your attention to section 7 of the act, paragraph 4 which states that it is only in such circumstances that the voting day can be prolonged or set to another day. Section 4, at page 158 of the general elections act gives this indication.

(Text)

Mr. PENNELL: How often have you been called upon to exercise your discretion under this section Mr. Castonguay?

Mr. CASTONGUAY: I have been called upon to exercise this discretion quite often during the enumeration period. For instance in electoral districts in

sparsely settled areas we need more than 28 days between enumeration day and I refer to such places as the Northwest Territories, the Yukon, Chapleau, Saguenay and Grand Falls-White Bay-Labrador where transportation is rather difficult as the result of distances and snow-storms. Enumeration cannot be accomplished in these areas 49 days before polling day. We extend the period of enumeration in these areas, to the extent that we are able to save money, sometimes beyond enumeration day so that the aircraft we charter will go up, making one trip to deliver enumeration supplies and ballot supplies.

During the period of revision in urban areas I use this system. This is not very extensive, but I do use this system. Sometimes we will find that a whole city block has been missed and I extend the period of revision of the revised district providing no objection is raised by the candidate. I do not use these powers under section 5 (2) in respect of enumeration day unless I find out, or the returning officer finds out from me, that there will be no objection raised by the candidates as to the exercising of these powers.

I do pay some attention in regard to the enumeration period, and all candidates are aware that the enumeration has been extended; they receive the list and have a chance to check them.

In respect of extending the revision by two or three days before the polling date, this may not be known to the candidates, if I do not attach this condition, so all candidates are aware between enumeration day and the polling day that I have exercised these powers. I do not wish to ask about the candidates concerned in this regard because it would not be fair. However, I do want to find out if there is any objection, and I may state that I have never received any objection in respect of the use of these powers.

The CHAIRMAN: Is there any objection to our adopting this amendment?

Mr. MOREAU: I move that we adopt the amendment.

The CHAIRMAN: Are we agreed?

Amendment agreed to.

The CHAIRMAN: The next section is 6 which states that the staff shall consist of an officer known as an assistant.

Mr. CASTONGUAY: There are no amendments in this regard, Mr. Chairman.

The CHAIRMAN: We shall then move to the suggested amendment to section 7 (3).

Mr. CASTONGUAY: Mr. Chairman, this is the amendment of which I spoke at the previous committee meeting which informally asked me to study the legislative section of the Department of Justice and my own department in regard to the penalty and offence provisions of the Canada Elections Act. The main amendment suggested is to clause 33, and everything else is consequential to that. Perhaps we could stand these smaller amendments until we reach our consideration of clause 33 and deal with them at that stage.

Mr. MOREAU: Are penalties in regard to deputy returning officers releasing advance poll information included under this section?

Mr. CASTONGUAY: I have made provision in this regard but I have included this all in the penalty offence revision. This may not be acceptable to the committee, but that is what I have done. If the revision to clause 33 is acceptable to the committee we could perhaps save time. If the members of this committee agree to the review in principle which I have proposed we could then make a detailed study of each part affected rather than go through them one by one.

Mr. MOREAU: I think we can agree to that procedure, Mr. Chairman.

The CHAIRMAN: We will stand that until we reach our consideration of clause 33. We will now turn to a consideration of section 8.

Mr. HOWARD: Mr. Chairman, the point I raised earlier has reference to this section. This section refers to the offices of returning officers appointed prior to the passing of this act. If the House of Commons approaches this revision in the same way it has in the past we will pass a new act during this session of parliament which will in effect put all the returning officers out of work thereby enabling a new government to search for replacements. Why is this practice being followed?

Mr. CASTONGUAY: Mr. Chairman, I can only explain the history of this section.

This section came to life in 1934. It was re-enacted in 1938 with the same effect it was given in 1960. Whenever there is a re-enactment of that section the situation remains the same and the positions of returning officers become vacant. The previous incumbents may be employed or not.

Mr. HOWARD: I should like to move that we delete the reference to the offices of the returning officer becoming vacant upon re-enactment of the election act. Such a situation enables the government of the day to fill these positions with individuals other than those who held them before the re-enactment. This in effect creates an opening for the practice of patronage.

Mr. PENNELL: Mr. Chairman, while I am sympathetic to the view expressed by Mr. Howard, I respectfully suggest that section 26 deals with deputy returning officers and poll clerks. As a result, our discussion of deputy returning officers and poll clerks will I think colour our approach to this question of returning officers and I would respectfully suggest that we stand section 8 until we are considering section 26 which covers deputy returning officers and poll clerks.

Mr. HOWARD: Mr. Chairman, I do not object to standing this item over so long as we do not lose sight of section 8 in our future considerations, because the position of a returning officer is permanent; whereas the positions of the deputy returning officer and poll clerk disappear on election day. These individuals are in a slightly different category. I am not indisposed to holding the item over, but I am anxious to see that we do not lose sight of this situation when we are considering the positions of returning officers and poll clerks.

The CHAIRMAN: Is it agreed that we stand this item until we are considering item 26?

Mr. MOREAU: How does this section tie in with a consideration of poll clerks and deputy returning officers?

Mr. PENNELL: Mr. Chairman, I am not unsympathetic toward the view expressed by Mr. Howard. There has been a great deal of discussion in regard to deputy returning officers in the House of Commons. I am impressed by the suggestion that some arrangement be made whereby returning officers are appointed by the government and poll clerks are appointed by the opposition, and I am speaking in broad terms.

Mr. TURNER: Would that situation answer your objections.

Mr. HOWARD: No.

Mr. PETERS: That practice would create more problems.

Mr. PENNELL: I think a discussion in this regard would of necessity cover a wide field.

Mr. HOWARD: Perhaps I was too hasty in agreeing to postpone our discussion of this subject. I think this is of great importance and we should delete the reference here to the positions of deputy returning officers.

Mr. CASTONGUAY: Would it be the wish of the committee that I prepare an amendment for our next committee meeting and then you could consider it at that time?

The CHAIRMAN: You are referring to number one?

Mr. CASTONGUAY: Section 8, subsection (1). I could bring a draft discussion amendment, if you wished.

Mr. HOWARD: I so move.

Mr. MOREAU: It would be necessary for Mr. Howard to bring a motion first.

Mr. HOWARD: I said I so move. This is the normal process; the committee agrees in general terms what it wants to do and then Mr. Castonguay prepares these general terms in legislative form and returns with them.

I would move that we ask Mr. Castonguay to prepare an amendment to section 8, subsection (1).

The CHAIRMAN: And then we will study the whole of section 8 together.

Mr. CASTONGUAY: Is it the wish of the committee in respect of these amendments that we remove the present provisions and make the position permanent, not being subject to being vacated on re-enactment?

Mr. HOWARD: This is the purport of my motion.

Mr. TURNER: I would be prepared to support that motion as long as it is without prejudice to future discussion of whether or not such an amendment would be accepted. I understood that Mr. Howard put the motion forward in those terms at this stage so we could have a draft before us for discussion.

Mr. HOWARD: Yes, I approached it with prejudice; my position will be the same when we come back as it is at this time.

Mr. PENNELL: I think these things are very much related because the returning officer appoints the deputy returning officers and the poll clerks. I think in the minds of a lot of people there is a relationship; however, this is not the time or place for discussion on this matter. I would go along with Mr. Turner's suggestion.

Mr. HOWARD: Really this has been a very autocratic relationship.

Mr. CAMERON (*High Park*): This concerns a point of jurisdiction for the establishment of deputy returning officers, poll clerks and so on, and I think they are very much related.

Mr. PENNELL: But, we are not debating it now.

Mr. HOWARD: But there is a point where they are not related. The only reason this is being asked is the change in the act itself making this vacancy where normally it would not occur in any other way. There is a difference. The deputy returning officers are appointed and everyone knows how. Normally when an election is called the returning officer is not changed. The loophole which exists is that every time you change the act you overthrow this. This is not because governments change but simply because the act is changed. There is considerable difference in what happens to the returning officer and what normally happens to the deputy returning officers and clerks.

Mr. CAMERON (*High Park*): If one government succeeds another and they want the same returning officers they appoint them, but sometimes another government comes into office and then they change the appointments.

Mr. MORE: I do not think this is true. One government succeeds another and if there is no revision of the act—

Mr. CASTONGUAY: You mean if there is no re-enactment?

Mr. MORE: Yes. Those are the only criteria for changing a returning officer.

Mr. CASTONGUAY: The positions of returning officers are permanent and they can only be removed for the cause set out in section 8 (3). But, what happens

when the act is re-enacted is that this present section 8 (1) again comes into force and the positions of all returning officers are changed after election.

Mr. MORE: But the change of government does not vacate them.

Mr. CASTONGUAY: Not the change of government but the re-enactment itself.

Mr. HOWARD: I believe that is the point Mr. Cameron was questioning.

The CHAIRMAN: Are there any questions to be put in that connection? If not, this matter stands until Mr. Castonguay brings in the amendments.

Mr. HOWARD: Mr. Chairman, I thought you wanted it by way of a motion.

The CHAIRMAN: We will wait until Mr. Castonguay brings his amendments and then we will discuss and decide the issue.

Mr. HOWARD: I thought you would wish it by way of a motion.

Mr. TURNER: Mr. Howard's motion, in effect, is being accepted without prejudice by the committee. That is what you mean, is it not?

Mr. HOWARD: As long as it is understood that Mr. Castonguay returns with an amendment.

The CHAIRMAN: He will be coming back with an amendment to clause (1).

Mr. PENNELL: It has to be without prejudice.

Mr. TURNER: Yes, not only to the wording but to the idea.

The CHAIRMAN: Gentleman, we have to adjourn now as Mr. Howard has to be somewhere else at ten minutes to five.

The meetings on Thursday will take place at 10 a.m. and 3 p.m.

## APPENDIX A

## SUGGESTIONS RECEIVED PERTAINING TO THE CANADA ELECTIONS ACT

Name and Address	Date	Addressed to	Amendment suggested
1. Gordon Hamilton, C.G.A., 675 Woodland Avenue, Quebec, P.Q.	23/8/61	Postmaster General	Qualifications of electors.
2. National Council, Native Sons of Canada.	30/8/61	Secretary of State	Qualifications of electors.
3. Sidney Gordon, 1436 Avenue Road, Toronto, Ont.	6/5/62	Queen's Printer	Enumeration (Form No. 7).
4. Mrs. Alice B. Turner, 42885 Thurlow Street, Vancouver, B.C.	6/62	Chief Electoral Officer	Enumeration—employment of enumerators not physically fit.
5. J. M. Murphy, President, News Publishing Co., Truro, N.S.	15/6/62	Chief Electoral Officer	Enumeration—Publication of Notice in local newspaper.
6. A. O. Olson, 257 Dundas Street East, Toronto, Ont.	30/7/62	Chief Electoral Officer	1. Enumeration — should be changed to system of Regis- tration. 2. Party affiliation to be on ballot paper. 3. Use Ball point pens to mark ballot paper.
7. Alexander Factor, P.O. Box 151, Manotick, Ont.	1/12/62	Chief Electoral Officer	Enumeration.
8. & 9. A. O. Olson, 257 Dundas Street East, Toronto, Ont.	10/12/62 3/3/63	Chief Electoral Officer	Enumeration—Registration of voters.
10. M. Raymond Eudes, M.P., House of Commons, Ottawa, Ont.	14/6/63	Chief Electoral Officer	1. Enumeration. 2. Lists of electors—posting up.
11. Miss Winefride Raye, 325 Cooper Street, Ottawa, Ont.	21/7/61	Chief Electoral Officer	Lists of electors—use of word "spinster".
12. Reg. S. New, 31 Dalton Road, Toronto, Ont.	17/6/62	Chief Electoral Officer	Lists of electors—deletion of occupation.
13. & 14. Colin Nicholson, P. Eng., 291 Westgate Crescent, Rosemere, P.Q.	12/7/62 8/8/62	Chief Electoral Officer	Lists of electors—sale to the public.
15. Thomas B. Osborne, Secretary-Treasurer, Toronto Allied Printing, Trades Council, Toronto, Ont.	14/2/63	Chief Electoral Officer	Lists of electors—should bear union label.
16. V. Skerl, 288 Grosvenor Avenue, Westmount, P.Q.	13/5/63	Chief Electoral Officer	1. Lists of electors—posting up. 2. Enumeration.

## SUGGESTIONS RECEIVED PERTAINING TO THE CANADA ELECTIONS ACT—Continued

Name and Address	Date	Addressed to	Amendment suggested
17. Hugh R. Kyte, Secretary-Treasurer, Ontario and Quebec Typographical Conference, Cornwall, Ont.	17/6/63	Chief Electoral Officer	Lists of electors—printing of.
18. Mrs. Dolores M. Rehder, 31 Shirley Street, St. Hubert, P.Q.	19/6/63	Prime Minister	1. Canadian Forces Voting Rules —abolishment of. 2. Lists of electors—use of elec- tronic computers.
19. Robert Kendall, 8 Corb Avenue, York Township, Ont.	11/5/63	Chief Electoral Officer	Polling places—use of schools.
20. Walter F. McLean, National President, National Federation of Canadian University Students, Ottawa, Ont.	22/6/62	Chief Electoral Officer	Voting—students away on sum- mer work.
21. J. E. Nivens, 804—18th Avenue S.W., Calgary, Alta.	4/5/63	Chief Electoral Officer	1. Voting—use of Form No. 7 at polling station. 2. By person whose name not on list of electors. 3. Composition of Poll Book.
22. Robert A. Walker, Attorney-General, Regina, Sask.	15/3/62	Prime Minister	Voting—patients in hospital.
23. J. Norman Robertson, Public Relations Director, The Vancouver General Hospital, Vancouver, B.C.	11/6/62	Chief Electoral Officer	Voting—patients in hospital.
24. Daryl R. Chapman, Q.C., 259 Portage Avenue, Winnipeg, Man.	18/12/62	Mr. Gordon Chown, M.P.	1. Voting—By electors not on list. 2. By patients in hospital. 3. Time element between dis- solution and polling day.
25. Mrs. Agathe McCowell, 108 Kensington Avenue N., Hamilton, Ont.	22/3/63	Chief Electoral Officer	Voting—by patients in hospital.
26. Mrs. M. F. Galicz, Surrey Federation of Ratepayers, North Surrey, B.C.	5/7/63	Chief Electoral Officer	Voting—by patients in hospital.
27. J. E. Snedker, M.L.A., Saltcoats, Sask.	31/7/63	Chief Electoral Officer	Voting—by patients in hospital.
28. J. D. Walker, Executive Director, Rehabilitation Society of Calgary for the Handicapped, Calgary, Alta.	13/9/63	Chief Electoral Officer	Voting—by handicapped persons.
29. Mrs. L. Alizon Lamb, Executive Director, Edmonton Rehabilitation Society for the Handicapped, Edmonton, Alta.	20/11/61	Chief Electoral Officer	Voting—by handicapped persons.
30. Donald A. Gower, President, Alberta Council for Crippled Children and Adults, Edmonton, Alta.	23/11/61	Chief Electoral Officer	Voting—by handicapped persons.

## SUGGESTIONS RECEIVED PERTAINING TO THE CANADA ELECTIONS ACT—Continued

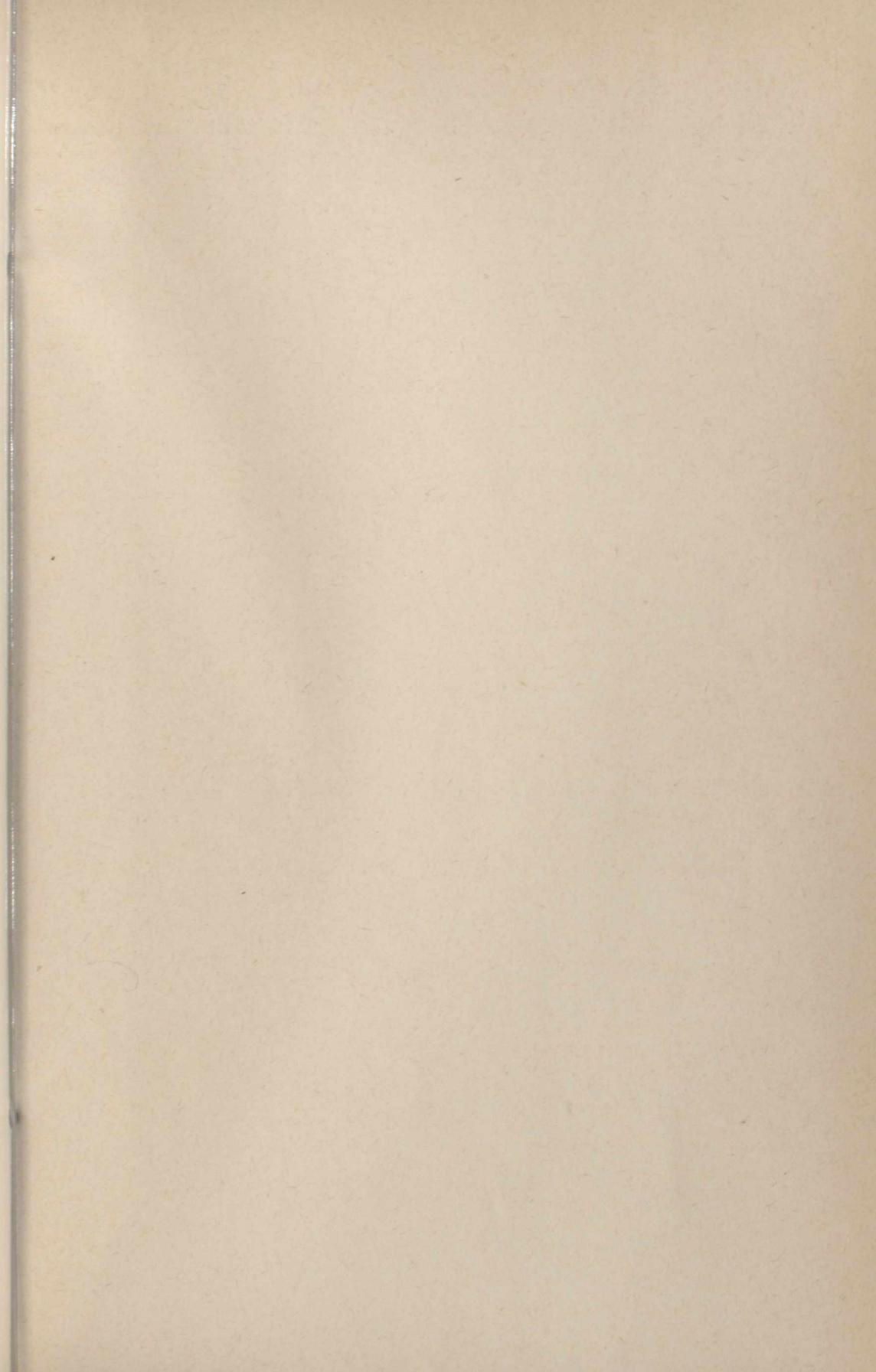
Name and Address	Date	Addressed to	Amendment suggested
31. R. S. Henderson, F.R.C.S., Chairman, Adult Section, Canadian Council for Crippled Children and Adults, Edmonton, Alta.	23/11/61	Chief Electoral Officer	Voting—by handicapped persons.
32. Mrs. Kathleen R. McKay, President, Medecine Hat Rehabilitation Society, Medecine Hat, Alta.	13/10/61	Chief Electoral Officer	Voting—by handicapped persons.
33. Jack E. Stokes, President, Rehabilitation Society of Lethbridge for the Handicapped, Lethbridge, Alta.	14/11/61	Chief Electoral Officer	Voting—by handicapped persons.
34. Mrs. L. R. La Forge, Secretary, Multiple Sclerosis Society of Canada, Edmonton, Alta.	23/11/61	Chief Electoral Officer	Voting—by handicapped persons.
35. Dr. R. S. Henderson, President, Rehabilitation Council of Alberta for the Handicapped, Edmonton, Alta.	30/4/62	Chief Electoral Officer	Voting—by handicapped persons.
36. Mrs. L. R. La Forge, Secretary, Edmonton, Alta.	20/6/62	Chief Electoral Officer	Voting—by handicapped persons.
37. Hugh McColl, President, Edmonton Rehabilitation Society for the Handicapped, Edmonton, Alta.	29/10/62	Chief Electoral Officer	Voting—by handicapped persons.
38. Miss Nellie McDonald, 5726 Stirling Street, Vancouver, B.C.	17/5/63	Prime Minister	Voting—by handicapped persons.
39. Mrs. F. P. V. Cowley, 1392 Rockland Avenue, Victoria, B.C.	17/5/62	Chief Electoral Officer	Absentee Voting.
40. John Watson Lello, 696 Brierwood Avenue, Ottawa, Ont.	29/5/62	Prime Minister	Absentee Voting.
41. Mrs. Helen Chase, c/o Miller Paving, Dane, Ont.	22/6/62	Chief Electoral Officer	Absentee Voting.
42. Clement Couture, etc., The K.V.P. Co. Ltd., Camp 516, Jerome, Ont.	18/6/62	Receiver General	Absentee Voting.
43. R. D. Murdoch, Secretary, Pender Harbour and District Chamber of Commerce, Mediara Park, B.C.	4/12/62	Chief Electoral Officer	Absentee Voting.
44. J. Foy, M.V. Fort Chambly (Can.), Marine P.O., Detroit, Mich.	28/12/62	Chief Electoral Officer	Absentee Voting.

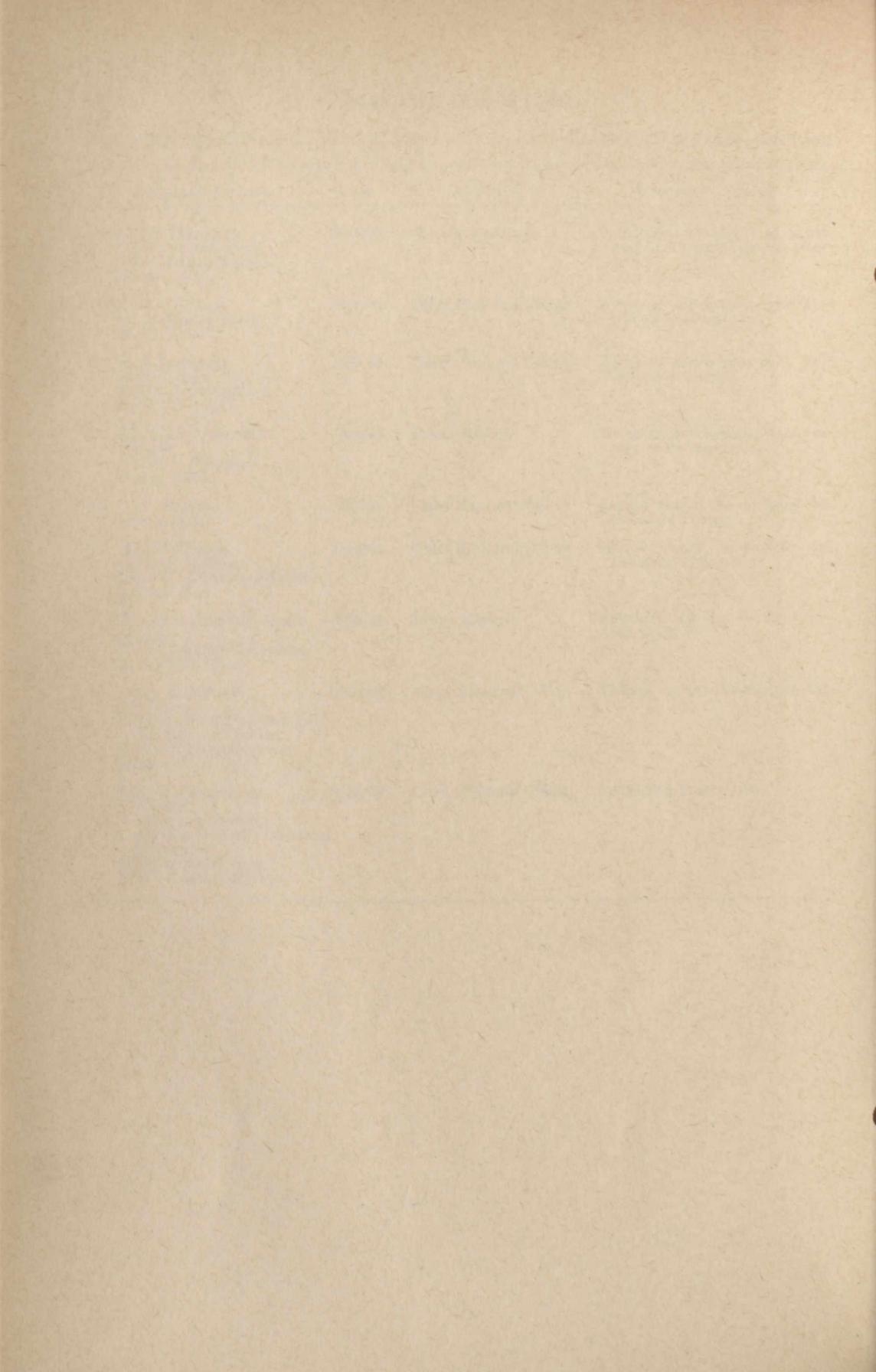
## SUGGESTIONS RECEIVED PERTAINING TO THE CANADA ELECTIONS ACT—Continued

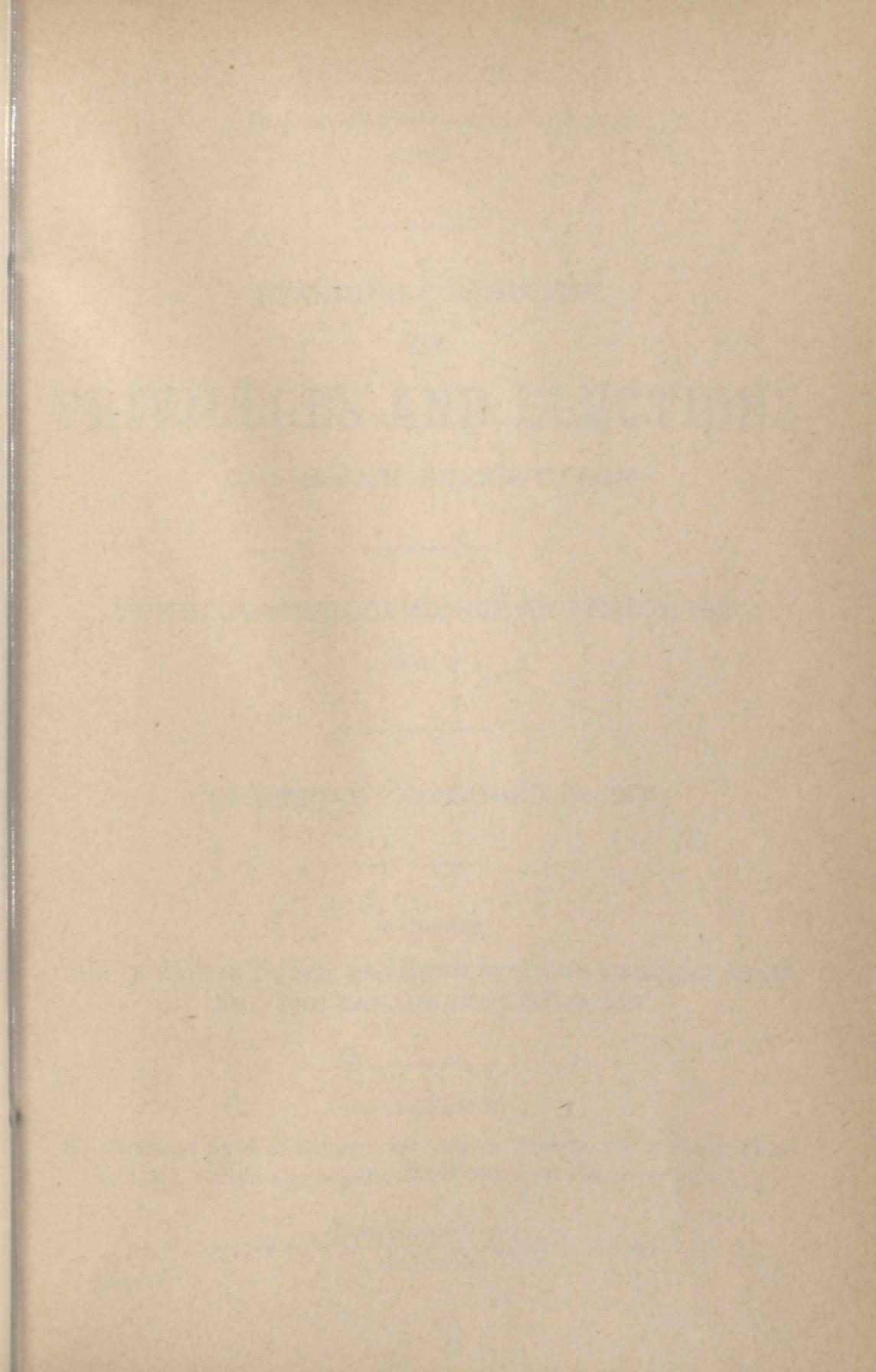
Name and Address	Date	Addressed to	Amendment suggested
45. K. F. Harding, Secretary, Prince Rupert Fisherman's Co-operative Assoc., Prince Rupert, B.C.	8/2/63	Minister of Justice	Absentee Voting.
46. J. C. Best, National President, Civil Service Association of Canada, Ottawa, Ont.	5/5/61	Prime Minister	Voting by Civil Servants abroad.
47. J. Quiswater, 66 St. Mary's Mansions, London, W. 2, England.	24/4/62	Prime Minister	Voting by Canadians abroad.
48. J. C. Best, National President, Civil Service Association of Canada, Ottawa, Ont.	6/6/63	Prime Minister	Voting by Civil Servants abroad.
49. C. A. Edwards, Civil Service Federation of Canada, Ottawa, Ont.	18/9/63	Secretary of State	Voting by Civil Servants abroad.
50. Jas. Lopresti, Box 24, Station 4, Toronto, Ont.	22/6/62	Chief Electoral Officer	Party Affiliation of candidate to be shown on ballot paper.
51. Mona Samuel, 3905 Bathurst Street, Downsview, Ont.	21/6/61	Chief Electoral Officer	Party Affiliation of candidate to be shown on ballot paper.
52. Mrs. I. M. Sharp, Three Hills, Alta.	28/6/62	Chief Electoral Officer	Party Affiliation of candidate to be shown on ballot paper.
53. Orest Sawchuck, Waskateneau, Sask.	19/6/62	Clerk, House of Commons	Party Affiliation of candidate to be shown on ballot paper.
54. Mrs. I. M. Sharp, Secretary-Treasurer, Three Hills Social Credit Women's Auxiliary, Three Hill, Alta.	3/5/63	Chief Electoral Officer	Party Affiliation of candidate to be shown on ballot paper.
55. P. D. Hamilton, 46 Main Street, Truro, N.S.	3/10/60	Chief Electoral Officer	Ballot Paper—Form of.
56. Miss June Weatherly, 66 Northey Drive, Willowdale, Ont.	12/4/61	Chief Electoral Officer	Ballot Paper—Marking of.
57. W. J. Lowrie, 33 McKenzie Crescent, Toronto, Ont.	11/4/62	Chief Electoral Officer	Candidates—election literature.
58. Maurice Hébert, New Democratic Party of Quebec, 3920 Saint-Hubert, Montreal, P.Q.	14/5/63	Chief Electoral Officer	Candidates—election contribu- tions.
59. Thomas Brydges, President, National Association of Unemployed Workers of Canada, Edmonton Local # 29, Edmonton, Alta.	11/4/63	Chief Electoral Officer	Political broadcasts.

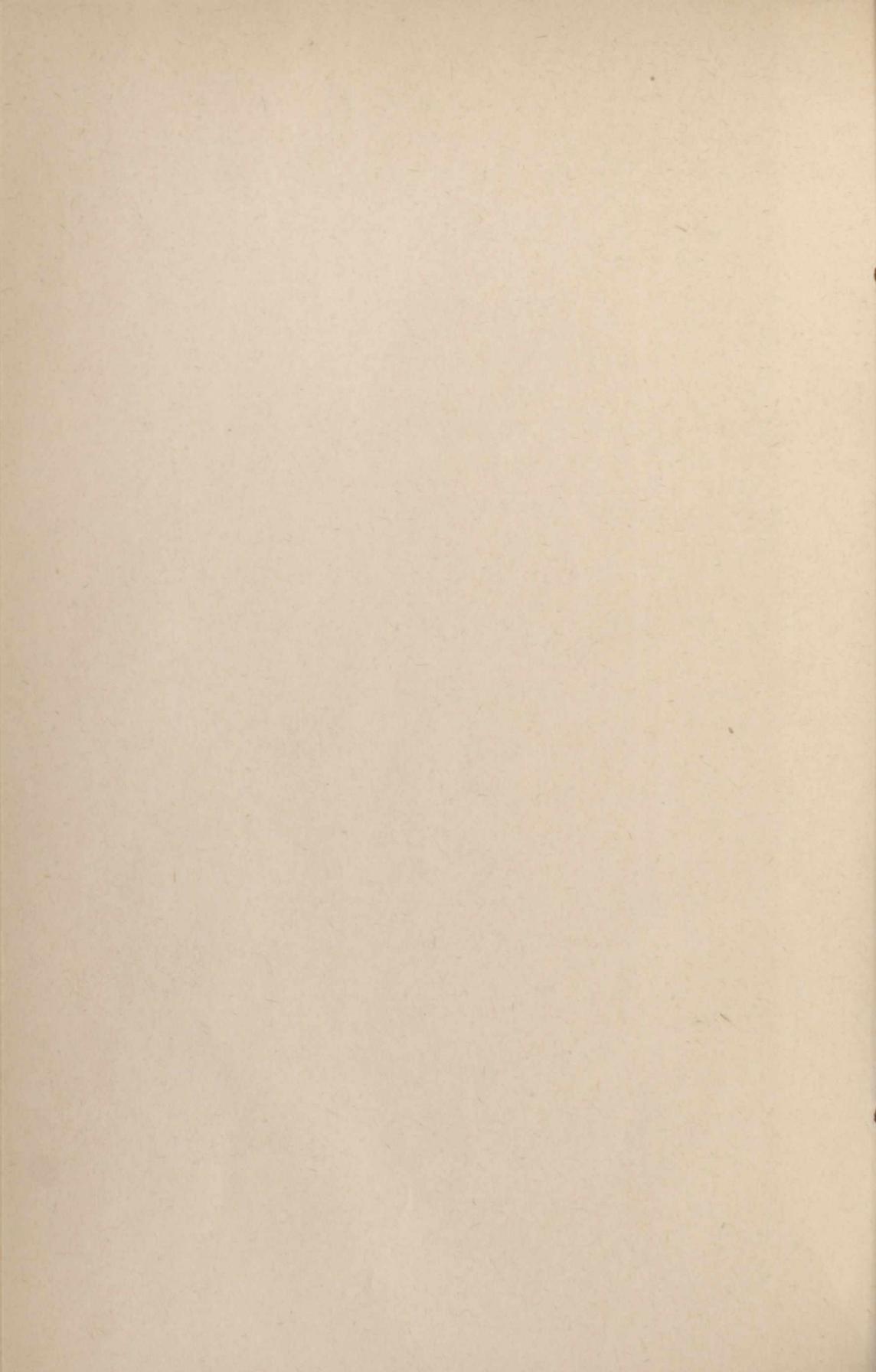
## SUGGESTIONS RECEIVED PERTAINING TO THE CANADA ELECTIONS ACT—Concluded

Name and Address	Date	Addressed to	Amendment suggested
60. D. M. Thompson, Dominion Secretary, The Canadian Legion, Ottawa, Ont.	30/6/60	Secretary of State	Publication of results of vote cast by Canadian Forces electors.
61. T. R. Torrance, 104 Mulcaster Street, Barrie, Ont.	18/7/62	Chief Electoral Officer	Wives of servicemen who are serving in Canada.
62. H. J. Levasseur, Petty Officer, R.C.N., H.M.C.S. Antigonish, Esquimalt, B.C.	15/2/63	Chief Electoral Officer	Wives of servicemen who are serving in Canada.
63. Mrs. Carl P. Barrett, Box 557, R.C.A.F. Station, Comox, B.C.	9/4/63	Prime Minister	Wives of servicemen who are serving in Canada.
64. C. K. French, Hanna, Alta.	6/7/62	Chief Electoral Officer	Acadia should be included in Schedule Three.
65. Harold Johnson, Returning Officer, Electoral District of Selkirk, Selkirk, Man.	16/4/63	Chief Electoral Officer	Selkirk should be included in Schedule Three.
66. Reverend Geoffrey Joycey, Secretary, United Church of Canada, Ayer's Cliff, P.Q.	9/10/63	Prime Minister	Elections not to be held on Sundays.
67. Dr. J. K. Martin, President, Alberta Council for Crippled Children and Adults, 509-10057 Jasper Avenue, Edmonton, Alta.	8/10/63	Chief Electoral Officer	Voting—by handicapped persons
68. Lilah S. Lymburner, Chairman, Resolutions Committee, Federated Women's Institutes of Ontario, 650 Elm Street West, Port Colborne, Ontario.	12/11/63	Chief Electoral Officer	Continuing Voters' list.









HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**PRIVILEGES AND ELECTIONS**

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

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THURSDAY, NOVEMBER 14, 1963

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Respecting

THE QUESTION OF MR. RAYMOND SPENCER RODGERS' RIGHT  
AND THE CANADA ELECTIONS ACT

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WITNESSES:

Mr. Raymond Spencer Rodgers, Mr. Arthur Blakely, Mr. Clément Brown  
and Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

Blouin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Doucett,  
Drouin,  
Fisher,  
Greene,  
Grégoire,

Howard,  
Jewett (Miss),  
Leboe,  
Macquarrie,  
Martineau,  
Millar,  
Monteith,  
More,  
Moreau,

Nielsen,  
Olson,  
Paul,  
Richard,  
Rideout,  
Rochon,  
Turner,  
Webb,  
Woolliams—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

NOTE: Replaced Mr. Peters on November 13, 1963.

ORDER OF REFERENCE

HOUSE OF COMMONS,  
WEDNESDAY, November 13, 1963.

*Ordered*,—That the name of Mr. Fisher be substituted for that of Mr. Peters on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

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1911

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## MINUTES OF PROCEEDINGS

THURSDAY, November 14, 1963.

(9)

The Standing Committee on Privileges and Elections met at 10.12 o'clock a.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Blouin, Cameron (*High Park*), Cashin, Caron, Doucett, Drouin, Fisher, Howard, Millar, Moreau, Olson, Paul, Pennell, Rideout, Richard, Turner, Webb, Woolliams.—(19).

*In attendance:* Messrs. Raymond Spencer Rodgers, correspondent for the *St. Catharines Standard*; Arthur Blakely, correspondent for *The Gazette*, Montreal; Clément Brown, correspondent for *Montreal Matin* and Robert Needham, correspondent for the *London Free Press*, all representing the Canadian Parliamentary Press Gallery.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed its consideration of the question of Mr. Rodgers.

Mr. Rodgers was called and in the course of his statement he read and tabled the following letters:

1. To the Honourable Roland Michener from Mr. Raymond Rodgers, dated August 13, 1962.
2. To the Honourable Roland Michener from Mr. Raymond Rodgers, dated August 16, 1962.
3. From Raymond Rodgers to Mr. Larry M. Smith, dated August 16, 1962.
4. From Mr. Raymond Rodgers to the Honourable Marcel Lambert, dated September 26, 1962.
5. From the Honourable Marcel Lambert to Mr. Raymond Rodgers, dated October 15, 1962.
6. From Mr. Raymond Rodgers to the Honourable Marcel Lambert, dated February 22, 1963.

Mr. Rodgers was questioned and temporarily retired.

Messrs. Arthur Blakely and Clément Brown, representing the Canadian Parliamentary Press Gallery, were called and questioned by the Committee.

Mr. Rodgers was recalled and further questioned.

Mr. Turner suggested that the Committee postpone further consideration of the question until November 25th, the date previously set to hear the President of the Canadian Parliamentary Press Gallery.

A debate arising, Mr. Olson, seconded by Mr. Fisher, moved

THAT the Committee on Privileges and Elections recommend to the House

Effective this sitting and to continue thereafter until Mr. Speaker is pleased to render a decision on the principle in the matter of the exclusion of the parliamentary correspondent of the *St. Catharines Standard* from the facilities extended and the exception made by the

grace, favour and mere motion of this house to parliamentary press correspondents, an interim order be issued extending the free and full use of such facilities and making such exception, in manner and degree as the same may be from time to time extended and made to parliamentary press correspondents, to a representative of the *St. Catharines Standard* endorsed to Mr. Speaker by that newspaper as its parliamentary correspondent.

After discussion, the question being put on Mr. Olson's motion, it was resolved in the negative. Yeas, 7; Nays, 8.

Thereupon, the Committee decided to continue considering the question of Mr. Rodgers on November 25th when Dr. M. Ollivier, Parliamentary Counsel, and the Press Gallery would be invited to appear as witnesses.

At 11.48 o'clock a.m., on motion of Mr. Drouin, seconded by Mr. Turner, the Committee adjourned until 3.00 o'clock p.m. this day pursuant to notice.

#### AFTERNOON SITTING

(10)

The Standing Committee on Privileges and Elections met at 4.00 o'clock p.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Cameron (*High Park*), Cashin, Caron, Chretien, Doucett, Drouin, Greene, Howard, Macquarrie, Millar, Moreau, Paul, Pennell, Rideout, Rochon, Turner, Webb.—(18).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Thursday, November 7th, its consideration of the Canada Elections Act.

*On Section 8.*

The Chairman read the following amendment, prepared by the Chief Electoral Officer, which was adopted on motion of Mr. Howard, seconded by Mr. Macquarrie:

Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

Appointment of returning officers.

"8. (1) The Governor in Council shall appoint a returning officer for any new electoral district and a new returning officer for any electoral district in which the office of returning officer is vacant within the meaning of subsection (2)."

On motion of Mr. Moreau, seconded by Mr. Rochon, the following amendment was adopted:

(1) Subsection (3) of section 8 of the said Act is amended by deleting the word "or" at the end of paragraph (d), by adding the word "or" at the end of paragraph (e) and by adding thereto the following paragraph:

"(f) has failed to comply with the provisions of subsection (1) of section 11 for the completion of the reallocation and definition of the polling divisions on the date fixed by the Chief Electoral Officer."

On motion of Mr. Chretien, seconded by Mr. Moreau, the following amendment was adopted:

(2) Section 8 of the said Act is further amended by adding thereto the following subsection:

Appointment within limited period.

"(5) In the event of a vacancy in the office of returning officer for an electoral district, due to any cause whatsoever, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within thirty days from the day in which such vacancy occurred."

On motion of Mr. Drouin, seconded by Mr. Paul, the following amendment was adopted:

The said Act is further amended by adding thereto, immediately after section 8 thereof, the following section:

Suspension of returning officer.

"8A. (1) Where an investigation has been instituted by the Chief Electoral Officer in respect of a returning officer for an electoral district the Governor in Council may, on the recommendation of the Chief Electoral Officer

- (a) suspend the returning officer for a period not exceeding six months; and
- (b) appoint another person as acting returning officer for that district during the period of such suspension.

Acting returning officer.

(2) A person appointed as acting returning officer for an electoral district pursuant to subsection (1) shall, during the period of his appointment, exercise and perform all the powers and functions of a returning officer and during such period shall for all purposes be deemed to have been appointed as returning officer for that district under subsection (1) of section 8.

Revocation or extension of suspension.

(3) The Governor in Council may, at any time, on the recommendation of the Chief Electoral Officer

- (a) revoke the suspension of any person suspended under subsection (1); or
- (b) extend the suspension, but not for more than six additional months at any one time. "

Thereupon, Mr. Howard requested Mr. Castonguay to prepare an amendment dealing with the publication of the names of new returning officers within 30 days.

Mr. Turner suggested that such an amendment could also include "an up to date list published once a year".

*On Section 8.*

Allowed to stand, as amended.

*On Section 9.*

On motion of Mr. Howard, seconded by Mr. Moreau, the following amendment was adopted:

Section 9 of the said Act is amended by adding thereto the following subsections:

Additional powers of returning officer.

"(8) In any electoral district mentioned in Schedule III the returning officer, with the written authorization of the Chief Electoral Officer, may

- (a) appoint more than one election clerk;
- (b) establish an office in each locality designated for such purpose by the Chief Electoral Officer; and
- (c) delegate in writing to any election clerk appointed pursuant to paragraph (a) a returning officer's power of selecting and appointing enumerators and deputy returning officers and of selecting polling places.

Application.

(9) Subsections (5), (6) and (7) of section 9, subsection (2) of section 10, subsection (13) of section 21 and subsections (1) and (2) of section 51 do not apply in the case of any election clerk appointed pursuant to subsection (8)."

Section 9 was adopted, as amended.

*Section 10.*

Was adopted.

*Section 11.*

On motion of Mr. Moreau, seconded by Mr. Webb, the following amendment was adopted.

Section 11 of the said Act is repealed and the following substituted therefor:

Revision of boundaries of polling divisions.

"11. (1) The polling divisions of an electoral district shall be those established for the last general election, unless the Chief Electoral Officer at any time considers that a revision of the boundaries thereof is necessary, in which case he shall instruct the returning officer for the electoral district to carry out such a revision.

Polling divisions with 250 electors.

(2) The returning officer in carrying out a revision pursuant to his instructions under subsection (1) shall give due consideration to the polling divisions established by municipal and provincial authorities and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6), (7) or (8) of section 31; and subject to these provisions it is the duty of the returning officer to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately two hundred and fifty electors.

Polling divisions with more than 250 electors.

(3) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than two hundred and fifty electors and to divide the list of electors for such polling division between adjacent polling stations, as provided in section 33, the returning officer may with the approval of the Chief Electoral Officer

and notwithstanding anything in this section, constitute a polling division including as nearly as possible some multiple of two hundred and fifty electors."

Section 11 was adopted, as amended.

Section 12.

The following amendment is adopted:

Subsection (2) of section 12 of the said Act is repealed and the following substituted therefor:

Exceptions in certain cases.

"(2) Whenever it has been represented to the Chief Electoral Officer that

(a) the population of any other place is of a transient or floating character, or

(b) that any rural polling divisions situated near an incorporated city or town of five thousand population or more has acquired the urban characteristics of the polling divisions comprised in such city or town,

he has power, when requested not later than the date of the issue of the writ ordering an election in an electoral district, to declare, and he shall so declare if he deems it expedient, any or all the polling divisions comprised in such places to be or to be treated as urban polling divisions."

Section 12 was adopted as amended.

Section 13.

Was adopted.

Section 14.

On motion of Mr. Moreau, seconded by Mr. Howard, the following amendment was adopted:

1. (1) Paragraph (a) of subsection (1) of section 14 of the said Act is repealed and the following substituted therefor:

"(a) is of the full age of 18 years or will attain such age on or before polling day at such election;"

(2) Subsection (3) of section 14 of the said Act is repealed and the following substituted therefor:

Qualification of veteran under 18 years of age.

"(3) Notwithstanding anything in this Act, any person who, subsequent to the 9th day of September 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of 18 years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector."

Adopted as amended.

The following forms in Schedule I and the rules in Schedule II appended to the Act and relating to the voting age of qualified electors were amended consequentially as follows:

Amendments to *Forms* set out in Schedule I:

1. Form No. 15 of Schedule I to the said Act is amended by repealing ground (3) of the grounds of disqualification set out therein and by substituting therefor the following:

"3. "Is not qualified to vote because he is not of the full age of 18 years or will not attain such age on or before polling day at the pending election." "

2. Form No. 18 of Schedule I to the said Act is amended

(a) by repealing the second paragraph of the said Form and by substituting therefor the following:

"I am of the full age of 18 years, or will attain such age on or before polling day at the pending election."

(b) by repealing clause (a) of paragraph 2 of the said Form and by substituting therefor the following:

"(a) is the full age of 18 years, or will attain such age on or before polling day at the pending election;"

3. Form No. 45 of Schedule I to the said Act is amended by repealing paragraph (4) thereof and by substituting therefor the following:

"(4) That I am a Canadian citizen of the full age of 18 years;  
(or)

That I am a British subject other than a Canadian citizen of the full age of 18 years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;"

4. Form No. 50 of Schedule I to the said Act is amended by repealing clause (a) of paragraph (5) and by substituting therefor the following:

"(a) is a Canadian citizen of the full age of 18 years;  
(or)

is a British subject other than a Canadian citizen of the full age of 18 years and has been ordinarily resident in Canada for the twelve months immediately preceding this polling day;  
and"

Amendments to *The Canadian Forces Voting Rules* set out in Schedule II:

1. Paragraph 21 of the said Rules is repealed and the following substituted therefor:

Qualifications of Canadian Forces elector.

"21. (1) Every person, man or woman, who has attained the full age of 18 years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Rules, while he or she

(a) is a member of the regular forces of the Canadian Forces;

(b) is a member of the reserve forces of the Canadian Forces and is on full-time training or service, or on active service;  
or

(c) is a member of the active service forces of the Canadian Forces.

Exception.

(2) Notwithstanding anything in these Rules, any person who, on or subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and who, at a

general election, has not attained the full age of 18 years, but is otherwise qualified under subparagraph (1), shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Rules."

2. Clause (a) of paragraph 22 of the said Rules is repealed and the following substituted therefor:

"(a) is of the full age of 18 years,"

(Note: Subparagraphs (1) and (2) of paragraph 36 are up for amendment and required change of "twenty-one" to "18" can be incorporated in the amendment, if necessary.)

3. Form No. 7 of the said Rules is amended by repealing paragraph 5 thereof and by substituting therefor the following:

"5. That I have attained the full age of 18 years."

4. Form No. 8 of the said Rules is amended by repealing paragraph 6 thereof and by substituting therefor the following:

"6. That I have attained the full age of 18 years."

5. Form No. 15 of the said Rules is amended by repealing paragraph 6 thereof and by substituting therefor the following:

"6. That I have attained the full age of 18 years."

The Committee also adopted the following amendment:

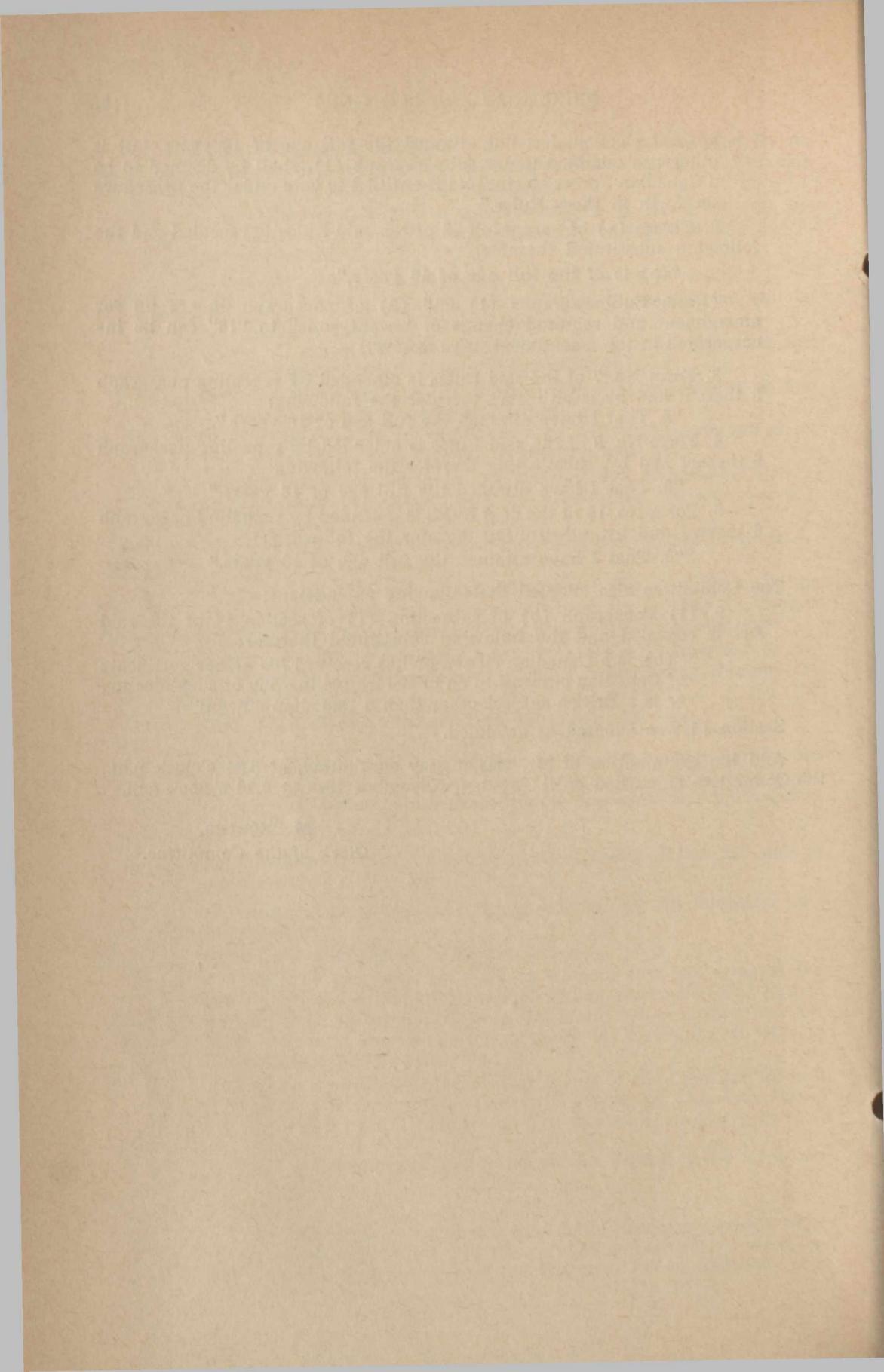
9. (1) Paragraph (b) of subsection (1) of section 14 of the said Act is repealed and the following substituted therefor:

"(b) is a Canadian citizen or has received his or her certificate of Canadian citizenship on or before polling day at such election or is a British subject other than a Canadian citizen;"

Section 14 was adopted as amended.

And the examination of Mr. Castonguay continuing, at 5.24 o'clock p.m., the Committee adjourned until Tuesday, November 19th at 9.30 o'clock a.m.

M. Roussin,  
*Clerk of the Committee.*



## EVIDENCE

THURSDAY, November 14, 1963.

The CHAIRMAN: We have a quorum, gentlemen. The first item for discussion this morning is the question of the press gallery. The press gallery will answer Mr. Rodgers' statement of Tuesday.

Is the press gallery ready to proceed this morning?

Mr. WOOLLIAMS: Mr. Chairman, unfortunately I did not receive a notice with regard to the meeting on Tuesday. That probably is not your fault; there may have been some problem. However, I would like to ask Mr. Rodgers a few questions. I have read a summary of what he said on Tuesday, and I will not duplicate Tuesday's proceedings.

The CHAIRMAN: Very well.

Mr. WOOLLIAMS: I do not want to repeat anything the committee has already heard, Mr. Rodgers, but in reference to any negotiation or any discussion you have had with previous speakers—Mr. Michener and Mr. Lambert—what was the course of the conversation and did they ever make a decision as to your being admitted to the press gallery? If so, have you any documents to back that up?

Mr. RAYMOND S. RODGERS: Yes. I would like to explain very briefly that both Mr. Michener and Mr. Lambert did what I asked the committee to do on Tuesday; namely, they put me back into the gallery without being an associate member of the press association.

Mr. WOOLLIAMS: Was that done by letter or verbally, or through their secretaries? You advised me as I came in the door this morning that you have one letter, but have you a letter from the speakers themselves?

Mr. RODGERS: Yes. I will just pick out certain paragraphs of relevant letters.

On August 13, 1962, I wrote to the hon. Mr. Speaker.

I am asking Your Honour to give me consideration in the context of an access procedure which would apply to all journalists joining the Parliamentary Press Association.

Should Your Honour think that this matter should be considered by the house, then I request temporary access pending the presentation of a petition.

Then on August 16, 1962, I wrote to my managing editor saying:

Dear Larry,

The Speaker has returned to Ottawa and after talking to the other side has ordered them to treat me in a manner as though I were a member of the gallery. My box and so on remain in my name. The Speaker is also going to explain the situation to the next Speaker and to the leaders of the various parties so that my situation will be cleared up during the next session.

Then on August 16, I wrote a letter to the Speaker, Mr. Michener, and again I extract certain pertinent paragraphs.

The CHAIRMAN: Would you speak a little more slowly, Mr. Rodgers.

Mr. RODGERS: As I say, I wrote to the then Speaker, the hon. Mr. Speaker Michener, on August 16.

Mr. WOOLLIAMS: The chairman made a good suggestion, Mr. Rodgers. Just read a little more slowly.

Mr. RODGERS:

Dear Mr. Speaker:

The Clerk of the Commons today informed me of your gracious decision that I be granted access to the galleries pending future determination. For this I am very grateful . . . .

As Your Honour knows, my basic thesis is that access should not depend on membership in a private club. The Clerk understood that I was pursuing membership in the gallery club. This is not so. I rely entirely upon the decision of Mr. Speaker as spokesman of the house, or upon the house itself.

Finally I wrote a letter on September 26, 1962, to Mr. Speaker Lambert.

Dear Mr. Lambert:

Clement Brown. . .

—who was then the president of the press gallery—

. . . today told me that I will continue to be treated as if I were a member of the gallery. The reason given was that I have not dropped my legal action. This can only be interpreted as an 'out' for the executive since my lawyer was instructed in August to drop all legal action and he tells me he informed the executive's counsel accordingly.

I am perfectly happy to let the executive have an 'out' and to save face. All I want is continued access to the gallery and its facilities on behalf of my newspaper.

Finally, Mr. Lambert continued this situation when he came to Ottawa. He continued leaving me in the gallery even though I was not a member; but he did so only for a few days. On October 15, he wrote a letter to me.

Mr. WOOLLIAMS: What was the date of that letter?

Mr. RODGERS: October 15, 1962.

Further to our interview of the other day, I have reviewed my decision as to what interim steps should be taken in the light of the fact that the general meeting of the press gallery is to take place on Tuesday, October 16.

This was a general meeting called by six members of the gallery simply to discuss the matter.

In so far as it deals with the access to the press gallery itself, I have not made any change in my decision about your occupying a seat in the diplomatic gallery, from which you may take notes, but in so far as the other facilities of the gallery are concerned, in the light of all circumstances and actions taken, I feel it would be better if no further fuel be added to the fire by your endeavouring to use the facilities until the general meeting has ruled on your application.

I cannot give any reason or explanation why Mr. Lambert changed his mind, but it might be relevant if the committee were to hear one of the letters which was written on February 22, 1963, by me to Mr. Lambert.

Mr. TURNER: Are you going to produce these letters?

Mr. RODGERS: Yes, I will produce them afterwards. That letter is addressed to Mr. Marcel Lambert. I will just read the pertinent paragraph.

Dear Mr. Speaker:

I understand the gallery has informed you that it declines to administer gallery facilities, should you over-rule them in the matter of membership.

Mr. WOOLLIAMS: Following those letters, we have heard what you have said to the Speakers but I am rather interested to know what the Speakers or the secretaries said to you in reference to any admission to the press gallery?

Mr. RODGERS: Yes, sir. Mr. Michener told me.

Mr. WOOLLIAMS: You say he told you. Tell us the situation and the date. Give us a little colour. This is all new to me.

Mr. RODGERS: I went to see Mr. Michener. I said, "Look, the gallery has rejected my application for associate membership. I think they have not done so in a proper manner in accord with the law as it pertains to associations." I told him that I would like to be put in the gallery. I said "I have dropped my legal action but I want to be put into the gallery". Mr. Michener said that arrangements would be made.

Mr. WOOLLIAMS: When?

Mr. RODGERS: I do not know the exact date.

Mr. WOOLLIAMS: What year?

Mr. RODGERS: 1962. Then I was asked to see the Clerk. I received a telephone call asking me to see the Clerk, and I went to see him. After that I wrote this letter of the sixteenth.

Mr. WOOLLIAMS: What did the Clerk say to you before you wrote the letter?

Mr. RODGERS: The Clerk told me that the Speaker had ordered the press gallery to give me my box back again.

Mr. WOOLLIAMS: What did that mean to you? Did it mean that you were on a temporary basis until this committee or some other body, or the press gallery executive, decided the matter? Or were you permanently admitted?

Mr. RODGERS: No, I was put back on an interim basis. This has happened twice, so as far as I am concerned there are two precedents for what the committee now is being asked to do, unless the committee chooses to implement Mr. Fisher's resolution in the house that the committee should decide to put me back, period.

Mr. WOOLLIAMS: For how long were you admitted and how did you lose that temporary status?

Mr. RODGERS: Sir, I was admitted from within a matter of hours of Mr. Michener returning to Ottawa. He went out of Ottawa during the recess of 1962 and within hours of his return to Ottawa he put me back in the gallery. I stayed in the gallery until I received the letter from Mr. Lambert on October 15.

Mr. WOOLLIAMS: Approximately how many months were you there in that interim position? Was it days, months, or was it weeks?

Mr. RODGERS: It was maybe two and half months. I am just guessing now.

Mr. WOOLLIAMS: How did you lose that status, sir?

Mr. RODGERS: I lost that status, sir, because, as I said on Tuesday in answer to questions put to me by Mr. Fisher, Mr. Lambert felt that he did not want to aggravate the press gallery situation. There were members in the gallery who were very indignant and he felt it unwise for me to stay there. He changed his mind, in fact.

Mr. WOOLLIAMS: What was the date on which you wrote to the Clerk? Will you please read that letter?

Mr. RODGERS: This letter was written on August 16. It is a letter from me to the Speaker—I think I said to the Clerk, but I should have said to the Speaker; there was a copy to the Clerk. Neither the Speaker nor the Clerk contested the letter. The letter states something that is very significant and not a triviality, and if the Speaker or the Clerk felt I was misstating the case as explained to them by me, they would have said so immediately. They did not do so, and therefore I maintain that although this is a letter from me to the Speaker, it is tantamount to being the same in law as a letter from the Speaker to me. I wish Mr. Michener were here.

Mr. TURNER: Now the witness says that he wishes Mr. Speaker Michener were here, I would like to say that I object strenuously to replies to Mr. Woolliams which combine some fact, a good deal of hearsay, some argument, and assumptions of reactions of other parties to correspondence and to conversations and so on. I know that that is not the type of evidence that Mr. Woolliams is seeking to put on the record, and I do not think the witness, Mr. Chairman, should reply in that vein.

While I have the floor on this matter, I would like to say that I object strenuously as a member of this committee to receiving unilaterally from this witness communications in writing setting forth his allegations to members of this committee and setting forth his arguments containing, again, a good deal of hearsay. I object to this procedure, Mr. Chairman. After all, Mr. Chairman, we are being asked to act as a jury in this case between the witness and the press gallery. No matter what our decision is I, as a member of this committee, dislike being approached in a unilateral fashion by the witness outside the hearings of this committee.

Mr. FISHER: May I ask Mr. Turner to explain more fully? He has told us that he objects to the unilateral approach.

The CHAIRMAN: Is it this letter to which you are objecting?

Mr. TURNER: Both letters. I received another letter yesterday.

Mr. RODGERS: May I apologize and clear this up?

Mr. WOOLLIAMS: I would like to say to Mr. Rodgers through you, Mr. Chairman, that, with great respect, if Mr. Rodgers would answer questions instead of giving judgment, the proceedings would be in accord with the duties of this committee. The committee is to decide whether or not because the letter was not answered one can draw certain conclusions. When I asked Mr. Rodgers if there was a letter and on what date it was written, why did he not proceed to read the letter? The committee are fairly intelligent; they will decide, and they will draw the inferences that are to be drawn.

Mr. RODGERS: I apologize for this. I realize I am not being the most impartial or objective of persons in the matter, but I would ask you to consider that I have gone through this now with three Speakers, three sessions of parliament, two committees, and one court of law. It is not only I who am not acting according to the Marquess of Queensberry's rules. Last session there was a remark made about my professional rectitude as a journalist.

I sent this letter to you, Mr. Turner and members of the committee, but I did discuss it with Mr. Caron. I said I would like to send letters to speed up the matter. Mr. Caron said that such letters should be sent to the press gallery also. While I apologize, because it may not be in good taste, I would point out that I have not done anything in a sneaky fashion. I am sorry.

This is not just a game, however. The gallery loses or wins nothing, but I have put two years of money and effort into this, and it is perhaps something about which I am a little emotional.

The CHAIRMAN: Do you wish to ask further questions, Mr. Woolliams?

Mr. WOOLLIAMS: Yes, but I think Mr. Fisher wishes to speak to the same point. I can appreciate why Mr. Turner made this point of order at this stage.

Mr. FISHER: My point is that I can be very critical of some of the things Mr. Rodgers has done, but it is his statement and it is not in this sense any deception. I think that should be on the record. This is not a court of law. We are not operating under particularly formal rules. I think every one of us as a member of parliament when in committee has been approached by various organizations and individuals expressing points of view.

I wanted to say this because had Mr. Turner's representation been left without comment, it would have given the impression that Mr. Rodgers had been more improper than he actually has.

Mr. TURNER: To reply to Mr. Fisher's remarks, there is obviously no attempt at deception since the witness says he sent a copy of the letter to the gallery executive. What I object to is the procedure to which the committee is being subjected by reason of letters being sent individually to members outside committee hearings. Although we are not a court of law in the sense that we do not have the strict rules of evidence, we are a court of parliament being asked to determine two sides of a dispute. In so far as that is concerned, I would appreciate the dispute being fought on the committee floor and the evidence being presented in open committee rather than by way of letter or other approach outside the committee.

Mr. RODGERS: I will not write any more letters.

Mr. TURNER: I am not familiar with your dispute. I have not heard it before except by way of hearsay, but I am prepared to make a decision as a member of this committee on the basis of evidence introduced in a proper fashion.

Mr. RICHARD: Mr. Chairman, in the past the committee has given great latitude to witnesses. This committee is not a court of law and I am sure that most members of this committee have received representations from individuals who have appeared before committees at a later date. I have personally received representations from individuals who appeared as witnesses before a committee at a later date. I do not understand this man's case very well but he is his own counsel as well as a witness and I would like to hear everything he has to say. I would not like people to say later that we did not give a witness of this type all the latitude in the world and I would not like him to continue imputing opinions to or discovering opinions of Mr. Speaker regarding why he had done such and such a thing. I think if this witness has any opinions of his own he should be allowed to express them.

Mr. WOOLLIAMS: Mr. Chairman, I wonder whether we can now come back to the letter Mr. Rodgers wished to read? Mr. Rodgers, would you read the letter telling us the date and the circumstances surrounding the letter?

Mr. RODGERS: Mr. Woolliams, I read certain paragraphs of that letter. I take it that you want me to read the entire letter, is that the situation?

Mr. WOOLLIAMS: Yes.

Mr. RODGERS: The letter is dated August 16, 1962, addressed to the Hon. Roland Michener, Speaker of the House of Commons. The letter reads as follows:

Hon. Roland Michener,  
Speaker of the House of Commons.

Dear Mr. Speaker,

The Clerk of the Commons today informed me of your gracious decision that I be granted access to the galleries pending future determination. For this I am very grateful.

The clerk was unable to inform me, however, as to who would be making future determination of the question of access to parliament by part-time correspondents.

As your honour knows, my basic thesis is that access should not depend upon membership in a private club. The clerk understood that I was pursuing the question of membership in the gallery club. This is not so. I rely entirely upon the decision of Mr. Speaker as spokesman of the house, or upon the house itself.

I would greatly appreciate knowing whether I should await your further consideration of the matter, or whether I should now prepare the petition which I would require in order to bring the matter before parliament. As you know, I wish to spare the next speaker from having to make an unpopular (with the press gallery executive) decision in this matter. I also fully appreciate that you may not wish to proceed with the matter in view of the limited role open to an outgoing speaker.

I would greatly appreciate your honour's guidance and I remain your obedient servant,

(Signed: ) Raymond Rodgers,  
Raymond Rodgers,  
Parliamentary Correspondent,  
St. Catharines Standard.

A copy of that letter was sent to Mr. Raymond, the Clerk of the House of Commons.

Mr. WOOLLIAMS: Mr. Rodgers, I may be wrong in my understanding, but you have told us this morning that at that time at least you had some temporary status in the press gallery, but when Mr. Lambert became speaker, for some reason or another and you have given us some of the reasons, that status was cancelled. Am I right in these facts?

Mr. RODGERS: The status was not cancelled immediately, sir. Mr. Lambert first sustained me in my position in the press gallery room but then later in accordance with the letter which I read either in part or in full he changed his mind with respect to certain of the facilities.

The CHAIRMAN: How much later did that occur?

Mr. WOOLLIAMS: He may have taken various steps at various times but you do understand that the interim status which you enjoyed was cancelled until either this committee or parliament or the press gallery executive make a further decision; is that the situation?

Mr. RODGERS: That is correct, sir. Mr. Caron asked me a question, the answer to which is October 15, 1962.

The CHAIRMAN: You enjoyed that interim status since what date?

Mr. RODGERS: I had been admitted to the press gallery room and received releases until that date.

The CHAIRMAN: For how long a period did you enjoy that status?

Mr. RODGERS: As I have said, this was a period of approximately two and a half months.

Mr. WOOLLIAMS: Since Mr. Lambert made his last decision which you have discussed with us and which I do not intend to repeat, you have not been back on any status in the press gallery?

Mr. RODGERS: Sir, the situation can be put in a nutshell in this way. The press gallery at present has besides correspondents, secretaries of certain correspondents, occasional commentators such as Mr. Anglin of the Canadian Broadcasting Corporation. These people are all allowed in the press gallery and receive press releases. There are other people there who sell certain commodities which perhaps should not be identified too explicitly. All those people are allowed in the gallery. I am not allowed in the gallery. I am not even allowed to go in there unless by express invitation of a member of the press gallery who wishes to talk with me about something.

Mr. WOOLLIAMS: Mr. Rodgers, perhaps I did not put my question too clearly. Since the date of Mr. Lambert's last decision you have not enjoyed the privileges that the members of the press gallery do enjoy, is that right?

Mr. RODGERS: I have not enjoyed the most fundamental privilege which is access to and receipt of press releases without which a correspondent is almost useless.

Perhaps I should say something in addition at this stage, sir. When I commenced this battle as the St. Catharines *Standard* correspondent, I wrote approximately three articles per week. I have now dropped down pretty well to one article per week. The reason for this reduction is very simple. I do not receive press releases and sometimes I do not learn about things until they are published in the newspaper the following day. In fact the only time in recent months I have written three articles in one week for the St. Catharines *Standard* was during the Banks affair and the march on Ottawa where everything took place entirely outside the press room, and there were no press releases as such.

The CHAIRMAN: Are there any further questions of this witness?

Mr. CASHIN: Mr. Chairman, I should like to ask this witness whether he is aware of any other individuals working part time as correspondents who do have the status that he is seeking?

Mr. RODGERS: Sir, my whole contention is that theoretically membership to the gallery is on a full time basis. The same is said to be true of Washington, but the fact of the matter is that there are quite a few people here and in Washington who are part time journalists and enjoy membership. I have documentary evidence of this fact. This is very brief and will not take more than five seconds to read.

When I, or rather my counsel appeared before the Supreme Court of Ontario an affidavit was filed and in this affidavit appeared the following words:

Attached hereto and marked exhibit 'E' to this my affidavit is an extract from the 'Ottawa Citizen' June 6, 1962. An examination of this extract which is a 'letter to the editor', will indicate that the writer refers to his part time association with a particular newspaper. I am informed and verily believe that the writer of the said letter, Michael Barkway, is an 'Active' member of the Canadian Parliamentary Press Gallery.

In other words, Mr. Barkway, a man for whom I have the highest respect, and a man of great integrity, wrote a letter to the *Ottawa Citizen* on that date in which he admitted that he was a part time correspondent and at that time the press gallery was giving him full active membership.

I cited the case of Mr. Barkway because I think I made a mistake on Tuesday when I referred to another person from the press gallery. In keeping

with what has been said about proprieties and good taste it was perhaps in bad taste for me to mention the name of a person now from the press gallery.

There are other people of the press gallery I could name, who are in this same category, but I feel it would be improper to do so. I am not here trying to get anyone else kicked out of the press gallery. I am not here to disturb other people of the press gallery but I can prove and do maintain that there are other people who write much less copy than I and are much less active as journalists, yet are full members of the press gallery. In other words, gentlemen, the real reason I am here today is that I chose not to lie. I could have lied to the press gallery.

Mr. CASHIN: If there are other individuals who are part time and enjoy membership status, on what basis are they admitted?

Mr. RODGERS: They were admitted on the basis of the constitution. These men have this full or part time membership. The same is supposed to prevail in Washington and perhaps London, I do not know, but certainly in Canberra and other places, people do not have to be full-time. The rules are in existence but we all know that everyone often overlooks rules. Individuals do not consider rules too seriously sometimes. Everyone knows that there are many individuals in the gallery who are not full time journalists. This occurs in spite of the archaic rule which people do not take seriously. I am afraid I was either too honest or stupid. I do not know which of the two I have been. I could have gone to the association and lied to them telling them that I was a full time journalist with the *St. Catharines Standard*, but perhaps I was stupid or overly legalistic in this regard. Perhaps my stupidity or honesty results from legal training.

Mr. FISHER: Were you turned down, Mr. Rodgers, because of the constitution or were you turned down as a result of a vote of the membership?

Mr. RODGERS: I was turned down in this manner, Mr. Fisher. I applied for associate membership which, according to the constitution, is something that can be given as a courtesy by the gallery executive. The executive turned me down. They gave no reason for turning me down. When the matter was put to the gallery membership the gallery membership meeting was not specifically asked to overrule the executive and did not do so. In other words, I was turned down by the executive and not by a general meeting of the press gallery.

Mr. FISHER: Do you suggest that there was not a specific vote against you being granted an associate membership?

Mr. RODGERS: No, sir, there was a vote taken at the gallery meeting to uphold the executive decision.

Mr. FISHER: Were you officially informed of this situation?

Mr. RODGERS: Yes. I was then still in the gallery and had access to that which I wanted.

Mr. FISHER: In other words the fact that you were a part time journalist and so would not qualify for active membership is irrelevant to that which actually took place in respect of your treatment?

Mr. RODGERS: Are you asking if it is irrelevant?

Mr. FISHER: Yes.

Mr. RODGERS: I would say it was irrelevant.

Mr. FISHER: You did not apply for active membership?

Mr. RODGERS: No, I did not.

Mr. FISHER: Therefore the fact that you were a part time journalist has nothing whatever to do with the fact that you have not been admitted?

Mr. RODGERS: No, sir, that is correct.

Mr. PENNELL: I must have misunderstood you, Mr. Rodgers, because my understanding is, notwithstanding what the press gallery did or did not do, it was the Speaker of the House of Commons who on October 15 excluded you at that time or suggested this exclusion? The directive came from the Speaker of the House of Commons and not from the press gallery. Am I right in that understanding?

Mr. RODGERS: I think you are right.

Mr. FISHER: Mr. Pennell, perhaps I could interject at this stage. There is a difference between using facilities and membership in an organization.

Mr. PENNELL: I may be confused as to the issue but it is my understanding that a letter of October 15 came from Mr. Lambert. If I understood you correctly he told you he felt it would be unwise for you to stay in the press gallery; is that correct?

Mr. RODGERS: Yes. I was refused membership in the press gallery association by the executive of that association, but under Mr. Lambert I was given access briefly to the facilities. Then on the date I mentioned, October 15, Mr. Lambert reversed his position and no longer granted me access to the press gallery room. He gave me other facilities, such as a seat in the diplomatic gallery, the use of the parliamentary restaurant, the library, a mail box in the House of Commons and a parking space.

Mr. MOREAU: Mr. Chairman, on a point of order, perhaps we are wandering off the track. Surely the question of membership in the press gallery is not the issue. Surely we are called upon to decide what privileges are going to be extended or not extended to Mr. Rodgers.

Mr. PENNELL: Perhaps I could finish my question. Mr. Rodgers, do you complain about the privileges you lost as a result of a letter from Mr. Lambert?

Mr. RODGERS: No, sir. I am only present today because the House of Commons passed a resolution proposed by Mr. Fisher to the effect that the committee determine what facilities should be granted. I am not sure whether that means the committee now takes the entire matter out of the hands of Mr. Speaker, or whether it means the committee should determine what facilities I should be given, but whichever this does mean, this is the reason I am before this committee. I am not here to disturb the press gallery. As a matter of fact, Mr. Connolley, the president of the press gallery, wrote a letter to the Speaker of the House of Commons a few weeks ago in which he stated there was no dispute between myself and the press gallery.

Mr. MOREAU: Surely the terms of reference do not cover membership in the press gallery. The question of membership in the press gallery is not at stake here and has nothing to do with this committee.

Mr. RODGERS: That is right.

The CHAIRMAN: Mr. Rodgers is demanding a place for his use where he can receive press releases.

Mr. RODGERS: Excuse me, sir. While I realize that the French word "demandeur" means the same thing, I am not demanding anything of this committee, I am asking.

The CHAIRMAN: You are not demanding anything, but this committee must make a decision.

Mr. WOOLLIAMS: With the greatest respect to the point of order, I do not think Mr. Rodgers can enjoy the privileges without having some status. Mr. Pennell raised a point and I think in fairness to this committee Mr. Rodgers should answer that point. You answered my questions in this regard, Mr. Rodgers, and stated that you did have an interim status and enjoyed the facilities of the press gallery.

Mr. RODGERS: No.

Mr. WOOLLIAMS: Just let me finish my question. Did you enjoy those facilities until Mr. Lambert cancelled his earlier directive? That was my understanding of your evidence and if it is not accurate I think you should explain your position.

The CHAIRMAN: Perhaps Mr. Rodgers can answer the first question.

Mr. OLSON: Mr. Rodgers also stated that Mr. Lambert wrote in his letter that the reason for the change in status was that it was unwise for him to remain. Would you explain that situation?

Mr. RODGERS: Those are my words, not Mr. Lambert's.

Mr. OLSON: Those words were not in Mr. Lambert's letter?

Mr. RODGERS: No. Perhaps I should answer Mr. Woolliams' question.

Mr. WOOLLIAMS: You had better clear up the situation.

Mr. RODGERS: I was given an interim status by the order of the Speaker and not by virtue of any order of the press gallery.

Mr. WOOLLIAMS: You lost that status by order of the Speaker?

Mr. RODGERS: I lost the use of these certain facilities on the order of the Speaker, yes, that is correct, sir.

The CHAIRMAN: Gentlemen, I think we have asked a sufficient number of questions. Could we now hear from the press gallery representatives?

Mr. TURNER: Mr. Chairman, I should like to ask one or two further questions.

Mr. WOOLLIAMS: We should have a full explanation of the situation.

Mr. TURNER: Are you satisfied, Mr. Woolliams?

Mr. WOOLLIAMS: Yes.

Mr. TURNER: Suppose, Mr. Rodgers, the members of this committee were to come to the conclusion that the premises of the House of Commons including the physical press gallery, the press box and the other physical properties to which you seek access as a member of the working press, are entirely within the jurisdiction of the Speaker of the House of Commons, and suppose the members of this committee find that the press gallery as an association has no jurisdiction over these premises but merely jurisdiction over their members as members of the association or the club, having no jurisdiction over these premises except by way of tolerance or delegation from the Speaker, and the committee thereby referred the matter back to the Speaker, the Speaker would then have to make a decision. He would have to decide how to allocate space as between full and part time members of the press or other communication media. Would you consider that you as a part time correspondent in respect of parliamentary matters would be entitled to the same facilities as a full time correspondent?

Mr. RODGERS: No, sir.

Mr. TURNER: What are the limitations you suggest should be placed upon your access to these premises?

Mr. RODGERS: In view of the present physical set up of the press gallery, the limitations should be that I would not have my own personal desk. As I explained on Tuesday, sir, it would not be necessary for me to have my own personal desk because if the gallery was physically reorganized in a very feasible manner, namely, with unassigned desks and typewriters, which is the situation in Washington and at the United Nations, there would not exist even that limitation.

At the United Nations there are a number of correspondents who come in, sit down at a desk, type their copy and dash out again. They do not own

personal desks. If there are going to be personal desks in the press gallery there should be one desk assigned to each newspaper. Some newspapers now have four, five or six desks in the press gallery. These individuals should have offices on Sparks street. The taxpayers of Canada should not have to pay for two or three desks for one newspaper. I suggest there should not be any personal desks, but only unassigned desks and typewriters. This is the method used at Washington, the United Nations, and I believe Wellington and Canberra.

Mr. TURNER: Would other facilities be limited?

Mr. RODGERS: There is absolutely no reason why I should not have the use of all these facilities. I would be quite happy if I were given access to the press releases. In essence these releases are essential to a newspaperman's job. I am not interested in the cocktail party circuit or being allowed to attend these parties. I would just like to receive press releases. In essence that is all I am really asking.

Mr. TURNER: In the event that access to the facilities of the press gallery premises were granted to you would you concede that some priority should be given to full time as against part time correspondents?

Mr. RODGERS: Subject to the limitations that I have already mentioned, yes, certainly, sir.

Mr. FISHER: Mr. Chairman, on this point I think it is fruitless to query Mr. Rodgers, because there is a whole range of problems in existence in connection with the press gallery at the present time. The *Globe and Mail* has an office down on Sparks street as does the Southam Newspaper Company. Other newspapers actually do preempt more space, and there is nothing rational or logical about it. I do not feel that we are accomplishing anything by asking for opinions on the part of Mr. Rodgers.

Mr. TURNER: I am interested in what Mr. Rodgers thinks in this regard because it seems to me that if there is some limitation on the space and facilities available some system of priority will have to be decided, whether by the press gallery association or the Speaker.

Mr. RODGERS: Perhaps the Sergeant-at-Arms should make that decision.

Mr. TURNER: Perhaps the Sergeant-in-Arms could make that decision. I am interested in Mr. Rodgers' comments in respect of what priority there should be.

Mr. FISHER: You are opening up an issue which is not really involved. I am very interested in the main issue. I have spoken about this issue in the House of Commons.

Mr. RODGERS: There is one other aspect of this situation which I think Mr. Turner might have in mind. The press gallery in the past has maintained that it is sort of a professional association or society with jurisdiction over its members. This is just simply not so.

Mr. WOOLLIAMS: That is a matter of opinion.

Mr. RODGERS: I can give you more than just an opinion, sir. Mr. Beauchesne in testimony cited by Dr. Ollivier at last years committee meeting said that if the gallery objected to the presence of any journalist, then it could go to the Speaker and protest. This is the best guard against an objectionable person using the press gallery facilities. Last year during the affair in respect of Mr. Charpentier the gallery association stated that it had absolutely no jurisdiction whatsoever to discipline members of the gallery. I can show you through documents which I have here, and which, by the way, will end up in the parliamentary library, a statement by the gallery executive to that effect. Was that the point you had in mind, Mr. Turner?

Mr. TURNER: No. I was not interested in any professional status. I am satisfied in that regard. I had in mind the jurisdiction over the facilities which exist in the building.

The CHAIRMAN: I think we should hear from the press gallery representatives at this stage.

Mr. TURNER: Mr. Chairman, are you now going to release this witness?

The CHAIRMAN: We will be able to call him back if we wish.

Mr. ARTHUR BLAKELY: Mr. Chairman, we are here under the instructions of the press gallery association to ask for a postponement of our submission. We ask for this postponement on grounds which we hope the committee will feel are reasonable.

The CHAIRMAN: We can hardly hear you, Mr. Blakely. Perhaps you would come up to the front table.

Mr. BLAKELY: We are asking for this postponement, Mr. Chairman, on grounds that we trust this committee will feel are reasonable.

Last Thursday, November 7, when our president Mr. Connolley was before you there was a motion introduced by Mr. Fisher, seconded, I believe, by Mr. Pennell, that this matter be shelved until November 25. It was our understanding that with the passage of this motion this would in effect be done. We have since carried on, on this assumption. It was not until Tuesday morning that we realized that this decision had been altered. We do not complain of this alteration. Mr. Rodgers has complained that his case would be jeopardized by the postponement. He has stated his hardships and we do not complain of this change. If the committee wished to hear from Mr. Rodgers on Tuesday that is entirely a matter for the committee. However, gentlemen, we are a democratic institution sometimes, on the basis of what you have heard here I think you must wonder about that fact. We are a democratic institution. We held a meeting of our members on Tuesday afternoon. At that meeting it was decided that a submission be presented, but before it could be presented it would have to be submitted to another general meeting, for general approval. I am not speaking for myself but for 120 people. I can assure you that it is not easy to produce a submission that will be accepted by 120 people.

Mr. HOWARD: That is true no matter how many meetings you hold.

Mr. BLAKELY: That may be true.

It is comparatively simple for Mr. Rodgers to present his case because he speaks for himself and himself alone.

I would urge this committee to postpone our submission until November 25 in accordance with the motion which was passed.

Mr. FISHER: Mr. Chairman, I should like to ask this gentlemen a question. Because of the urgency to which Mr. Rodgers has referred, do you believe that is if this committee made an interim recommendation that Mr. Rodgers be given limited facilities as he has asked it would be agreeable to your executive?

Mr. BLAKELY: Mr. Chairman, as Mr. Fisher knows, we have never contended that the public facilities that we use under our authority are on anything other than a delegated basis from the house through the Speaker. This has been true over a period of many years dating back almost to confederation. Any instruction in respect to an interim status which we receive from this committee with respect to the use of these public facilities I am sure will be honoured. However, as I have said it is very difficult for me to speak for 120 people for the reasons I have given.

There is one other point arising from this discussion in respect of facilities. I do not think that this point has been raised.

The press releases which we receive are not in the same category as the stationery that we use and the mailing privileges that we have, or spaces that we occupy. These press releases are sent to the press gallery not at public expense but at the initiative of whoever cares to send them to us. They are sent to us because the authors of the releases care to do so. The Department of Finance has a list of individuals to whom it wishes to send press releases. The press gallery is on that list, but it is by no means the only institution or individual on the list.

Mr. FISHER: Are you suggesting that Mr. Rodgers, on his own initiative, could do something to have these press releases sent to him?

Mr. BLAKELY: Of course. Many of our own members have made arrangements to have their own names put on these various departmental lists on an individual basis so that they will receive these press releases at home or at downtown offices or at outside points as well as at the press gallery.

When we receive press releases, some of these are confidential documents and have release times attached. The reason we receive them is, that over the years, with a few exceptions, these documents have been dealt with in good faith. The reason we are trusted with them is, I think and hope, that we have shown that we deserve this trust. When the Department of Finance sends us a release which is not to be made public for 24 hours it does so on the assumption that the press gallery will honour this undertaking. We always have done so.

Mr. FISHER: Is this confidence and trust based upon a knowledge of the individual members of the press gallery or upon the realization or the knowledge that the press gallery as an association will in a sense administer, police or supervise a confidence?

Mr. BLAKELY: In part both, Mr. Fisher. Our record has been good. While our disciplinary powers are limited, as they must be in a voluntary association, we certainly do have disciplinary powers and we have used them. We have disciplined members for breaking release times, for example, and for committing other errors and omissions.

Mr. FISHER: As an example, how did you resolve the situation about a year ago when one of the Toronto papers announced it was no longer going to pay attention to the release times?

Mr. BLAKELY: It was a very difficult problem. The newspaper in question is a very large and influential paper, and its employees are highly influential members of our gallery. However, we resolved it at the time. The Glassco commission report was coming due at the time the matter came to a head, and that newspaper received copies of the report not from the press gallery but from the royal commission itself. As I understand it, the paper gave an undertaking to the royal commission.

Mr. FISHER: Would you be prepared in your presentation to give us a complete outline of the issue that is involved with press releases? I assume from what you have said that you feel this matter is not as simple or straightforward as it was represented to us to be in previous evidence.

Mr. BLAKELY: I intend to do that.

Mr. BROWN (*Interpretation*): I was president of the press gallery at the time of the issue with the Toronto newspaper last year. I took it upon myself to inform the representative of the newspaper two or three times that this newspaper would never receive its copy of the Glassco report from the gallery or through the gallery because we did not have the promise that the release time would be respected.

However, we did not object to the fact that, upon receiving an undertaking, the commission itself supplied copies. We have always considered that departments generally are perfectly entitled to decide to whom these public documents, releases, communiqués, et cetera will be sent.

The CHAIRMAN: Are there any other questions?

(Text)

Mr. OLSON: I would like to ask the witness whether he does not feel that there is a certain amount of injustice in this case by reason of delay. Mr. Rodgers has been excluded from the press gallery over these several months owing to delay.

Mr. BLAKELY: No, sir, I would not concede that. We have no membership application before us. We have had none, I think, since the middle of last year. We have nothing before us on which to act.

Mr. OLSON: Are you suggesting there is no relationship between the fact that Mr. Rodgers has been excluded from either active or associate membership and the fact that Speaker Lambert informed him that he would have to move out of the press gallery into the diplomatic gallery?

Mr. BLAKELY: There may very well be a relationship; I would not question that. However, you raised the question of delay. I merely say that as far as the press gallery is concerned there could be no delay because we have had nothing before us. We are in the same position as this committee would be if it met without having anything referred to it.

Mr. FISHER: Your executive has had conversations with Speaker Macnaughton?

Mr. BLAKELY: I believe so.

Mr. BROWN: A couple of times.

Mr. FISHER: Has it made any recommendations?

Mr. BLAKELY: I would take the position that anything that transpired between members of our executive at private meetings is something I should not properly be asked to disclose, even if I knew. Since I was not present I certainly could not speak with authority, even if I considered it proper to do so.

Mr. FISHER: I think you will agree there is some mystery that we cannot readily understand in that Mr. Rodgers would like certain facilities and has not been granted them by the Speaker, and yet the Speaker has not given any public reason for the refusal to grant these facilities. Some of us have assumed certain things and I want to find out what is in his mind or what passed between him and the press gallery.

Mr. BLAKELY: I think it is difficult for us to tell this committee what is in Speaker Macnaughton's mind. Only he can tell you that. All we can tell you is what is in the minds of our 120 members—and that is difficult enough.

Mr. FISHER: Is it proper or right to have the Speaker here to give evidence before a house committee?

The CHAIRMAN: The Speaker did not tell me a word.

Mr. FISHER: I want to know if you can find out whether it has ever been the practice to invite a Speaker to appear before a committee?

The CHAIRMAN: I can find out this afternoon.

Mr. WOOLLIAMS: I know your statement is in reference to asking for an adjournment rather than giving evidence, but do I take it from what you have said that Mr. Rodgers has never really asked the executive for membership? What is the procedure for getting an application placed before your executive? Suppose I wanted to join the press gallery; how would I go about it?

Mr. BLAKELY: The procedure would be to have your managing editor or other newspaper executive submit a letter applying for you. We use this to demonstrate that it is an application that is made in good faith. It is done in that way.

Mr. WOOLLIAMS: There is no special form? It is done by letter?

Mr. BLAKELY: Yes.

Mr. WOOLLIAMS: And Mr. Rodgers has not done that by letter?

Mr. BLAKELY: He has in the past but the last application we had from Mr. Rodgers was disposed of in July of last year, and Mr. Rodgers was notified of the decision.

Mr. WOOLLIAMS: It was refused?

Mr. BLAKELY: It was refused. It was made perfectly clear to him at that time, and has been since, that if he cared to submit another application it would be considered. After all, this is a matter that goes to the gallery executive and then to the general membership in a case in which any dispute arises, and certainly this case qualifies under that heading. It would go to a vote if necessary.

Mr. WOOLLIAMS: Thank you very much.

Mr. OLSON: Preceding Mr. Rodgers' rejection or expulsion from the press gallery, was there a vote taken and a decision made by the membership?

Mr. BLAKELY: He was not expelled.

Mr. OLSON: Has he been an active member?

Mr. BLAKELY: Yes, sir, he has been an active member. He was an associate member in the first instance and then we abolished the associate membership to all intents and purposes, retaining it only as a type of honorary category to cover the editors of the three Ottawa papers. At that time, everyone who was in the associate membership class went into the active class.

Mr. Rodgers changed his occupation while he was an active member, and he ceased to qualify for active membership. His active membership was extended for the six month period provided in our constitution in all such cases. He held active membership status for that period, and then it lapsed. There was never any question of expulsion.

Mr. OLSON: He did not reapply?

Mr. BLAKELY: He applied for associate membership.

The CHAIRMAN: We have asked him to produce his letter of application and his letter of refusal, but he has not produced them. He claims they are in the court.

Mr. MOREAU: In your opening remarks you made a significant point. Am I correct in my interpretation of your remark that you adopt the position that you recognize the fact that the press gallery executive and press gallery association had no real jurisdiction whatsoever over the facilities in the press gallery?

Mr. BLAKELY: Except on a delegated basis, that is so. We exercise authority on a delegated basis from the house through the Speaker. If this were not the case, then previous Speakers would not have been drawn into this controversy at the various stages at which they were.

Mr. MOREAU: You have probably read the motion adopted by the house that the terms of reference for the committee do not cover membership in the press association, and that really we are dealing with the facilities that are to be accorded to Mr. Rodgers.

Mr. BLAKELY: I understand.

Mr. WOOLLIAMS: Mr. Chairman, this seems a little presumptuous, but it would appear from what Mr. Blakely says that if Mr. Rodgers were to put in an application before the executive the committee's work would soon be over.

Mr. DROUIN (*Interpretation*): I would like to ask Mr. Brown if he recognizes that the committee on privileges and elections has authority to make decisions on the admission of Mr. Rodgers to the press gallery?

Mr. BROWN: I think this question should be put to Mr. Ollivier, not to me.

Mr. DROUIN: Do you recognize that authority?

Mr. BROWN: We do not contest the fact that we have delegated authority. What power parliament has to delegate that authority, I do not know.

(Text)

Mr. PENNELL: It seems to me that in dealing with this case we should lay down certain yardsticks. We are dealing with a specific case, but one cannot make fowl of one and fish of the other, so I think we should decide the proper procedure for a person to be admitted to the facilities, and then determine whether Mr. Rodgers brings himself within the active procedure or not. It is not clear to me what are the ground rules for use of the facilities in the press gallery.

Mr. FISHER: May I ask a question of Mr. Blakely? This would raise the whole question, it seems to me, of the present membership of the press gallery and how they individually qualify. I wonder whether the press gallery would be prepared to provide that information.

Mr. BLAKELY: In respect to each individual member?

Mr. FISHER: Yes.

Mr. BLAKELY: As I said at the outset, I am in the difficult position of not only not having my music with me but of being instructed not to bring any music at this stage.

We make a distinction between the facilities we use, and which we control by delegated authority, and membership in the association itself. We regard the association, as I think you have said yourself on occasion, as our own. We regard membership in our association as an internal affair of the press gallery, and I mean now the press gallery association.

Mr. FISHER: What comment would you have to make on Mr. Pennell's suggestion? I assume Mr. Pennell means that we should not interfere with the association but that we would like some ground rules with regard to who is entitled to use the facilities.

Mr. BLAKELY: We would have no objection whatever to providing that. As a matter of fact, you hold the constitution in your hand and it is set out there.

The CHAIRMAN: The order of reference here does not call upon us to decide as to the association; it is a question of Raymond Spencer Rodgers' right to use the facilities.

Mr. WOOLLIAMS: I do not think you can answer that, with great respect.

I am going to follow up what Mr. Pennell said. I was impressed with what he and Mr. Fisher said, though one suggestion might particularize and the other generalize. But surely the committee, as Mr. Pennell and Mr. Fisher said, have some ground rules. What are the requirements you must meet before you become a member of the press gallery? Surely before we can come to any decision on whether he is entitled to facilities or not, we have to decide what are the requirements and then see if he fits into the picture.

Mr. MOREAU: That is not the problem.

Mr. PENNELL: We are concerned with the facilities.

The CHAIRMAN: He wants to use the facilities only. We do not need to go into the other matter.

Mr. WOOLLIAMS: Then what are the rights to use the facilities, to put it in another way?

Mr. TURNER: Surely this line of questioning is going to the substance of the matter. It may be that when the representatives of the press gallery appear before the committee, the ground rules they follow would be pertinent at that time.

I am rather impressed by the argument Mr. Blakely presented to the committee to the effect that the gallery proceeded on the assumption that the hearing was going to be adjourned until November 25, that they relied on that, and that they are not ready to proceed at the moment. I also feel this committee might well have the advice of Mr. Ollivier on certain questions relating to parliamentary privileges here. I would therefore suggest to you that we record the postponement asked for by the representatives of the press gallery to the date agreed upon, and at the same time ask Mr. Ollivier whether he would be good enough to appear before the committee.

Mr. OLSON: I think we have to go back and take another look at the terms of reference and the motion which was passed by the house. It specifically states that we have to deal with the case of Raymond Spencer Rodgers to have the use of the press gallery facilities. It also says "for quick action". From the evidence given so far I am convinced that the qualifications laid out in the press gallery constitution are those which are presently being used in respect of every member who is now using the facilities of the press gallery.

However, if we are going to go into this whole matter of having the committee make recommendation to the House of Commons in respect of qualifications, conditions of control, and so on, regarding the press gallery facilities, this would be opening up a new and very large field. Certainly we need to hear from the members and spokesmen of the press gallery and Dr. Olliver, and several other persons; but in my opinion this is quite beyond the terms of reference which have been referred to this committee in the motion.

Mr. WOOLLIAMS: With the greatest respect, I do not know how we could judge Mr. Rodgers' case without having this very information. In that regard I agree with Mr. Pennell. I am at a loss to follow Mr. Olson this morning. We are here to judge Mr. Rodgers' case, and how can we judge it without knowing what are the requirements for the use of the facilities and how he fits into the picture.

Mr. OLSON: Perhaps in justice to both sides a motion would be in order to give access to the press gallery to Mr. Rodgers so that both parties would be on an equal footing.

The CHAIRMAN: There has been a motion to the effect that we wait until the 25th of the month to pursue the matter.

Mr. MOREAU: I would like to second the motion.

Mr. OLSON: I heard no motion.

The CHAIRMAN: You took the words away from him. He was making the motion.

Mr. MOREAU: In the first instance I was opposed to postponing this to the 25th of the month at the time the committee took the decision. Personally, I was disturbed when we went ahead last Tuesday. With some reservation I heard Mr. Rodgers because I felt we could hear his part of the case and then hear from the press gallery on the 25th of the month. For that reason I would support Mr. Blakely's request for a continuance of the hearing until November 25.

Mr. OLSON: If I may continue without any further interruption until I have had my say, I respectfully suggest that at this time we are not charged with the determination of the conditions, privileges and control of those facilities in the press gallery. This is relevant, but the fact is there is a discrimination which is being perpetrated today by proceeding if an injustice is being done to one side or the other. Furthermore, this committee is charged with other and very important responsibilities for the remainder of this month, and in my opinion we must make some decisions in this regard. Therefore I believe we should have an interim motion to deal with the specific matter, namely the case of Rodgers, so that we can get on with some of the other things we must do, and then give both sides an opportunity to come forward with all the arguments and suggestions necessary in order for us to make a recommendation to the house in respect of the over-all picture of control of the privileges in the press gallery.

I would like to move a motion in this regard and, on a point of order, I know of no motion which has been formally put before this committee which would preclude me making this motion now.

Mr. FISHER: I would second that motion.

Mr. TURNER: I used the word "suggestion", but I meant motion.

Mr. OLSON: May I put the motion? I would like to move:

Effective this sitting and to continue thereafter until Mr. Speaker is pleased to render a decision on the principle in the matter of the exclusion of the parliamentary correspondent of the *St. Catharines Standard* from the facilities extended and the exception made by the grace, favour and mere motion of this house to parliamentary press correspondents, an interim order be issued extending the free and full use of such facilities and making such exception, in manner and degree as the same may be from time to time extended and made to parliamentary press correspondents, to a representative of the *St. Catharines Standard* endorsed to Mr. Speaker by that newspaper as its parliamentary correspondent.

Mr. TURNER: If I might speak to that motion, I would oppose it on the ground that in effect you are according to Mr. Rodgers the rights he is seeking, temporarily, without hearing both sides.

In view of certain observations made in speaking to the motion for postponement, or the request for postponement by Mr. Blakely, I gathered that there is more in respect of access to the facilities than this committee yet knows, and that there are more important things than just physical access to the premises; things such as the whole idea of confidences involved in press releases, and perhaps other matters which the members of the press gallery will bring before this committee. At this time I feel that this interim arrangement is in effect prejudging the case. It would really not be asking too much of Mr. Rodgers if we had a delay for another week or so. This case has been before parliament now for two years. I think this motion of Mr. Olson, with the greatest respect to him and the motives in the motion, is prejudging the case.

Mr. HOWARD: I do not think it is prejudging something to deal with it on an interim basis; this is common practice in the legal field. It is a quite legitimate, reasonable and logical thing to do to recommend that Mr. Rodgers have the facilities of the press gallery on an interim basis until such time as this committee can hear all it wants to hear on this matter. I think this is the least we can do.

So far as I am concerned, if either of the three Mr. Speakers had had a bit of intestinal fortitude they would have dealt with this a long time ago and we would not be bothered with this nonsense now of what should go in the press gallery constitution, or what its officials think. I am sick and tired of listening to this baloney.

Mr. CASHIN: With all due respect to the mover and seconder of the motion, and without going into the technicality of whether or not Mr. Turner moved a motion, a witness has come before us asking that he be granted permission to come back at another date to present his case. We have not yet decided that and it seems to me that is the first thing we must decide. I do not think we have much choice in respect of what we have to decide, but nevertheless it seems to me we are putting the cart before the horse with this motion. There is another motion we should have dealt with first. It is conceivable that we could vote on this motion in one way and then decide that we want to hear the witnesses without sending them back for consultation.

Mr. PENNELL: My objection is that we told the press gallery peremptorily the 25th of the month. We have to dispense justice equally and it seems to me that after having told them this, a matter of a few days is not a long time. Certainly I am not going to be a party to unduly prolonging these proceedings, but on the other hand, we said November 25 to the press gallery, and surely our word should be relied upon; there are not that many days. On that narrow ground only I oppose the motion.

Mr. OLSON: I think that clearly the motion I made was worded very carefully so that it is on an interim basis. With every single day that goes by with this delay, one side has had its say and the other side is denied what is being asked for; every day is injustice so far as I am concerned.

Mr. TURNER: I do not know just what we are giving the interim access to. It is on this basis that I resist Mr. Olson's motion. I feel that unless we know what we are giving access to, on the basis of the testimony later to be adduced, we do not know what we are doing.

Mr. OLSON: I think we are giving access to equality.

Mr. FISHER: I seconded the motion and I support it. In effect it seems to me we have been told by Mr. Blakely that there really is not any issue or contest here between Mr. Rodgers and the press gallery. I do not think we should exaggerate this. It seems to me Mr. Blakely has given an indication that the press gallery has no doubt about our authority to accord the physical facilities of the gallery to Mr. Rodgers. If this is the case, the only possible qualification we have had from him really brings in the matter mentioned of the press releases. I was the one who led into this questioning and I think I know what is involved. In the short period of time before we will have the press gallery people back here, I do not think anything is really involved. For that reason I would appeal to the members of the committee to support the motion.

Mr. DROUIN: (*French*)

(*Interpretation*): In the province of Quebec there is a procedure in our civil code which provides what could be an interim injunction so that on a temporary basis a decision can be handed down in such and such a case. I do not know whether the same thing exists in the common law. However, when this interim matter comes up we must take into account, on balance, the inconvenience to both parties.

Mr. Rodgers has told us his work would be completely paralysed by the fact that he would not have access to press communiques. On the other hand, I see no objection on the part of the press gallery should we decide to admit Mr. Rodgers to the press gallery on a temporary basis. It is clear, of course, that we do not have all the facts before us upon which to make a final decision, but I think we know enough about the matter at this stage to grant a temporary interim right, and that is why I support Mr. Olson's motion.

(*Text*)

Mr. BLAKELY: Mr. Chairman, I have no interest in the motion as such but I would say that if this motion passed we would be caused great difficulties.

The facility that Mr. Rodgers says he wants above all is that in respect of press releases. This is one facility which we do not have by delegated authority from the House of Commons. These press releases, as I tried to make plain, come to us on the basis of confidence, trust and practice. We distribute them to our members over whom we have some disciplinary control. We do not distribute them to non-members. Whether this motion passes or not, certainly the press gallery can do nothing, even if it chose to try to do something.

Again I say that I have great difficulty in these circumstances in speaking for the gallery, but I doubt very much whether the gallery would feel that among the facilities covered by any instruction that arose from this motion would be press releases. In addition, we would have to protest most strongly and urgently against any disposition to dispose of this case without hearing the case we have to offer. The delay involved is not long. While it is true that the motion itself sounds acceptable I would point out that it would continue until Mr. Speaker was pleased to render a decision on the principles of the matter. This in effect would give him temporary status which would amount to a permanent status. I have no doubt this committee would not be in any haste to delve into this matter again once it generally disposed of it in this way. This would mean that the case would be closed before we have an opportunity of speaking, except to the extent I have been able to speak today, under severe restrictions and limitations.

Mr. FISHER: In other words, what you are saying, Mr. Blakely, is that my argument that there is really no contest here between the press gallery and Mr. Rodgers is not true.

Mr. BLAKELY: I would not suggest anything of the kind. Anyone who has heard Mr. Rodgers would have to admit that there is some kind of a contest. I do not think it is the kind of contest that Mr. Rodgers says it is, and I do not think it stands on the grounds that he has suggested, but there is a contest of some sort. I think that must be apparent.

Mr. WOOLLIAMS: Mr. Chairman, It seems to me that the first decision we should have made with, the greatest respect to the motion on which I am not speaking at the moment, is whether we should grant an adjournment or not. The motion to give Mr. Rodgers some interim rights to certain facilities surely is contingent on whether we are going to grant an adjournment. Surely that decision should be made first. If we decide to allow an adjournment, then this question on the motion should follow. I feel that should be the order of business.

Mr. RODGERS: Mr. Chairman, I should like to say a word.

Mr. MOREAU: Mr. Chairman, we have heard a great deal from Mr. Rodgers, on his side of the case, and I think we should dispose of this question at this stage.

Mr. RODGERS: I would just like to speak on the postponement. I think I can clear up the whole situation in five seconds.

Gentlemen, I think this matter should be gone into very deeply and at great length. I think the press gallery should have months in which to reply. What I am asking for at this time is temporary admission and on that particular point Mr. Blakely has mentioned press releases. I am willing to give a letter signed by myself to Mr. Speaker to undertake to respect the confidence as placed in respect of press releases, and if I do not respect these confidences he may immediately eject me. Furthermore, as I said earlier today, Mr. Beauchesne stated that if the press gallery objected to the behaviour of any person within the facilities it could protest to the Speaker and the

Speaker could take steps. I cannot receive press releases from the ministers because it takes too long for them to reach me in the mail. I must receive these press releases from the press gallery.

Mr. PAUL: (*French*)

(*Interpretation*): You seem to be asking Mr. Speaker to impose some direction on newspapermen. Newspapers operate under express conditions. I cannot see how Mr. Speaker through any letter of yours could impose any obligation on the press gallery.

Mr. TURNER: Mr. Chairman, I agree with the suggestion put forward by Mr. Woolliams in respect of this motion to postpone. I think there is a question of prejudice and the balancing of a convenience involved.

In respect of the question of convenience, if an interim order was made allowing Mr. Rodgers to use the facilities, he would not be in a position to enjoy them in any event. He has given us reasons why he cannot be in Ottawa in late November and December, so a postponement of this hearing until November 25 will not prejudice Mr. Rodgers because he is not going to be able to use the facilities for the personal reasons he has stated.

Mr. RODGERS: That is not what I wrote sir.

Mr. OLSON: Mr. Chairman, I should like to ask Mr. Blakely whether all press releases which come to the press gallery are addressed to the press gallery association or to the press gallery?

Mr. BLAKELY: They are sent expressly to the press gallery, sir, but they are not sent exclusively to the press gallery. They are sent to the press gallery and any other individual groups, and associations that the various departments, political parties, associations are interested in having receive the releases.

Mr. OLSON: These press releases would be available to all persons admitted to the press gallery whether or not they were members of the association; is that right?

Mr. BLAKELY: This would depend on the nature of the releases. Some releases that we receive are in a very sensitive category. If they were published or became public without being published in advance of the release time the ramifications would be very serious. In respect of releases such as these in this category the various departments prune their lists accordingly.

The CHAIRMAN: We have a question before us which we must decide. It has been moved by Mr. Olson, seconded by Mr. Fisher that the committee on privileges and elections recommend to the house that:

Effective this sitting and to continue thereafter until Mr. Speaker is pleased to render a decision on the principle in the matter of the exclusion of the parliamentary correspondent of the *St. Catharines Standard* from the facilities extended and the exception made by the grace, favour and mere motion of this house to parliamentary press correspondents, an interim order be issued extending the free and full use of such facilities and making such exception, in manner and degree as the same may be from time to time extended and made to parliamentary press correspondents, to a representative of the *St. Catharines Standard* endorsed to Mr. Speaker by that newspaper as its parliamentary correspondent.

Those in favour of this motion please raise your right hand?

Those against the motion please raise your right hand?

I declare the motion lost.

Mr. CAMERON (*High Park*): Mr. Chairman, I move that we accept the suggestion of Mr. Blakely and adjourn any further proceedings in respect of this case until November 25.

Mr. PENNELL: I think we should make it clear that an adjournment to November 25 is peremptory and that the members of the press gallery association will then be in a position to appear before this committee and present their case.

Mr. FISHER: Mr. Chairman, I should like to ask Mr. Blakely one further question. Would you gentlemen be prepared on November 25 to give us a thorough report as to the general qualifications of members of your association?

Mr. BLAKELY: We will do that, yes.

Mr. FISHER: Would you be prepared to answer questions regarding members of the press gallery and how they meet these qualifications?

Mr. BLAKELY: I will do that to the best of my knowledge, Mr. Fisher.

Mr. MOREAU: Mr. Chairman, I strongly object to the fact that a witness is allowed to debate a motion before this committee. I think in future this practice should not be tolerated.

Mr. WOOLLIAMS: Mr. Chairman, in that regard it is my feeling that we are becoming quite narrow in our terms. After all Mr. Rodgers is a witness as well as his own counsel and was merely stating his views. I do not think we should have any form of closure whatsoever.

The CHAIRMAN: I think we must admit that Mr. Rodgers was quite wrong in explaining his points of view.

Mr. WOOLLIAMS: He may well have been lengthy or brief, but his point was that he did not want to make any submission in reference to his own situation as far as a counsel is concerned.

Mr. MOREAU: I do not think any witness should be allowed to debate a motion before a committee. That is the objection I have raised.

Mr. DROUIN: Mr. Blakely has told us that he is not authorized to speak today on behalf of the press gallery.

Mr. BROWN: Mr. Chairman, I should like to make a correction in this regard. Mr. Blakely and myself have been authorized to speak on behalf of the press gallery, and to seek an adjournment. We will be the representatives of the press gallery on November 25 unless our general meeting appoints someone else.

Mr. PENNELL: Up to date the members of the press gallery have had facilities which they obtained by the consent of the Speaker. Notwithstanding that fact, the Speaker may be advised by the press gallery association that a certain individual should not be granted press gallery facilities; is that right?

Mr. BLAKELY: As I say, this authority was delegated many years ago by the House of Commons through the Speaker of the House of Commons. We have exercised authority through that delegation.

Mr. BROWN: Mr. Chairman, I should like to know whether the letter which was addressed to you by Mr. Rodgers is on the record?

Mr. TURNER: That is in the hands of all members.

Mr. BROWN: I believe that we, being a party to this dispute, should have access to the documents which have been put in evidence, and which have no doubt been sent to the Chairman of this committee.

The CHAIRMAN: Those documents have been tabled.

Mr. TURNER: Mr. Chairman, I suggest that Dr. Ollivier be asked to attend the committee on November 25.

The CHAIRMAN: The matter is adjourned until November 25.

Mr. FISHER: I would like to make an addition to the suggestion, Mr. Chairman; I would like to add that Mr. Speaker be asked to attend.

Mr. MOREAU: That is most improper.

Mr. TURNER: I do not know if we have the right to ask Mr. Speaker to attend.

Mr. FISHER: We can inquire.

The CHAIRMAN: I will see him this afternoon and I will ask.

Mr. FISHER: I think we should thank these excellent witnesses for coming here today.

The CHAIRMAN: Is it agreed that we continue with the electoral law this afternoon?

Agreed.

### AFTERNOON SESSION

THURSDAY, November 14, 1963.

The CHAIRMAN: Now that we have a quorum we can start. Yesterday we were considering clause 8 of the Canada Elections Act, which is clause 4 of the bill. I am referring to clause 8 of the act, and to number 158 in the English version. This would be clause 4 of the amendments. Mr. Castonguay has amended clause 8, subclause (1), as follows

Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

Appointment of returning officers.

"8. (1) The Governor in Council shall appoint a returning officer for any new electoral district and a new returning officer for any electoral district in which the office of returning officer is vacant within the meaning of subsection (2)."

Miss JEWETT: Where are we, Mr. Chairman?

The CHAIRMAN: We are at page 158 of the general election instructions, and page 2 of the amendments prepared by Mr. Castonguay. There is another amendment today. Let us pass the amendment around so you can see what Mr. Castonguay means. It is in English as well as French. I think you have seen the amendment. As it is now, if there is a new law, it brings about a change of the returning officers in every constituency. With this amendment these returning officers would remain the way they are; whether the law is changed or not. It is up to you to decide whatever you want to do.

Mr. HOWARD: I move we endorse the new subsection (1). I move endorsement.

The CHAIRMAN: You mean the insertion of this?

Mr. HOWARD: The insertion of what is before us in place of what existed before.

The CHAIRMAN: Have we a seconder for that?

Mr. CAMERON (*High Park*): May we have a reading of what it was before?

Mr. MACQUARRIE: If Mr. Howard puts his motion properly before us I would be glad to second it.

Mr. HOWARD: That is very kind of you Mr. Macquarrie.

Mr. MOREAU: At this time perhaps Mr. Howard would clarify a point for me. I understood that the object of the amendment before us was to prevent the dismissal of returning officers owing to revision of the act. I believe that was stated. As I understand it, we are not enacting a new Canada Elections Act as was done in 1960, but only revising it. In such a case the danger that Mr. Howard feared is not really with us.

Mr. HOWARD: Mr. Chairman, whether or not we are revising the act depends on the manner in which it is submitted to the house.

The CHAIRMAN: Yes.

Mr. HOWARD: In fact what we are doing now is going through the act section by section to come to a decision whether or not we want to amend any or all of them. The committee did not recommend changes to all the sections of the act in 1960. It made some alterations and some changes, and then for the sake of having the act in one piece instead of having it in its original form and then having a separate statute in another statute book for that year for the various amendments which in fact were introduced, a new piece of legislation and a repeal of the old act were made for the sake of convenience. And this is likely to happen at this time or at any time.

Whether or not this problem will be with us now, as far as I am concerned, or at some other time is immaterial. I think we should approach it from the point of view that if at any time it is done through the process of amending the Canada Elections Act, or it is done as it was done in 1960 and in 1938 and so on, that is, for the convenience of having proper legislative form, we should remove the possibility that all the offices of returning officer would be declared vacant by that same process. The new act would make the office of returning officer permanent with the exception that the returning officer might be removed for cause, and the causes are set up in subsection 3.

Mr. MOREAU: Would you say that what we are trying to prevent here is political patronage in a sense? I wonder about giving permanency to people who were appointed under the old system. I just ask the question whether it would be desirable to employ new people? They may not be the best people available.

Mr. HOWARD: Even if they were the best people available, if they found themselves prohibited by any of the parts of subsection 3 then they would be removed. I am not quarrelling with any of the appointments that may have been made in the past. All I want to do is to try to prevent it from occurring in the future, and to provide some stability.

Mr. MOREAU: I thought with the suggested revision that there was something wrong with the previous system; yet we would be retaining people appointed under an inferior system.

Mr. HOWARD: There have been many returning officers appointed while the Liberals or the Conservatives were in office. I do not think any one of them was superior to any other. I want to prevent instability in the position of returning officer and prevent the possibility of political partisanship entering in full force into the appointment of returning officers. Of course there is the question of new electoral districts when it is likely to come into force, or except when a person attains 65 years of age, or ceases to reside in the electoral district. I do not know what consideration would be given that.

Mr. CAMERON (*High Park*): Do you suggest appointment by the civil service commission, and that it be taken completely out of politics?

Mr. HOWARD: If you so desire.

Mr. CAMERON (*High Park*): I was asking for your opinion.

Mr. HOWARD: If you agree with that, all right.

The CHAIRMAN: In Hull they have a new returning officer. I have no complaint about him. I think he did very well in the last election, and I think it is the same all over.

Mr. HOWARD: I will look at it from the point of view of the individual returning officer.

The CHAIRMAN: They may not be informed for an election when being replaced.

Mr. HOWARD: May I ask a question of Mr. Castonguay, through you?

The CHAIRMAN: Yes.

Mr. HOWARD: What would be the practicality of the mechanics? Would it be reasonable and wise to appoint returning officers by way of a civil service appointment as distinct from a governor in council decision?

Mr. CASTONGUAY: The position of the returning officer is permanent, but his remuneration is not paid on an annual basis. He is paid for his service in the conduct of an election and during the period of the election, or for any work which I personally order prior to the election.

Personally I think that the present method of appointing returning officers has been, so far as I have been concerned, very satisfactory. I have lived under this particular system during five general elections when I myself have been chief electoral officer and the calibre of the returning officers has been excellent. This does not apply to every returning officer. I do not care what methods you use to select them, you are not going to get one hundred per cent competency in each returning officer, but I do not know of any other method that has given, as far as I am personally concerned, better satisfaction than the present method.

Miss JEWETT: There might be other methods that would be ideally better, but it seems to me that this is a good enough proposal and I suggest we vote on it.

Mr. MOREAU: Could someone move it?

The CHAIRMAN: It has been moved by Mr. Howard and seconded by Miss Jewett that the amendment proposed by Mr. Castonguay be placed before the committee. It reads:

8. (1) The governor in council shall appoint a returning officer for any new electoral district and a new returning officer for any electoral district in which the office of returning officer is vacant within the meaning of subsection (2).

Those in favour please raise your right hand? Thirteen. Those against? None.

I declare the amendment carried.

Mr. CASTONGUAY: Mr. Chairman, on page 2 of the draft bill we have clause 4.

4. (1) Subsection (3) of section 8 of the said Act is amended by deleting the word "or" at the end of paragraph (d), by adding the word "or" at the end of paragraph (e) and by adding thereto the following paragraph:

"(f) has failed to comply with the provisions of subsection (1) of section 11 for the completion of the reallocation and definition of the polling divisions on the date fixed by the Chief Electoral Officer."

I have an amendment here which would provide for another clause for removal from office of a returning officer. The problem has been that one of

the most important stages before a general election is the revision of the polling division arrangements of an electoral district. We normally give the returning officers two to three months to complete this revision. This revision involves the returning officer making a study of the polling divisions to see that they contain no more than between 250 to 350 electors, and that if any exceed that number they have to revise them. It also involves, in the rural areas, the selection of rural enumerators at that particular time, and it more or less alerts the returning officer to be in business so that I can operate overnight in the event of an election.

Now, there are some returning officers who are rather slow in getting in these revisions of the polling divisions. This not only affects my administration but it is not too satisfactory to the political organizations in the electoral districts because, until the returning officer has completed the revision of the polling divisions of the polling district the political organizations cannot do any planning in so far as the next campaign is concerned.

Now, I think that if this clause were here, it would be very helpful to get the revisions in on time.

Miss JEWETT: Mr. Chairman, I think this is an extremely good idea. I for one am in favour of it. May I ask Mr. Castonguay, in connection with this and for my information, whether they are always supposed to divide them into separate polls where there is a large population or can there be what we call a split poll and a double poll?

Mr. CASTONGUAY: If the polling division exceeds 350 electors the law makes it possible for them to split the polling division. Are you speaking of the area or the list of electors? I am speaking of the list of electors for the election. If it exceeds 350, it must be divided into two separate polls.

Miss JEWETT: Perhaps this is not quite relevant but I am curious to know why is it then that we sometimes have what we call double polls in a rural area?

Mr. CASTONGUAY: There may be a small village where there are two or three polling divisions. The normal habit of that small village is to vote in the town hall, so that we can establish three polling stations for the three divisions in the town hall, the provincial, the municipal and the federal. The returning officers then try to respect the local custom wherever possible to facilitate the voting.

Miss JEWETT: You are still assuming there are three separate polls.

Mr. CASTONGUAY: If a polling division after enumeration exceeds 350, that list must be divided into two and you will have two deputy returning officers, two clerks and two polling stations but the polling stations must be in the same dwelling. If you feel there may be an injustice or some arbitrary decision, that some returning officer would be removed without fair trial, you must remember I am a servant of the house and I would have to recommend to the Secretary of State that a returning officer be removed. You must also remember that both the Secretary of State and myself could then be made to answer for any of our actions to this committee. I think the safeguards are there, that I, as chief electoral officer, would not abuse this particular clause. I think it is necessary in order that I get these revisions in on time and in order that the political parties in the electoral districts can get the list.

Mr. MOREAU: I would move we add the clause to the act.

The CHAIRMAN: It is moved by Mr. Moreau and seconded by Mr. Rochon that subclause (f) be added to clause 2 of section 8.

Mr. HOWARD: Could I make one brief inquiry on the proposed clause (f)? It makes reference to his having to do these things on the date fixed by the electoral officer. Eleven (1) makes no reference to the date.

Mr. CASTONGUAY: I set the date. This is left to me.

Mr. HOWARD: There should be a time limit. I did not notice reference in there to the idea that he should be instructed by the returning officer. I thought it might include the words "on the date arrived at by the chief electoral officer" or something like that. However, it might be unnecessary. I wondered if it does not appear in some other section.

Mr. CASTONGUAY: On page 4 I have an amendment to clause 7. I will be proposing it for the consideration of the committee, and it may also appear in section 11(1).

Mr. HOWARD: That would be fine. We will get to that later.

The CHAIRMAN: Is there any objection to adding subclause (f) to section 8? It is agreed.

We now come to clause 5.

Mr. CASTONGUAY: I have another amendment on page 3.

(2) Section 8 of the said Act is further amended by adding thereto the following subsection:

Appointment within limited period.

"(5) In the event of a vacancy in the office of returning officer for an electoral district, due to any cause whatsoever, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within thirty days from the day in which such vacancy occurred."

This is another amendment to give me some assistance to fill the positions of the returning officers that have become vacant. I have been in the office of the chief electoral officer for 14 years. Sometimes there are delays of about a year before the returning office is filled. From the point of view of the political organizations in the electoral district this is not satisfactory at all. I think there should be a time limit put there so that these vacancies can be filled in order that I can be in a position to hold a general election at any time. Some of these vacancies have existed as long as 18 months. I am not speaking of the recent times but in the 14 years I have been chief electoral officer this has happened. I do not see why these positions cannot be filled in 13 days.

The CHAIRMAN: Would someone move the amendment to clause 8?

Moved by Mr. Chretien, seconded by Mr. Moreau.

Clause agreed to.

The CHAIRMAN: The amendment is that clause 5 be added to clause 8.

Now we come to clause 9.

Mr. HOWARD: Mr. Castonguay has some proposals to what I consider to be new section 8A.

Mr. CASTONGUAY: In this particular instance I am suggesting this amendment because of a case which occurred.

5. The said Act is further amended by adding thereto, immediately after section 8 thereof, of the following section:

Suspension of returning officer.

"8A. (1) Where an investigation has been instituted by the Chief Electoral Officer in respect of a returning officer for an electoral district the Governor in Council may, on the recommendation of the Chief Electoral Officer

- (a) suspend the returning officer for a period not exceeding six months; and
- (b) appoint another person as acting returning officer for that district during the period of such suspension.

Acting returning officer.

(2) A person appointed as acting returning officer for an electoral district pursuant to subsection (1) shall, during the period of his appointment, exercise and perform all the powers and functions of a returning officer and during such period shall for all purposes be deemed to have been appointed as returning officer for that district under subsection (1) of section 8.

Revocation or extension of suspension.

(3) The Governor in Council may, at any time, on the recommendation of the Chief Electoral Officer

- (a) revoke the suspension of any person suspended under subsection (1); or
- (b) extend the suspension, but not for more than six additional months at any one time."

It is the first time it has happened to us. Prior to the 1963 election, it was alleged that a returning officer had committed the offence set out in section 17 (14) of the act. I ordered an investigation by the R.C.M.P.; then the house dissolved before the report was made to me on this investigation. The position of the returning officer was rather untenable. There he was under a cloud. We could not hasten the investigation. The report of the investigation and the evidence exonerated the returning officer completely of this and no charges were laid against him. However, he was a returning officer with this cloud over him for three weeks. Had prosecution been justified there was no way in which the governor in council could remove him from office. In view of this experience, I am suggesting that this new section 8A be inserted in order to provide for these emergencies. This is the first time it has occurred, however, and it is better to be prepared in the future in order to avoid this type of situation.

Miss JEWETT: Mr. Chairman, is it sufficient to say this applies only where an investigation has been instituted, or is it desirable to have it a little more specific as to the nature of the investigation, or information as to who sponsored its institution?

Mr. CASTONGUAY: Under section 70 of the act I have power to review any offence alleged to have been committed by any election officer. I have to determine first on the basis of the allegations made to me whether such an offence would be justified. If it is not justified, that ends the matter. If it is, I ask the R.C.M.P. to conduct the investigation. So, the investigation would arise only when ordered under section 70.

Miss JEWETT: I see.

The CHAIRMAN: Does someone move this amendment?

Moved by Mr. Drouin, seconded by Mr. Paul, that the amendment be adopted.

Clause agreed to.

I will read section 8 to give you an opportunity to see if there are any comments you would like to make or changes you might suggest. We have had changes suggested by Mr. Castonguay. Subclause (2) is as follows:

The office of a returning officer who is hereafter appointed shall not be deemed to be vacant unless he dies, or, with prior permission of the chief electoral officer, resigns, or unless he is removed from office for cause within the meaning of subsection (3).

Then subsection (4):

The name, address and occupation of every person who is appointed as a returning officer, and the name of the electoral district for which he

is appointed shall be communicated to the chief electoral officer, and he shall publish in the *Canada Gazette*, between the first and 20th days of January in each year, a list of the names, addresses and occupations of the returning officers for every electoral district in Canada.

Mr. HOWARD: Mr. Chairman, I wonder whether it might be worth while to provide that where a new returning officer is appointed, if the office becomes vacant or if there is a new constituency, it be published in the *Canada Gazette* within a certain period after the appointment. I see Mr. Castonguay is looking at the act. Is that already provided?

Mr. CASTONGUAY: It is, but I must publish this in January each year; in any event, once a year. It is in here; it is section 8 (4); the first and 20th days of January in each year I must publish a list of all the returning officers.

Mr. HOWARD: That is the subsection the Chairman just read?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: What I am getting at is if it is advisable to publish the names of all returning officers in the *Canada Gazette* between the first and the 20th of January each year, would it be equally possible to publish the names of newly appointed returning officers within a certain period of time after their appointment?

Mr. CASTONGUAY: My own view on this would be that I cannot see too much use in publishing it between the first and 20th day of January if this information is published anyway. Your suggestion of publishing it when new returning officers are appointed may be better than publishing a whole list; it may be.

Mr. HOWARD: I would be far more interested in seeing the names of new returning officers who have been appointed than have a repetition of the names of persons who already are appointed.

Mr. CASTONGUAY: When this is published each year, the press immediately publish it as new returning officers appointed. They misinterpret it. They look at the *Canada Gazette*, and that is how it is.

Mr. PENNELL: I believe Mr. Howard's point is that there might be a vacancy on the first of February, in which event the name would not be published until the first of January. If you were to publish it a few weeks after the appointment, then it would be brought to our attention.

Mr. CASTONGUAY: I think that suggestion would be better than the present provisions; we would be required only to publish in the *Canada Gazette* within a certain period after the appointment of a new returning officer.

Miss JEWETT: Would you agree to within a month of the appointment?

Mr. CASTONGUAY: I could publish new appointments within a couple of weeks after the appointment.

The CHAIRMAN: Is it the suggestion that it be published once a year plus addition of those who come during the year?

Mr. HOWARD: I was thinking more of eliminating the once a year publication and publish only new appointments.

Mr. PENNELL: I will second your suggestion if you would care to ask Mr. Castonguay to suggest something.

Mr. HOWARD: I will suggest the publication of the names of new returning officers within 30 days.

Mr. CASTONGUAY: That will be the responsibility of the chief electoral officer as it is now.

Mr. HOWARD: Yes.

The CHAIRMAN: We will stand section 8 because there will be an amendment prepared for our next meeting.

We will go on to section 9.

Mr. TURNER: Do I understand that the regular list will be published in toto each year, or are you abandoning that?

Mr. CASTONGUAY: According to the wishes expressed here I am abandoning that. The only names I will publish are the new appointments.

Mr. TURNER: Would it not be useful to have an up to date list published once a year as well?

Some hon. MEMBERS: Yes.

Mr. CASTONGUAY: It is easy for me; it is immaterial.

Mr. TURNER: I think we should have an up to date list published once a year. If we just have a list of several publications, we would have to be looking back. If it is published in full once a year, you at least have a definitive list.

The CHAIRMAN: Mr. Castonguay will bring an amendment incorporating those two suggestions in regard to publication and new appointees.

Mr. MACQUARRIE: Mr. Chairman, I should like to ask the chief electoral officer a question purely for information. I am looking at 3(a); do you know of any persons who have been removed from any returning office in this category?

The CHAIRMAN: Are you referring to returning officers who have attained the age of 65?

Mr. CASTONGUAY: We have no records of the ages of our returning officers. I have no record in this regard and I do not think any department of government has a record of the age of returning officers. This is not required.

Mr. MACQUARRIE: I just wondered how this would apply.

The CHAIRMAN: It does not apply.

Mr. CASTONGUAY: It has operated during the 14 years that I have been chief electoral officer. Returning officers have been removed because they ceased—

An hon. MEMBER: Ceased to function.

Mr. MACQUARRIE: Perhaps these individuals obviously attained the age of 65.

Mr. PAUL (*French*):

(*Interpretation*): Section 3 paragraph (c) gives an example of the removal of the returning officer for another reason. Could you make some comment in this regard?

Mr. CASTONGUAY (*French*):

(*Interpretation*): I have no experience in that regard because this comes within the jurisdiction of the Secretary of State. We must satisfy the Secretary of State that the returning officer belongs in this category, and it is the Secretary of State who recommends to the governor in council that a returning officer be removed. I have no particular experience in this regard.

Mr. PAUL (*French*):

(*Interpretation*): Generally speaking, do you not think this is dangerous?

Mr. CASTONGUAY (*French*):

(*Interpretation*): I do not recall this ever being used.

(*Text*)

Mr. PENNELL: The returning officer might be in jail. If he was incarcerated he would not be able to function then.

Mr. CASTONGUAY (*French*):

(*Interpretation*): It is possible that the returning officer is absent from the country. I have had no real experience and cannot give you any assistance in this regard.

(*Interpretation*): He may be removed in the case of illness or for another reason.

Mr. CASTONGUAY (*French*):

(*Interpretation*): The reason for invoking this rule in the best generally has been on the basis that a man has attained an age over 65, or has ceased to reside in the constituency involved.

The CHAIRMAN (*French*):

(*Interpretation*): Let us move on to the next amendment.

Mr. DROUIN (*French*):

(*Interpretation*): With regard to paragraph 1 of section 9, I should like to suggest an amendment. Perhaps Mr. Castonguay can comment on this amendment before I put it in a formal way. I would like the words: "—who shall be a person qualified as an elector in the electoral district,—", removed. I have personal knowledge of a returning officer being removed because this returning officer was not a qualified elector in the constituency involved, and I fail to see why the clerk would have to be able to vote in that constituency.

Mr. CASTONGUAY (*French*):

(*Interpretation*): The returning officer might be ill. His clerk might have to act as the returning officer. If there is an equality of votes in one constituency; that is a tie, the clerk would have to act as the returning officer and make the decision. If he was not an elector of that constituency this system would not be functional. In view of the jobs that might devolve upon the clerk because the returning officer was ill, or not present for other reasons, it would be dangerous to remove that requirement.

Mr. DROUIN:

(*Interpretation*): Has it ever happened that a clerk was called upon to cast the deciding vote?

Mr. CASTONGUAY:

(*Interpretation*): This has never happened to the best of my knowledge but it could well happen.

Mr. PAUL:

(*Interpretation*): In 1931 was there not a clerk who had to vote?

Mr. CASTONGUAY:

(*Interpretation*): I am not sure that that has occurred.

Mr. DROUIN:

(*Interpretation*): I know quite often a returning officer is deprived of the excellent services of a clerk because the proposed clerk was not qualified to vote in that district. I have reference to a notary public who was named as returning officer in an electoral district. He had a clerk or secretary in his office who would have been an excellent clerk but had not resided in the constituency long enough to qualify to vote. In this event the returning officer would be deprived of the services of a very capable clerk.

Mr. CASTONGUAY:

(*Interpretation*): This question was studied by the committee at its meetings in 1960 and this was the decision at which that committee arrived. This qualification is now required of every electoral officer whether he be the

numerator, deputy returning or returning officer. The committee of 1960 decided this should be the situation. Of course, the committee's decision of that date is revocable.

Mr. PAUL:

(*Interpretation*): When we are dealing with this amendment we should perhaps deal with paragraph 3 subparagraph (b) which covers the event of a returning officer ceasing to reside in the electoral district. If a clerk had to act in lieu of the returning officer and he was not a resident of the district there would be a conflict.

Mr. CASTONGUAY:

(*Interpretation*): When a returning officer is appointed he must be a resident of the constituency. After he has been appointed he can move out of the constituency and continue to vote.

Mr. PAUL:

(*Interpretation*): Is the returning officer not required to reside in the district?

(*Text*)

The CHAIRMAN: The candidate may be from Vancouver but he could run in Halifax and be elected.

Miss JEWETT: Is this requirement included in the event he has to cast a vote in the case of a tie.

Mr. CASTONGUAY: That is only one factor which is involved. The whole principle of the act is that every election officer must be a qualified elector in the electoral district involved. I feel that this committee should look at the whole question.

Miss JEWETT: I was thinking in terms of what Mr. Caron has said regarding a candidate running in Halifax but not qualified to vote there.

Mr. HOWARD: He probably would not be elected there either.

The CHAIRMAN: He would have to go back to Vancouver to vote.

Mr. DROUIN:

(*Interpretation*): The act makes it mandatory on the part of the clerk and returning officer that they be residents in the constituency?

Mr. CASTONGUAY:

(*Interpretation*): Yes.

Mr. DROUIN:

(*Interpretation*): I see nothing in the act which sets this out. Perhaps I have missed it.

Mr. CASTONGUAY:

(*Interpretation*): You have the French version before you, Mr. Drouin. Section 98 (2) at page 270 of the French version covers this situation.

Mr. DROUIN (*Interpretation*): Do you not find that these two sections lead to confusion? In the one case it is stated that the returning officer can be removed if he ceases to reside in the constituency, but I think it should also state that if he loses his qualification as an elector he should be removed in order to avoid confusion.

Mr. CASTONGUAY (*Interpretation*): It does happen in a large constituency, for instance, that a returning officer returns to another constituency, but no one makes any representation that he be removed. These things happen. Some people move and the next day representations are made.

Mr. DROUIN (*Interpretation*): It seems to me that there is some confusion in the terms.

Mr. CASTONGUAY (*Interpretation*): There is no confusion. There is a principle for the returning officer and there is another principle for the other electoral officers. Certainly there is no confusion. When a person is appointed as an electoral officer, he must be qualified as an elector. It is mandatory for this person to be so qualified. However, it is not mandatory that the returning officer be removed. If representations are made to the Secretary of State showing cause, showing he does not reside in the constituency, the decision is up to the Secretary of State, who can recommend to the governor in council that the returning officer be removed. It is up to the Secretary of State. Under section 3(3) it is not mandatory that the returning officer be removed from his position even if he comes under the terms of these clauses.

I see no confusion at all. The returning officer, the deputy returning officer and the clerk are all treated in the same way. When they are appointed, they must be qualified as electors. There is no doubt whatever on this score.

May I continue Mr. Chairman?

Mr. DROUIN (*Interpretation*): I do not want to put forward a motion if I do not have the support of the committee. I do not put forward these matters for the simple pleasure of doing so. I maintain my position, but if there is any objection from the committee I will not put the motion forward.

(Text)

The CHAIRMAN: Does the committee feel we should leave the clause as it is?

Agreed.

Mr. CASTONGUAY: On section 8 I have an amendment on page 3 of the English bill.

6. Section 9 of the said Act is amended by adding thereto the following subsections:

Additional powers of returning officer.

"(8) In any electoral district mentioned in Schedule III the returning officer, with the written authorization of the Chief Electoral Officer, may

- (a) appoint more than one election clerk;
- (b) establish an office in each locality designated for such purpose by the Chief Electoral Officer; and
- (c) delegate in writing to any election clerk appointed pursuant to paragraph (a) a returning officer's power of selecting and appointing enumerators and deputy returning officers and of selecting polling places.

Application.

(9) Subsections (5), (6) and (7) of section 9, subsection (2) of section 10, subsection (13) of section 21 and subsections (1) and (2) of section 51 do not apply in the case of any election clerk appointed pursuant to subsection (8)."

This arises out of the creation of the electoral district of the Northwest Territories. As you may recall, the Northwest Territories district was created before the 1963 election. I appeared as a witness before the Senate committee, and I pointed out to them that there should be additions in view of the territories size, which is 1,350,000 square miles; whereas prior to the change the Northwest Territories was the electoral district of Mackenzie and it only had 500 square miles. However, the addition of Keewatin and Franklin district made an electoral district of 1,253,000 square miles. I testified before the

Senate committee that it was necessary to have additional election clerks, one in Keewatin and one in Franklin district, and one in the Mackenzie district. However, no legislation was passed to provide that.

I have the power to authorize additional election clerks but I do not like to use those powers when parliament can deal with the matter. I therefore come back now to ask the committee if they will authorize additional election clerks in certain constituencies under these circumstances.

Mr. HOWARD: In view of subsection 9 on page 4, are those references consequential amendments only? I assume they are.

Mr. CASTONGUAY: I do not follow you.

Mr. HOWARD: I am referring to page 4, at the top of the page.

Mr. CASTONGUAY: Yes, they are. I do not want the election clerks to have these powers. It is not necessary.

May I point out to you that this amendment is restricted to the electoral districts mentioned in schedule III of the act. There are 21 districts, and additional election clerks could be necessary in some districts. For instance, in Grand Falls-White Bay-Labrador it is essential there be extra clerks. At Kenora-Rainy River I authorized additional clerks, and at Skeena, but I do not think these powers should be extended to the other electoral districts. I am just referring to those on page 242 of the English version and page 358 of the French version.

Mr. HOWARD: I move the adoption of the amendments.

Mr. MOREAU: I wish to second the motion.

The CHAIRMAN: It has been moved by Mr. Howard and seconded by Mr. Moreau that the adoption of subsection 8 of section 9 be approved.

Mr. HOWARD: Subsections 8 and 9.

The CHAIRMAN: Subsections 8 and 9 of section 9.

Mr. HOWARD: I know what I am talking about so this is all right with me, but I am just wondering if it will come out clearly in the *Hansard* report so that people reading it will know what we are talking about.

The CHAIRMAN: It is section 9, subsections 8 and 9. Is that what you mean?

Mr. HOWARD: Yes. It is called clause 6 in the proposed bill.

The CHAIRMAN: It is clause 6 in the amendment but it comes in section 9 in the old law.

Mr. CAMERON (*High Park*): Section 9, clause 8 should be added.

The CHAIRMAN: Section 9, clauses 8 and 9 should be added. This will be clause 6 in the amendments to the bill. Is that agreed.

Amendments agreed to.

The CHAIRMAN: Then we come to section 10.

Mr. CASTONGUAY: I have no amendments to recommend to section 10.

The CHAIRMAN: Is there anything to change in this section?

Miss JEWETT: I have always wondered about the meaning of the word "convenience". It says "some convenient place in the electoral district" is where the electoral officer is meant to be. I have wondered whether it should not include access to telephone lines. In our electoral district the returning officer was in a part of the district where the Bell Telephone Company was not operating and he only had one line. Unfortunately all the neighbours were on the line, with the result that the rest of Canada did not know what was happening. I am sure there were complaints about that.

Mr. CASTONGUAY: There are two or three electoral districts where this happens, but it would be difficult to legislate or define what "convenient" should mean. I think in most cases where we have problems like that we authorize the returning officer to move into a central place.

Miss JEWETT: That is a good idea.

The CHAIRMAN: There is a central place in the district to which you are referring and they could have moved.

Mr. CASTONGUAY: The very nature of his job means very often that the most convenient place is the home of the returning officer. He is not allowed to open up an office until the writ is issued. In cases in which we have complaints that the returning officer is not accessible during the election, we instruct him to open an office in a central place. We have done this. However, there are only a few cases in which we have had this problem. It may be better for the governor in council to appoint returning officers who live in central places.

Mr. CAMERON (*High Park*): Why do we not insert word "accessible" after "convenient"? Why do we not say "in some convenient, accessible place"?

Mr. TURNER: I think the word "convenient" includes "accessible".

Mr. CAMERON (*High Park*): It does not according to Miss Jewett.

Miss JEWETT: I was being somewhat facetious. It is really the Bell Telephone Company's fault.

Mr. CASTONGUAY: If the request is made to me, then I authorize the opening of an office.

Mr. CAMERON (*High Park*): I think there should be some directions. I do not think the returning officer should be entitled to set up the office just because it is his home. He may live away out in the country. He may live away from the most populated area of his district and people in the community would have to go way out to his farm.

Mr. CASTONGUAY: We run into the problem, where we move returning officers to more convenient places, that the returning officer has to commute to and from the office and his home, and he is less accessible than he would be in the farmhouse in the rural area.

Mr. CAMERON (*High Park*): I cannot agree. If he cannot make himself reasonably convenient, he should not have been appointed returning officer.

Mr. MOREAU: It might be the fault of Miss Jewett for not complaining!

Miss JEWETT: In the provincial election the returning officer did move into the main town and the situation was better.

Mr. MILLAR: Did I not understand you to say that once the writ for an election has been issued you have the authority to direct the returning officer to place his office in a convenient place.

Mr. CASTONGUAY: I have that authority.

Mr. MILLAR: Then that answers the question.

Mr. CAMERON (*High Park*): It partly does. How often do you exercise that authority?

Mr. CASTONGUAY: Whenever a request is made to me.

The CHAIRMAN: You better make a request the next time.

Mr. CAMERON (*High Park*): I cannot imagine a returning officer having to use a party line; that would be a lurid situation in a Canadian election.

Mr. CASTONGUAY: It may be this problem could easily be solved if the governor in council appointed people who lived in central places.

Mr. CAMERON (*High Park*): But the man who lives in the country may be the best person for that job; he should be where he is conveniently accessible.

Mr. CASTONGUAY: Well, I have the power to put him there whenever requests are made.

Mr. CAMERON (*High Park*): Knowing you, Mr. Castonguay, I am willing to rely on that, but I think there could be an improvement in so far as the word "accessible" is concerned.

The CHAIRMAN: On clause 11 there are amendments 1, 2 and 3.

Mr. CASTONGUAY: The amendment proposed in clause 7 of the bill,

7. Section 11 of the said Act is repealed and the following substituted therefor:

Revision of boundaries of polling divisions.

"11. (1) The polling divisions of an electoral district shall be those established for the last general election, unless the Chief Electoral Officer at any time considers that a revision of the boundaries thereof is necessary, in which case he shall instruct the returning officer for the electoral district to carry out such a revision. Polling divisions with 250 electors.

(2) The returning officer in carrying out a revision pursuant to his instructions under subsection (1) shall give due consideration to the polling divisions established by municipal and provincial authorities and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6), (7) or (8) of section 31; and subject to these provisions it is the duty of the returning officer to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately two hundred and fifty electors. Polling divisions with more than 250 electors.

(3) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than two hundred and fifty electors and divide the list of electors for such polling division between adjacent polling stations, as provided in section 33, the returning officer may with the approval of the Chief Electoral Officer and notwithstanding anything in this section, constitute a polling division including as nearly as possible some multiple of two hundred and fifty electors."

It refers to section 11 (1) of the Canada Elections Act, arises out of the fact that some doubt was raised by the staff of the Auditor General that I had the authority to order a general revision under the present provision. What I think I pointed out earlier to you is that I will order a general revision of polling divisions at the same time I ship the enumeration supplies, and when the revision is finished and the supplies have reached the returning officer I am in a position then to say: "Aye, aye, sir" on 60 or 70 days notice, but I must confess I am not in that position now.

I think it is essential that the general revision should be under my control, and I would like the doubts removed in the Auditor General's mind as to my ordering a general revision. We have been ordering them for the last 30 years. However, the doubt arose during the last election.

Mr. HOWARD: You are reducing the size to 250.

Mr. CASTONGUAY: Well, this is to bring it in line with existing practice, where the average urban electoral district now has around 240 electors. It has been brought to my attention over the last two or three general elections that there is a problem of getting competent enumerators. If you give them more than 300 they do not seem to have the time to do this very efficiently, but if you give enumerators polling divisions with between 250 and 300 electors they are more apt to do a better job. Many returning officers aim at 350, which is now provided in the act. Now, I am not speaking of the most competent team of enumerators, but if you give an average pair of urban enumerators between 250 and 300 names they can do a satisfactory job. But, if it is near 400 we run into a great deal of difficulty. Also, we have a great number of retired people who do this type of work and if you give them 400 it means they have a few more city blocks to walk. I think perhaps that members here who represent urban constituencies would be more familiar with this practice and perhaps would be able to shoot my suggestion down much better because you are more familiar with it than I am. However, my returning officers tell me that the most efficient is between 250 and 300.

Mr. MOREAU: Would we still allow a poll to be of the size of 350 before it was changed?

Mr. CASTONGUAY: I am only suggesting this; I am not changing it.

Mr. MOREAU: I think it would be a good suggestion. I know, in drawing the boundaries in an urban area such as I represent and aiming at electoral divisions of 300 we had as many as 60 or 70 polls which had to be split after the enumeration was made, and this division of the electoral boundaries was made so late in the election that it did create quite a problem. It made it difficult for all the parties to organize their campaigns because it meant duplication of scrutineers and so on.

I think if we aimed initially at the lower figure and kept the maximum as is we will have eliminated a great deal of this problem.

Mr. CASTONGUAY: My suggestion is that you try to improve the enumeration because you must remember the enumerators have six days to collect 10 million names and under present day conditions, with many retired people doing this, they have too many blocks to walk, which does create a problem.

Mr. TURNER: I would substantiate that. When they get their 300 names they start skipping a block.

The CHAIRMAN: Although I do not know the condition which exists in the other provinces, in Quebec the list numbers 250, and they seem to be satisfied with that.

Mr. MOREAU: I would like to move the adoption of this amendment to the act.

Mr. WEBB: I will second the motion.

The CHAIRMAN: It has been moved by Mr. Moreau and seconded by Mr. Webb that clause 7 of the amendments, which looks after section 11 of the act, be adopted.

Some hon. MEMBER: Agreed.

Amendment agreed to.

Miss JEWETT: Could I ask a question, Mr. Chairman. I am directing this question partly because I am new, and I am thinking of things which I was meaning to ask. How do you get polling subdivisions abolished? For example, there are lots of polling subdivisions which, it seems to me, could be combined without any great hardship to the people. These have become smaller over the years. There are several in my own constituency and I am sure in Mr. Webb's and other members, where there are only between 40 and 50 people voting. I

agree that if it is a very scattered area you probably cannot change it; but, there does not seem to be any attempt even on the part of the returning officers to amalgamate polls which are geographically suited and reasonably small, where the number of electors has gone down rather than up.

Mr. CASTONGUAY: In my instructions to returning officers I stress we should try to eliminate these polls. But, one thing you must remember is that in the rural areas—and I think every member would agree with this—it is felt the electors should be provided the same convenience for voting as people in the urban centres, as a result of which over the years the returning officers are not too successful in having these polls cancelled or merged because of objections raised by all political organizations to the effect that if this is done it will provide less convenience to the rural people.

Miss JEWETT: Well, in a few cases I agree.

Mr. CASTONGUAY: The returning officer, as I said, has my instructions that wherever it is possible to merge and reduce the number of polling divisions, to do so, but it is not that easy.

Miss JEWETT: Have suggestions been made to that effect?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: We now move to section 12 of the Canada Elections Act, clause 8 of the suggested amendments.

Mr. CASTONGUAY: I have a suggestion under page 4, clause 8 of the bill, subsection 2 of section 12 of the act.

8. Subsection (2) of section 12 of the said Act is repealed and the following substituted therefor:

“(2) Whenever it has been represented to the Chief Electoral Officer that

(a) the population of any other place is of a transient or floating character, or

(b) that any rural polling divisions situated near an incorporated city or town of five thousand population or more has acquired the urban characteristics of the polling divisions comprised in such city or town,

he has power, when requested not later than the date of the issue of the writ ordering an election in an electoral district, to declare, and he shall so declare if he deems it expedient, any or all the polling divisions comprised in such places to be or to be treated as urban polling divisions.”

I must confess I have been using powers here that have been challenged only once, and I thought maybe the committee would give me support by amending this particular provision. The challenge just concerned metropolitan areas such as Toronto, Winnipeg, Vancouver, Ottawa and Montreal and those areas outside of the corporate limits of these cities which are rural. But, the area is just as urban in character as it is across the street in the corporate city. Now, wherever this happens the local safeguards disappear in that area which is in suburbia, which is a rural area, and I have had many representations in this connection. Whenever I do receive representations from political organizations and candidates to declare these polling divisions urban I have acceded to their request. As I say, I was challenged once, when they said I did not have the power to do this under the present provisions. But, we have been doing it for the last 30 years.

With this present draft suggestion which I put to the committee I would not have any doubts about my power to do this.

Mr. MACQUARRIE: What is meant by the expression “or floating”?

Mr. CASTONGUAY: That is a carryover from what was in the act previously.

Mr. MACQUARRIE: Even then, what does it mean?

Mr. CASTONGUAY: The value of that could be for instance, a trailer camp, logging operations, boom towns, mining camps, and things of this type.

Mr. MACQUARRIE: Surely "transient" would cover it.

Mr. CASTONGUAY: I am not married to this. It has been in the act for 30 years, and we just carried on with that wording.

Mr. MACQUARRIE: I noticed it years ago.

Mr. PENNELL: On what grounds did they challenge your power? It would seem to be pretty clear here?

Mr. CASTONGUAY: They maintained that this particular suburbia was not of a floating or transient character. However I continued exercising my right to declare these places urban under this section. I would feel happier if the committee approved of it now, for it might stop any further challenging.

Mr. MOREAU: We have to bear in mind that the act must be written in such a way that it may be interpreted by a great number of people, some of whom are not experts at all in the law, or perhaps not too skilful at interpreting some of this legislation. Perhaps you may not wish to have the word retained, but I do not think it takes anything away.

Mr. MACQUARRIE: I would think it would be better to have it out of there.

Mr. DROUIN: With respect to the present section 11, it requires five days notice to change a rural area to an urban area. Yet in your amendment you would make it ten days.

Mr. CASTONGUAY: I have received representations five days after the issue of the writ. The returning officers would have received their kits to allow them to proceed on a rural basis. So when I receive these representations five days after the issue of the writ it is not practical to try to change it. However in my instructions I have asked the returning officer when revising the limits of his polling places to consult the political parties. These points could be arranged at that time. About all these problems could be so easily settled before the issue. But in my opinion it is very difficult to arrange them in my office when faced with the demand to decide whether it is reasonable or should it be changed. It is very difficult to do so five days after the issue of the writ. It is far too close to the date of enumeration. I do not think it is reasonable, because any candidate of any political party has had from six months to a year to make such a revision.

Mr. DROUIN: I understand that, and I support you one hundred per cent.

The CHAIRMAN: Now we have section 13;

Supplies for returning officers. Copies of act and instructions. Enumeration and revision supplies. Blank poll books and other blank election forms. Statement of rural and urban areas. Also stereotype blocks. Postage free.

Mr. MOREAU: I have an amendment under section 14 which I would like to propose.

Mr. TURNER: Is it 18 or 19?

Mr. MOREAU: I move, seconded by Mr. Drouin, that we amend subsection 1 (a) of section 14 to read: "the full age of 18 years", instead of 21 years.

Mr. HOWARD: I had the same thing in mind, myself.

Miss JEWETT: Eighteen or 19?

Mr. HOWARD: Eighteen. In fact I have it written down here. But I think as a basic part, in the preparation of it we should consider the age of the

candidates as well. In another section the age of the candidate is set out at 21. I think there should be a second approach. You can vote at 18 or run as a candidate at 18. Perhaps you might include that as an amendment.

Mr. CASTONGUAY: It is covered under section 19.

Mr. DROUIN: Could that not be made to envisage protection of the age of the candidate when we come to that section? I believe it might be a good idea to reduce the voting age because of the fact that in this day and age we acquire regimentation earlier than was the case in former days. Educational facilities are now put within the reach of a larger number of people, and there are people of 18 today who are sufficiently matured to exercise with caution their right to vote. I therefore second with a great deal of pleasure the proposal which has been put forward by Mr. Moreau?

The CHAIRMAN: Do you object to accepting the suggestion of going from 21 to 18?

Mr. HOWARD: We could ask Mr. Castonguay to prepare it in some formal way.

Mr. CASTONGUAY: I have all the consequential amendments here. In fact, I anticipated this.

1. (1) Paragraph (a) of subsection (1) of section 14 of the said Act is repealed and the following substituted therefor:

“(a) is of the full age of 18 years or will attain such an age on or before polling day at such election;”

(2) subsection (3) of section 14 of the said Act is repealed and the following substituted therefor:

Qualification of veteran under 18 years of age.

“(3) Notwithstanding anything in this Act, any person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of 18 years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.”

1. Form No. 15 of Schedule I to the said Act is amended by repealing ground (3) of the grounds of disqualification set out therein and by substituting therefor the following:

“3. “Is not qualified to vote because he is not of the full age of 18 years or will not attain such age on or before polling day at the pending election.””

2. Form No. 18 of Schedule I to the said Act is amended

(a) by repealing the second paragraph of the said Form and by substituting therefor the following:

“I am of the full age of 18 years, or will attain such age on or before polling day at the pending election.”

(b) by repealing clause (a) of paragraph 2 of the said Form and by substituting therefor the following:

“(a) is of the full age of 18 years, or will attain such age on or before polling day at the pending election;”

3. Form No. 45 of Schedule I of the said Act is amended by repealing paragraph (4) thereof and by substituting therefor the following:

“(4) That I am a Canadian citizen of the full age of 18 years;  
(or)

That I am a British subject other than a Canadian citizen of the full age of 18 years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;”

4. Form No. 50 of Schedule I to the said Act is amended by repealing clause (a) of paragraph (5) and by substituting therefor the following:

“(a) is a Canadian citizen of the full age of 18 years;  
or

is a British subject other than a Canadian citizen of the full age of 18 years and has been ordinarily resident in Canada for the twelve months immediately preceding this polling day; and”

1. Paragraph 21 of the said Rules is repealed and the following substituted therefor:

Qualifications of Canadian Forces elector.

“21. (1) Every person, man or woman, who has attained the full age of 18 years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Rules, while he or she

(a) is a member of the regular forces of the Canadian Forces;

(b) is a member of the reserve forces of the Canadian Forces and is on full-time training or service, or on active service; or

(c) is a member of the active service forces of the Canadian Forces.

Exception.

(2) Notwithstanding anything in these Rules, any person who, on or subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of 18 years, but is otherwise qualified under subparagraph (1), shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Rules.”

2. Clause (a) of paragraph 22 of the said Rules is repealed and the following substituted therefor:

“(a) is of the full age of 18 years,”

(Note: Subparagraphs (1) and (2) of paragraph 36 are up for amendment and required change of “twenty-one” to “18” can be incorporated in the amendment, if necessary.)

3. Form No. 7 of the said Rules is amended by repealing paragraph 5 thereof and by substituting therefor the following:

“5. That I have attained the full age of 18 years.”

4. Form No. 8 of the said Rules is amended by repealing paragraph 6 thereof and by substituting therefor the following:

“6. That I have attained the full age of 18 years.”

5. Form No. 15 of the said Rules is amended by repealing paragraph 6 thereof and by substituting therefor the following:

“6. That I have attained the full age of 18 years.”

Mr. MOREAU: I think the amendment is very simple; it is simply a substitution.

Mr. HOWARD: You have to make reference to other subsections in 14.

The CHAIRMAN: Suppose it goes to 18, 19 or 20; Mr. Castonguay has prepared amendments which would follow the change of age; and if it is not changed, we just drop them or throw them away as no good.

Mr. HOWARD: I wonder if Mr. Castonguay has followed the drafting of the bill which I introduced several years ago on this matter?

Mr. CASTONGUAY: Rather closely, Mr. Howard.

Mr. DROUIN: I would like to point out to Mr. Howard that a great deal of publicity has been given to this matter in a perhaps more consequential way, or a more striking way. The Liberal party, over the last two election campaigns, made it part of its platform, and we had the pleasure of broadcasting it throughout this country.

Mr. HOWARD: Might I point out that at the last hearing of this committee in 1960 it was the Liberal party, notably Mr. Pickersgill, who opposed this idea in committee, but subsequently changed his mind when it came before the full house upon third reading of the amendment which we moved. We feel that you followed our lead, and that you put it in your party's platform.

Mr. MOREAU: This was a resolution debated in our national rally in 1961.

The CHAIRMAN: When Mr. Pickersgill changed his mind he told us that when he was 18 years of age he was at home and would have voted Conservative, and that when he was 21 years of age he was away from home and would have voted Liberal.

Mr. MACQUARRIE: I remember that at the last committee when we discussed this I had some reservations. I think they stemmed largely from the fact that I had taken careful stock of what some provincial electors had done in various parts of Canada, and in looking upon their judgment I wondered if this was good or not. But I have never been opposed to the reduction of the age limit.

Mr. MOREAU: I have not written my amendment out.

The CHAIRMAN: We will pass those amendments around.

Mr. DOUCETT: I would like to ask if Mr. Castonguay has any figures which would give us an idea of the extra voters if the age limit were changed.

Mr. CASTONGUAY: I checked this with the bureau of statistics. It would involve 750,000 new electors for this year.

Mr. MOREAU: I would like to make my motion. Mr. Castonguay has considered these amendments very carefully and they would follow from the change of the voting age. I would move adoption of this report with the inclusion of the words "18 years" where he has left a blank.

Mr. HOWARD: I second the motion.

Mr. TURNER: That would be a similar motion.

The CHAIRMAN: We will put in the words "18 years" everywhere they apply.

Mr. TURNER: I would interpret that, Mr. Chairman, as the expansion of the original motion seconded by Mr. Drouin.

Mr. HOWARD: Quite seriously, Mr. Chairman, I think this is a commendable move for the committee to make. I hope that when it gets to the house there will be unanimous acceptance in parliament for this proposal. I think the mover should be congratulated for seeing the need to put into effect something of that sort. I hope all the provinces which now have the voting age of 21 follow suit. This takes into account the social and economic facts of life today.

Mr. MOREAU: Mr. Howard, I would just like to tell you in all seriousness that apart from Mr. Pickersgill's views in the past and so on I have held this view since I was engaged in elections at the age of 18 and was very desirous that I should be recognized and that my right to vote should be recognized.

Mr. MACQUARRIE: I would like to say in connection with what Mr. Howard pointed out that there is one province which recently amended its act and whose voting age is now 21 but consequent upon the dominion franchise being reduced to a different age the legislation there will automatically revert to the starting point.

Mr. TURNER: The province of Quebec has already been in the vanguard of this type of legislation and it has not been contingent upon any action taken by the federal people whatsoever.

I might say that the exchange between Mr. Moreau and Mr. Howard only illustrates what I happen to have been saying throughout the last election, that there was really only one new party and it was the party of Mr. Moreau which I represent.

Mr. HOWARD: Every day it becomes new.

Mr. MOREAU: I think, Mr. Chairman, in regard to the provincial matter, I am subject to correction but the province of Saskatchewan has the voting age of 18.

Mr. HOWARD: In British Columbia it is 19. I mentioned to Mr. Macquarrie that this had a beneficial effect only in the provinces where the voting age has been reduced to 18.

The CHAIRMAN: You have heard the amendment. Is there any objection? It is carried.

Amendment agreed to.

Mr. CASTONGUAY: I am seeking the assistance of the committee here on two suggested amendments.

Mr. TURNER: Without wishing to interrupt Mr. Castonguay, what time did you suggest would be a good time to break?

The CHAIRMAN: Do you mind if we finish that section and then adjourn? Would you mind if we sat in the evening today because Mr. Castonguay will not be able to make the changes if it does not pass the house before the month of December.

Miss JEWETT: Do you mean sit tonight?

The CHAIRMAN: Yes. If we sit in the evenings we might finish before the end of the month.

Mr. HOWARD: For my own sake tonight is impractical because of the short notice, but I was thinking of sitting tomorrow afternoon.

The CHAIRMAN: We can sit tomorrow.

Mr. MOREAU: I do not know of other members but I have a commitment in another committee, the banking and commerce committee which is a large committee and a number of members sit on that committee. I do not think we would be likely to get a quorum tomorrow night.

The CHAIRMAN: Can you be here tomorrow afternoon?

Mr. MOREAU: We have a number of delegations who are presenting briefs before the banking and commerce committee.

The CHAIRMAN: Are they sitting the whole day?

Mr. MOREAU: They will if the briefs take that length of time to hear. It is very difficult to predict how long the committee will be sitting.

The CHAIRMAN: We will not sit tonight and we will wait until next week. We will then try to hurry up next week.

Mr. TURNER: Perhaps you could suggest a time table for next week.

Mr. HOWARD: We should lay out a schedule for next week.

The CHAIRMAN: This was just a suggestion. I will accept this suggestion and next week we will try to sit on Tuesday and Thursday nights.

Mr. TURNER: You could suggest a time table at the first meeting next week.

The CHAIRMAN: We will finish this and adjourn until next week.

Mr. CASTONGUAY: The first suggestion I have is on page 5 of the bill, clause 9(b) of subsection (1) of section 14 of the said act is repealed and the following substituted therefor:

(b) is a Canadian citizen or has received his or her certificate of Canadian citizenship on or before polling day at such election or is a British subject other than a Canadian citizen;

The problem that has arisen is this, that there are many new Canadians who, after the date of the issue of the writ receive their Canadian citizenship papers, and I have ruled I cannot tell you how often that any person who receives Canadian citizenship on or before the polling day is entitled to have his name entered on the list of electors. This is not covered in the act. It does not say he cannot or it does not say he can. I would suggest, and I have ruled like this for three or four general elections, that any Canadian citizen who receives his Canadian citizenship certificate on or before the polling day is qualified as an elector.

Mr. TURNER: How do you get them on the list?

Mr. CASTONGUAY: The same as any other elector. If he became a Canadian citizen in an urban polling division after the polling date, he is out. I have dealt with that problem in cases where there has been a big court for instance and several new Canadians have received their certificates. In those cases I have extended, with the assistance of the judge, the period of revision so as to have these people included on this list provided it is before the polling day. I have used my powers under section 5(2) and the committee will perhaps not criticize me for doing this.

Mr. TURNER: I was wondering why you picked that cut-off date?

Mr. CASTONGUAY: Because if a new Canadian resides in a rural polling division, then his name does not have to be on the list at all. All he has to do is to get another elector to vouch for him and he is permitted to vote. The reason I chose the cut-off date is to allow people in the rural areas to go to the polls. Certainly in urban areas if they get their certificates after the last date of the sittings of the revision officers, then there is nothing I can do for them unless I use my powers under section 5(2). I do that wherever it is practicable and where the judge, who is the ex officio revising officer, consents to it. They co-operate a great deal. I have had wonderful co-operation on this from the judges.

Mr. MOREAU: Would there be some confusion in urban areas if the court of revision were closed? A new Canadian might read this new section of the act and come in on polling day expecting to vote.

Mr. CASTONGUAY: He would have to read section 14 (1) first; it goes with that. Then you would see that there would not be this confusion.

Mr. PENNELL: Bearing in mind the friendly banter across the table here today, I am giving notice that I am going to ask Mr. Castonguay to prepare a draft amendment to section 62 relating to the appointment of deputy returning officers and poll clerks. I am giving you this notice so that you may come

prepared with your ammunition to destroy me. The general principle will be some mechanism whereby the government would appoint the deputy returning officers, and the member obtaining the highest number of votes, but not a member of the government, would have a hand in appointing the poll clerk.

In other words, the government would be appointing the deputy returning officer and the poll clerk would be appointed by the party who had obtained the highest number of votes. If the Liberals were in power and a Liberal won, the runner-up would appoint the poll clerk.

Mr. MILLAR: What is your reason?

Mr. PENNELL: I am following the same reasoning as is applicable to enumerators. This has been accepted and works. This is in fairness to all parties. If you just made it between the government and the opposition, it would be excluding the other parties.

Mr. MILLAR: Do not be too generous; you may regret it.

The CHAIRMAN: This will come in under section 26, I believe.

Mr. PENNELL: Yes.

The CHAIRMAN: Now, there is clause (b) of subsection (5). This is consequential to clause 62 of the bill. We will have to wait until we reach clause 62 before we can deal with this one.

Mr. MOREAU: Have we adopted the amendment proposed under clause 9 of the revised act?

The CHAIRMAN: Is it agreed?

Amendment agreed to

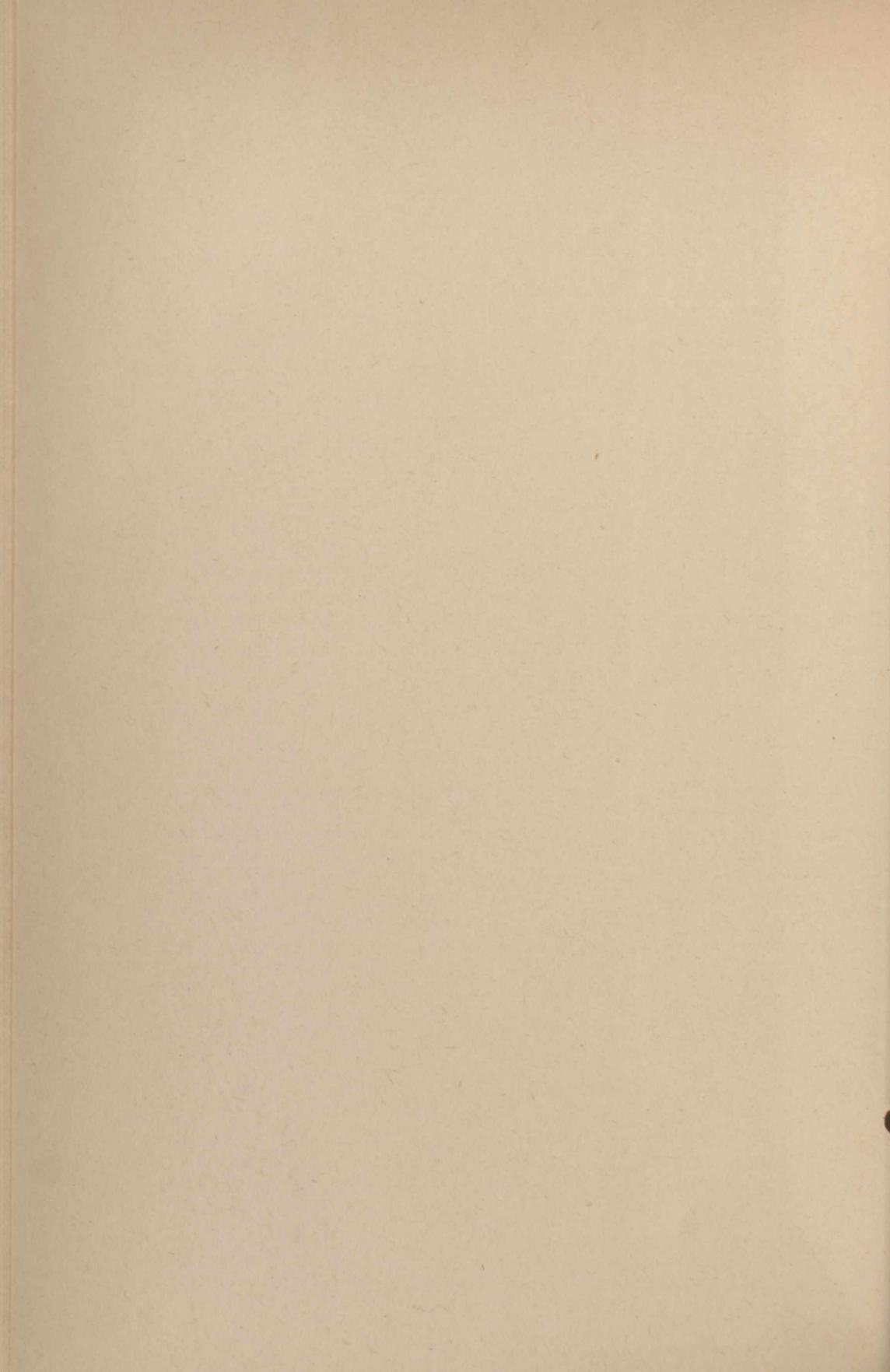
The committee adjourned.

The first of these is the fact that the United States is a young nation, and its history is still in its infancy. It is a nation of immigrants, and its people are still in the process of assimilating the various races and nationalities that have come to it from all over the world. This has given it a unique character, and it is this character that has made it a great power in the world.

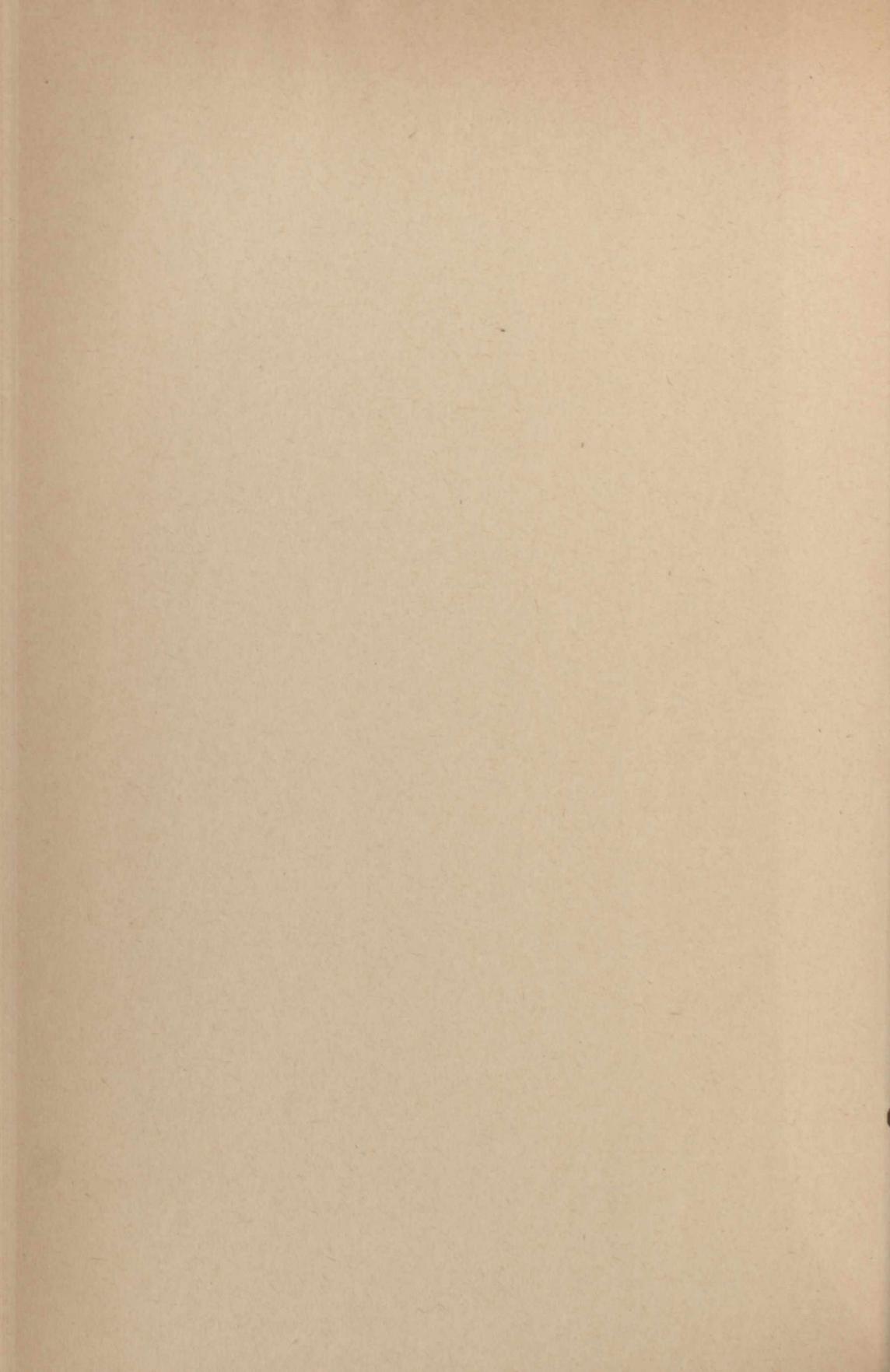
The second of these is the fact that the United States is a nation of free men. It is a nation in which every man is free to exercise his rights and to follow his own path. This has given it a great strength, and it is this strength that has made it a great power in the world.

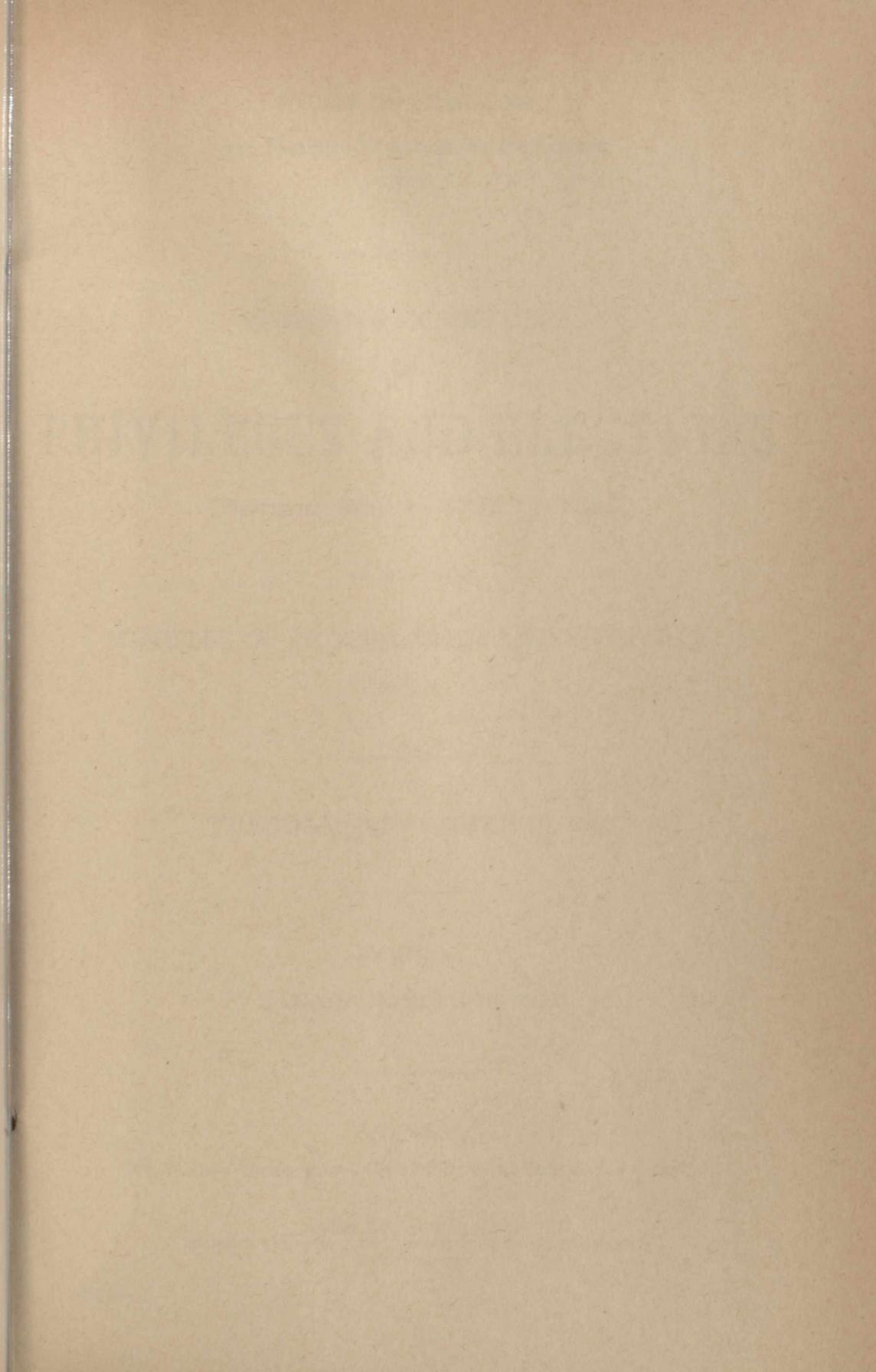
The third of these is the fact that the United States is a nation of progress. It is a nation in which every man is free to improve himself and his country. This has given it a great strength, and it is this strength that has made it a great power in the world.

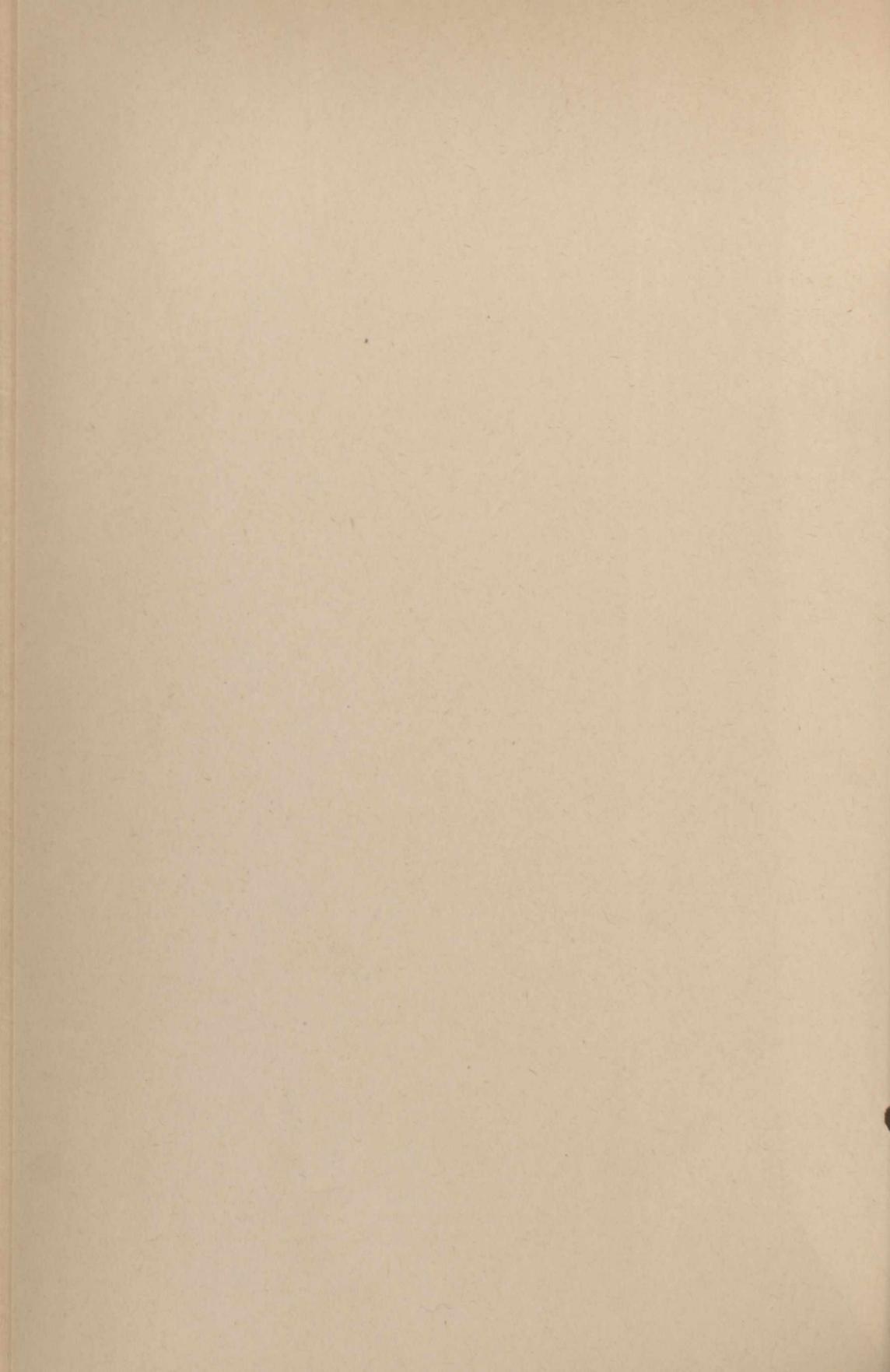












HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

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TUESDAY, NOVEMBER 19, 1963

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Respecting

CANADA ELECTIONS ACT

---

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

Blouin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Doucett,  
Drouin,  
Fisher,  
Greene,  
Grégoire,

Howard,  
Jewett (Miss),  
Leboe,  
Macquarrie,  
Martineau,  
Millar,  
Monteith,  
More,  
Moreau,

Nielsen,  
Olson,  
Paul,  
Richard,  
Rideout,  
Rochon,  
Turner,  
Webb,  
Woolliams—29.

(Quorum 10)

*Clerk of the Committee.*  
M. Roussin,

CORRECTION

*Proceedings No. 5*

*Page 159—Line 27 should read:*

On motion of Mr. Moreau, seconded by Mr. Drouin, the following amendment was adopted:

## MINUTES OF PROCEEDINGS

TUESDAY, November 19, 1963.

(11)

The Standing Committee on Privileges and Elections met at 10.22 o'clock a.m. this day. Mr. Alexis Caron, Chairman, presided.

*Members present:* Messrs. Blouin, Caron, Chrétien, Doucett, Fisher, Greene, Gregoire, Howard, Leboe, Macquarrie, Millar, More, Moreau, Pennell, Richard, Rideout, Rochon, Woolliams.—(18).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also, a Parliamentary Interpreter and interpreting.

Mr. Leboe, seconded by Mr. Rochon, moved:

That the quorum of the Committee be reduced from 10 to 8 members.

The question being put Mr. Leboe's motion, it was resolved in the negative.

Thereupon, the Committee resumed from Thursday, November 14th, its consideration of the Canada Elections Act.

The Committee reverted to Section 8.

Mr. Castonguay was called. He tabled and explained a proposed amendment which he had prepared at the request of the Committee. After discussion, Mr. Howard moved that the suggested amendment be adopted, except paragraph 5.

And debate arising thereon, Mr. Moreau, seconded by Mr. More, moved that the following amendment be adopted:

Subsection (2) of section 8 of the said Act is repealed and the following substituted therefor:

Vacation of office.

"(2) The office of returning officer in an electoral district is vacant if he dies, or with prior permission of the Chief Electoral Officer, resigns, or if he is removed from office, as for cause, within the meaning of subsection (3)."

Subsection (4) of section 8 of the said Act is repealed and the following substituted therefor:

Appointments to be gazetted.

"(4) The name, address and occupation of every person who is appointed as a returning officer, and the name of the electoral district of which he is appointed shall be communicated to the Chief Electoral Officer forthwith after the appointment, and the Chief Electoral Officer shall cause the name, address and occupation of the returning officer appointed and the name of the electoral district for which that returning officer is appointed to be published in the Canada Gazette within thirty days after the appointment.

List to be gazetted.

- (5) The Chief Electoral Officer shall cause a list showing
- (a) the name,
  - (b) the address,
  - (c) the occupation, and
  - (d) the electoral district,

of the returning officer for every electoral district to be published in the Canada Gazette between the first and twentieth days of January in each year.

Appointment within limited period.

(6) In the event of a vacancy in the office of returning officer for an electoral district, due to any cause whatsoever, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within thirty days after the day in which such vacancy occurred."

And the question being put, it was agreed to, on division.

*On Section 14*

Subclause (2) of Clause 9 allowed to stand until consideration of Clause 62.

*On Section 15*

Adopted.

*On Section 16*

On motion of Mr. Moreau, seconded by Mr. Blouin, the following amendment was adopted:

Section 16 of the said Act is amended by adding thereto, immediately after subsection (11), the following subsection:

Temporary residence on a ship, boat or vessel.

"(11A) A person whose temporary place of residence is on any ship, boat or vessel, shall be deemed to be ordinarily resident in the polling division in which is situated the port or landing place that such ship, boat or vessel is using as its base ashore on the date of the issue of the writs ordering a general election and is entitled to have his name included in the list of electors prepared for such polling division and is qualified to vote therein at the said general election; but such person is not entitled to vote in such polling division unless on polling day the ship, boat or vessel is still using as its base ashore the port or landing place that it was using on the date of the issue of the writs and such person is still temporarily resident thereon; this subsection is not applicable at a by-election."

And debate arising thereon, Mr. Moreau, seconded by Mr. Chrétien, moved, in amendment to Section 16 (12)

*That* Mr. Castonguay be asked to prepare an amendment to the Act allowing civil servants and their dependants to vote in those areas where armed forces voting facilities are provided, under rules applied to armed forces voting.

After discussion, the questions being put on Mr. Moreau's motion, it was resolved in the affirmative. Yeas, 8; Nays, 6.

Section 16 was adopted as amended.

*On Section 17*

On motion of Mr. Woolliams, seconded by Mr. More, the following amendment was adopted:

(1) Subsection (4) of section 17 of the said Act is repealed and the following substituted therefor:

"(4) The returning officer shall, upon receipt of the two copies of the preliminary list of electors from each pair of urban enumerators, pursuant to Rule (15) of Schedule A to this section, and of the preliminary list of electors from every rural enumerator, pursuant to Rule (11) of Schedule B to this section,

(a) use one copy of each, respectively, for the printing of the preliminary lists, and

(b) correct any errors of a clerical nature in the name and particulars of any elector appearing on the copy of the list that he furnishes to the printer and initial the same;

the second copy of each such list shall be retained by the returning officer and shall be kept available for public inspection at all reasonable hours until the close of the poll on polling day."

On motion of Mr. Moreau, seconded by Mr. Chretien, the following amendment was adopted:

(2) Subsection (12) of section 17 of the said Act is repealed and the following substituted therefor:

Issue of certificate in case of omission from list.

"(12) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators' record books in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 20 entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate; no such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary list of electors by the revising officer during his sittings for revision.

On motion of Mr. Richard, seconded by Mr. Millar, the following amendment was adopted.

Issue of certificate in case of change in ordinary residence.

(12A) If, after the date of the issue of the writ ordering an election, an elector changes his place of ordinary residence from an urban polling division to another urban polling division in the same electoral district, and his name has been included in the list of electors prepared for the polling division in which his new place of ordinary residence is situated instead of the list prepared for the polling division where he resided on the date of the issue of the said writ, the returning officer shall,

(a) on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators' record books in his possession that such a notice in Form No. 7 had been issued to him, issue a certificate in Form No. 20A authorizing the elector to vote at the polling station established for the polling

division where he ordinarily resided on the date of the issue of the said writ and for which his name should have appeared on the official list; and

- (b) forthwith after issuing the certificate, send a copy of the certificate to both deputy returning officers concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with the certificate."

The Committee agreed to the following amendment:

(3) Subsection (14) of section 17 of the said Act is repealed and the following substituted therefor:

Illegal arrangements with regard to election printing an offence.

"(14) Everyone is guilty of an offence against this Act who

- (a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act, or
- (b) pays, agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act."

On motion of Mr. Moreau, seconded by Mr. Millar, the following amendment was adopted.

(4) Subsections (17), (18) and (19) of section 17 of the said Act are repealed and the following substituted therefor:

Liability of enumerators.

"(17) Any enumerator is guilty of an offence against this Act who wilfully and without reasonable excuse,

- (a) includes in any list of electors prepared by him the name of any person whom he has not good reason to believe has the right to have his name included,
- (b) omits to include in any list prepared by him the name of any person whom he has good reason to believe has the right to have his name included, or
- (c) gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person whom he has good reason to believe is not qualified or competent to vote at the election.

Obstructing enumerator or revising agent an offence.

(18) *Everyone is guilty of an offence against this Act who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this Act.*

On motion of Mr. Greene, seconded by Mr. Rideout, the following amendment was adopted:

Amalgamation of polling divisions.

(19) After the completion of the enumeration or of the revision of the lists of electors, as the case may be, a returning officer may, upon the prior approval of the Chief Electoral Officer, where there

appears on the list of electors of a polling division in his electoral district less than two hundred names whether by reason of a mistake or miscalculation in the number of electors estimated by him when establishing the polling division or for any other reason whatsoever, amalgamate the polling division with one or more adjacent polling divisions in the electoral district.

Official list.

(20) The lists of electors for the two or more amalgamated polling divisions referred to in subsection (19) shall be deemed to be the official list for the new polling division created by the amalgamation."

Mr. Howard, seconded by Mr. Moreau, moved that the Committee adjourn.

And the examination of Mr. Castonguay still continuing, at 12.12 o'clock noon the Committee adjourned until 3.00 o'clock p.m. this day.

#### AFTERNOON SITTING

TUESDAY, November 19, 1963.

(12)

The Standing Committee on Privileges and Elections met at 3.43 o'clock p.m. this day. Mr. Alexis Caron, Chairman, presided.

*Members present:* Miss Jewett and Messrs. Cameron (*High Park*), Cashin, Caron, Doucett, Drouin, Fisher, Howard, Leboe, Macquarrie, Millar, More, Moreau, Richard, Rochon, Woolliams.—(16).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from this morning its consideration of the Canada Elections Act.

#### *On Section 17*

On motion of Mr. Moreau, seconded by Mr. Macquarrie, the following amendment was adopted:

(5) All that portion of Rule (3) of Schedule A to section 17 of the said Act preceding clause (a) thereof and clause (a) are repealed and the following substituted therefor:

"Rule (3). When instructed by the Chief Electoral Officer at any time prior to the issue of the writ ordering an election in his electoral district or if not so instructed prior to the issue of writ, then on the date of the issue of such writ, the returning officer shall

(a) in an electoral district the urban areas of which have not been altered since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator for every urban polling division

comprised in the electoral district, whereupon such candidates or the designated representatives shall not later than twelve o'clock noon on the fifty-fourth day before polling day furnish a list of the names of the persons so nominated for all urban polling divisions to the returning officer, and, except as provided in Rule (4), the returning officer shall appoint such persons to be enumerators for the polling divisions for which they have been nominated; and"

On motion of Mr. Woolliams, seconded by Mr. Fisher, the following amendment was adopted.

(6) Rule (5) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (5). If either of the candidates or persons entitled to nominate enumerators fail by twelve o'clock noon on the fifty-fourth day before polling day to nominate a fit and proper person for appointment as enumerator for any urban polling division comprised in the electoral district the returning officer shall, subject to the provisions of Rule (2), himself select and appoint enumerators to any necessary extent."

On motion of Mr. Moreau, seconded by Mr. Macquarrie, the following amendment was adopted:

(7) Rule (9) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (9). Each pair of enumerators shall visit every dwelling place in their polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, alternately on each day one of the pair of enumerators to select the most convenient time for the visit (unless as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered); if, on the above mentioned visits to any dwelling place the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the Chief Electoral Officer, on which it shall be stated the day and hour that the enumerators shall make another visit to such dwelling place, the enumerators shall also state on such notification card their names, addresses, and telephone number, if any, of one or both of them."

Subclause (8) of Clause 11 was allowed to stand until Clause 30 of the Bill is considered.

On motion of Mr. Richard, seconded by Mr. Woolliams, the following amendment was adopted:

(9) Rule (18) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (18). Forthwith upon being advised by the returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the *ex officio* revising officer shall, not later than the forty-fifth day before polling day, appoint in writing, in Form No. 12, a substitute revising officer for every revisal district,

as hereafter established by the returning officer, for which the *ex officio* revising officer is not prepared to himself revise the lists of electors for the pending election; every substitute revising officer thus appointed shall be a person qualified as an elector in the electoral district within which he is to act; every such substitute revising officer shall, immediately after his appointment, be sworn to the faithful and impartial performance of his duties; the substitute revising officer's oath shall be in Form No. 13, and it shall be subscribed before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province; the *ex officio* revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every substitute revising officer as soon as it has been completed; the *ex officio* revising officer shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him."

On motion of Mr. Richard, seconded by Mr. Woolliams, the following amendment was adopted:

"Rule (23). Forthwith on receipt of the notification mentioned repealed and the following substituted therefor:

"Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 stating the following:

- (a) the numbers of the polling divisions contained in every revisal district established by him,
- (b) the name of the revising officer appointed for each revisal district,
- (c) the revisal officer at which the revising officer will attend for the revision of the lists of electors, and
- (d) the days and hours therein during which the revisal office will be open,

and at least four days before the first day fixed for the sittings for revision the returning officer shall mail to each postmaster of the post offices situated in the urban areas of his electoral district a copy of the notice of revision in Form No. 14; and the returning officer shall also transmit or deliver five copies of the notice of revision in Form No. 14 to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative."

On motion of Mr. Richard, seconded by Mr. Woolliams, the following amendment was adopted.

"Rule (25). Every postmaster shall, forthwith after receipt of repealed and the following substituted therefor:

"Rule (25). Every postmaster shall, forthwith after receipt of a copy of the notice of revision in Form No. 14, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the revision of the lists of electors has passed, and for the purposes of this provision such postmaster shall be deemed to be an election officer."

On motion of Mr. Moreau, seconded by Mr. Cameron, the following amendment was adopted.

(12) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (28) thereof, the following Rule:

*"Rule (28A).* Whenever it has been established that a pair of enumerators have included in their preliminary list of electors the name of an elector whose place of ordinary residence is situated in a polling division that is adjacent to the polling division for which they have been appointed as enumerators, the returning officer shall request the appropriate revising officer during the sittings of revision to remove such elector's name from the list of electors in which it appears and to include it in the list of electors for the polling division in which the elector resides."

Subclauses 13 and 14 of Clause 11 of the Bill are allowed to stand.

On motion of Mr. Richard, seconded by Mr. Woolliams, the following amendment was adopted:

(15) Rule (30) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

*"Rule (30).* During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than *noon of Saturday*, the *sixteenth* day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

On motion of Mr. Woolliams, seconded by Mr. Richard, the following amendment was adopted:

(16) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

*"Rule (36).* In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration, a sworn application made by two revising agents, in Form No. 70,

(a) together with an application in Form No. 71, signed by the person who desires to be registered as an elector; or

(b) if such person is then temporarily absent from the place of his ordinary residence, an application in the alternative Form No. 71 signed by a relative by blood or marriage of such person; whereupon the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

On motion of Mr. Moreau, seconded by Mr. Richard, the following amendment was adopted:

That, on rules 44 and 45 of Schedule A to section 17 of the said Act, the number of copies be *three* instead of two.

On motion of Mr. Moreau, seconded by Mr. Richard, subclause 17 was adopted, as amended:

(17) Rules (44) and (45) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (44)*. The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, two copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect.

On motion of Mr. Moreau, seconded by Mr. Richard, the following amendment was adopted.

*Rule (45)*. Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the two copies, and to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (44); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and by revising agents in Forms Nos. 70 and 71, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

On motion of Mr. Richard, seconded by Mr. Moreau, the following amendment was adopted.

(18) Rule (52) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (52). Each pair of revising agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day before polling day, and up to and including Saturday, the sixteenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division the returning officer may make known to them; if at such place it is found that there is any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election,

(a) such person may complete Form No. 71, or

(b) if such person is then temporarily absent from the place of his ordinary residence an application may be completed in the alternative Form No. 71 by a relative by blood or marriage of such person,

and the revising agents shall then jointly complete Form No. 70 and present such completed forms to the appropriate revising officer during such times as he may be sitting as provided in Rule (28).”

On motion of Mr. Richard, seconded by Mr. Woolliams, the following amendment was adopted:

(19) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (53) thereof, the following Rule:

“Rule (53A). Every revising agent is guilty of an offence against this Act who wilfully and without reasonable excuse fails to comply with any of the provisions of Rule (52) or (53).”

On motion of Mr. Richard, seconded by Miss Jewett, the following amendment was adopted.

(20) Schedule A to section 17 of the said Act is further amended by adding thereto the following Rule:

“Rule (55). A revising officer may upon receipt from a pair of revising agents of a completed application in Forms Nos. 70 and 71 relating to a polling division not contained in his revisal district cause such forms to be transferred to the appropriate revising officer within whose district the polling division is contained, and where an application is so transferred to a revising officer before ten o'clock in the forenoon of Monday the fourteenth day before polling day, the revising officer shall hold sittings for revision on that Monday the fourteenth day before polling day and shall determine and dispose of the application; however, where the revising officer does not accept the application no notice of objection in Form No. 69 shall be transmitted to the applicant.”

Section 17 was adopted, as amended.

Thereupon, Mr. Castonguay referred to and distributed the following documents:

1. Directions to Electors (Form 37)
2. Table relating to rejected ballot papers, ballots cast and number of electors on list.

(See this day's evidence)

The witness asked for the approval of the Committee of the attitude which he had adopted during the last general elections. The Committee un-animously gave its approval to Mr. Castonguay.

*On Section 18*

On motion of Mr. Richard, seconded by Mr. Woolliams, the following amendment was adopted:

12. (1) Subsection (2) of section 18 of the said Act is repealed and the following substituted therefor:

Electoral districts of Yukon and Northwest Territories.

"(2) In the electoral districts of Yukon and Northwest Territories it is sufficient compliance with subsection (1), if, at least six days before the day fixed for the nomination of candidates, the returning officer causes such proclamation to be inserted in at least one newspaper published in the Yukon Territory, and in at least one newspaper published in the Northwest Territories and mails one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day."

(2) Subsection (5) of section 18 of the said Act is repealed and the following substituted therefor:

Postmaster to post up proclamation.

"(5) Every postmaster shall, forthwith after receipt of the proclamation, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the nomination of the candidates has passed and for the purposes of this provision such postmaster shall be deemed to be an election officer."

Section 18 was adopted, as amended.

*On Section 19*

Mr. Drouin suggested that Section 19 stand.

Section 19 allowed to stand.

*On Section 20*

On motion of Mr. Moreau, seconded by Mr. Woolliams, the following amendment was adopted.

13. Section 20 of the said Act is amended by adding thereto the following subsection:

Offence.

"(4) Everyone is guilty of an offence against this Act who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election."

Section 20 was adopted, as amended.

*On Section 21*

Mr. Moreau, seconded by Mr. Howard, moved,

That the name of the political party be added to the name of the candidate on the ballots.

Thereupon, Mr. Castonguay referred to and distributed the following documents:

3. Sample ballots for the province of British Columbia, Alberta, Saskatchewan and Quebec.
4. Discussion draft on Section 28 of the Acts.

*(See this day's evidence)*

And a debate arising upon the motion of Mr. Moreau, Mr. Howard moved, seconded by Mr. Fisher, that the Committee adjourn until 8.00 o'clock p.m. this day.

The Chairman stated a motion for adjournment was not debatable but the question being put on Mr. Howard's motion, it was resolved in the affirmative. Yeas, 7; Nays, 4.

And the examination of Mr. Castonguay still continuing, at 5.45 o'clock p.m., the Committee adjourned until 8.00 o'clock tonight.

#### EVENING SITTING

TUESDAY, November 19, 1963.

(13)

The Standing Committee on Privileges and Elections resumed at 8.06 o'clock p.m. in the evening. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Cameron (*High Park*), Cashin, Caron, Chretien, Doucett, Drouin, Fisher, Greene, Howard, Leboe, Macquarrie, Millar, Monteith, More, Moreau, Paul, Pennell, Richard, Rideout, Rochon, Webb, Woolliams.—(23).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

The Committee continued its consideration of the Canada Elections Act.

#### *On Section 21*

The Chairman read a motion of Mr. Moreau, seconded by Mr. Howard, namely:

*That the name of the political party be added to the name of the candidate on the ballots.*

And debate arising thereon, Mr. More, seconded by Mr. Richard, moved in amendment:

*That the consideration of the above motion be postponed for a week.*

After further debate, the question being put on the amendment, the vote was as follows: Yeas, 10; Nays, 10. The Chairman having to give his casting vote, he voted with the Nays, and the amendment was negatived.

And the question being put on the main motion of Mr. Moreau, it was resolved in the negative. Yeas, 10; Nays, 11.

The Chairman then started reading the following amendment prepared by Mr. Castonguay:

*(This amendment is submitted by the witness in view of Clause 14 in his draft amendments).*

(1) The heading immediately preceding section 21 of the said Act is repealed and the following substituted therefor:

“Polling Day and Nomination Day.”

(2) Subsections (5) to (17) of section 21 of the said Act are repealed.

(3) The said Act is further amended by adding thereto, immediately after section 21 thereof, the following heading and section:

“Nomination of Candidates.”

Twenty-five or more electors may nominate.

“21A. (1) Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held, whether their names are or are not on any list of electors, may nominate a candidate for that electoral district in the manner provided in this section.

Manner of nomination.

(2) A candidate shall be nominated as follows:

- (a) a nomination of paper in Form No. 27 shall be prepared containing a statement of
  - (i) the name, address and occupation of the candidate,
  - (ii) the address designated by the candidate for service of process and papers under this Act and under the *Dominion Controverted Elections Act*, and
  - (iii) the name, address and occupation of the official agent appointed by the candidate pursuant to section 62;
- (b) the nomination paper shall be signed by each of the twenty-five or more persons referred to in subsection (1), in the presence of a witness, and each of the persons so signing shall state in the nomination paper his address and occupation;
- (c) the nomination paper shall be signed by a witness to the signature of each of the persons who sign the nomination paper pursuant to paragraph (b), and each of the witnesses so signing shall state in the nomination paper his address and occupation;
- (d) except where the candidate is absent from the electoral district at the time the nomination paper is filed pursuant to paragraph (e), a statement in the nomination paper indicating that he consents to the nomination shall be signed by the candidate in the presence of a witness and the nomination paper shall be signed by that witness;
- (e) the nomination paper shall be filed with the returning officer for the electoral district by any witness who signed the nomination paper pursuant to paragraph (c);
- (f) an oath in writing, in Form No. 28, sworn before the returning officer, of each of the witnesses who signed the nomination paper as witness to the signature of one or more of the persons who signed the nomination paper pursuant to paragraph (b), stating that
  - (i) he knows the person or persons to whose signature he is a witness, and
  - (ii) that person or those persons signed the nomination paper in his presence,
 shall be filed with the returning officer at the time the nomination paper is filed;

- (g) an oath in writing, sworn before the returning officer
- (i) in Form No. 28A, of the person who signed the nomination paper as a witness to the consent to nomination of the candidate, stating that
    - (A) he knows the candidate, and
    - (B) the candidate signed the consent to nomination in his presence, or
  - (ii) in Form No. 28B, of the person who filed the nomination paper with the returning officer, stating that the candidate is absent from the electoral district for which the candidate is nominated, shall be filed with the returning officer at the time the nomination paper is filed; and

The Committee agreed to paragraphs 21(A)(2), (b), (c), (d), (e), (f) and (g) above.

The Committee also adopted, on division, paragraph 21(A)(2)(a).

- (h) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada shall be handed to the returning officer at the time the nomination paper is filed.

In amendment to the above suggested amendment, Mr. Chretien moved, seconded by Mr. Drouin,

*That* the amount of the deposit be raised from two hundred dollars to five hundred dollars.

After debate thereon, the question being put on the said amendment to the amendment, it was resolved in the affirmative. Yeas, 10; Nays, 9.

Thereupon, Mr. More, seconded by Mr. Cashin, moved,

*That* the Chairman have the names of the Yeas and Nays on the previous motion recorded.

After discussion, the question being put on Mr. More's motion to have a recorded vote taken, it was resolved in the affirmative. Yeas, 10; Nays, 9.

And the question being put again on Mr. Chretien's motion, the recorded vote was as follows: Yeas, 10; Nays, 10. Thereupon, the Chairman gave the casting vote and he voted with the Nays. Mr. Chretien's motion was negated.

The examination of Mr. Castonguay was resumed.

Paragraph (h) was adopted.

#### *On Section 21(A)*

Particulars of candidates.

(3) For the purpose of subparagraph (i) of paragraph (a) of subsection (2),

- (a) the name of the candidate may not include any title, degree or other prefix or suffix but may include a nickname; and
- (b) the occupation of the candidate shall be stated briefly and shall correspond to the occupation by which the candidate is known in the place of his ordinary residence.

Each candidate separate.

(4) Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected for the same electoral district.

Where twenty-five qualified electors sign, nomination paper is not invalid if a person not qualified also signed.

(5) Where a nomination paper is signed by more than twenty-five persons the nomination paper is not invalid by reason only of the fact that one or more of the said persons are not qualified electors as provided in subsection (1), if at least twenty-five of the persons who so signed are duly qualified electors as provided in subsection (1).

Not rejected for ineligibility.

(6) The returning officer shall not refuse to accept any nomination paper for filing by reason of the ineligibility of the candidate nominated, unless the ineligibility appears on the nomination paper.

Correction or replacement.

(7) A nomination paper that the returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, and the new or corrected nomination paper may be filed with the returning officer not later than the time for the close of nominations.

Receipt for deposit.

(8) The returning officer shall not accept any deposit, until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor, which is conclusive evidence that the candidate has been duly and regularly nominated.

Deposit to Comptroller of the Treasury.

(9) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Comptroller of the Treasury.

Disposition of deposit.

(10) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case provided in subsection (11), it shall belong to Her Majesty for the public uses of Canada.

Idem.

(11) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board.

Time and place for receiving nominations.

(12) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been officially nominated; after two o'clock on nomination day no further nominations shall be receivable or be received.

Votes for persons not officially nominated to be void.

(13) Any votes given at the election for any other candidates than those officially nominated in the manner provided by this Act are null and void."

Paragraphs 3, 4, 5, 6, and 7 were severally adopted.

Paragraphs 8, 9, 10, 11, 12 and 13 were adopted *en bloc*.

Thereupon, Mr. Drouin moved, seconded by Miss Jewett,

That Subclause (1) of Section 21(A) (1) and Subclause 5 of Section 21(A) (2) be amended to read *one hundred* instead of *twenty-five*.

The Chairman ruled the amendment in order. Later, after debate, the Chairman reconsidered his decision and declared Mr. Drouin's motion out of order.

Mr. Drouin, seconded by Miss Jewett, appealed the decision of the Chairman and the decision was maintained on the following division: Yeas, 12; Nays 3.

On motion of Mr. Pennell, seconded by Mr. Howard, and the examination of Mr. Castonguay still continuing at 9.42 o'clock p.m., the Committee adjourned until Thursday, November 21st, at 10.00 o'clock.

M. Roussin,  
Clerk of the Committee.

## EVIDENCE

TUESDAY, Nov. 19, 1963.

The CHAIRMAN: Gentlemen, we have a quorum.

Is it the feeling of the committee that the quorum should be reduced to eight? There are many committees and all the members are on two or three committees.

Mr. LEBOE: I so move.

Mr. ROCHON: I second the motion.

Mr. DOUCETT: This is a very important committee. I realize that some members have to sit on other committees also, but I think that eight is too small a number to decide on the important matters with which we are faced. I think we should decide these matters very carefully.

The CHAIRMAN: It is a very important committee, but if we do not get a quorum we may not be able to do any work at all.

Mr. LEBOE: I think it is better that we accomplish something.

The CHAIRMAN: It always goes to the house afterwards.

Mr. HOWARD: If you are looking for yeas and nays, I should say that I would not agree.

The CHAIRMAN: Are you ready for the question? Those in favour? Those against the motion?

Motion negatived.

The CHAIRMAN: Then the quorum will remain at ten.

We have an amendment to section 8 subsection (2) of the act:

- (2) The office of returning officer in an electoral district is vacant if he dies, or, with prior permission of the chief electoral officer, resigns, or if he is removed from office, as for cause, within the meaning of subsection (3).

This will be explained by Mr. Castonguay.

Mr. N. J. CASTONGUAY, (*Chief Electoral Officer*): The committee at the last meeting asked me to prepare an amendment which would require me to publish the name of every new returning officer appointed to fill a vacancy created by a resignation or any other cause. I have prepared that amendment and it is being passed around now.

The first amendment on this discussion draft is consequential, arising out of the amendment approved by the committee at the last session. The Department of Justice advised me that this would have to be amended in view of the amendment that was carried to section 8(1).

Mr. HOWARD: What is that?

Mr. CASTONGUAY: The committee approved the new 8(1) last time. In view of that, the Department of Justice advised me that (2) would have to be revised. It is clearly a question of drafting.

The second amendment is subsection (4).

- (4) The name, address and occupation of every person who is appointed as a returning officer, and the name of the electoral district for which he is appointed shall be communicated to the chief electoral

officer forthwith after the appointment, and the chief electoral officer shall cause the name, address and occupation of the returning officer appointed and the name of the electoral district for which that returning officer is appointed to be published in the *Canada Gazette* within thirty days after the appointment.

This is what the committee asked me to prepare.

The next one is subsection (5).

The chief electoral officer shall cause a list showing

- (a) the name,
- (b) the address,
- (c) the occupation, and
- (d) the electoral district,

of the returning officer for every electoral district to be published in the *Canada Gazette* between the first and twentieth days of January in each year.

There is no change in substance. The number has been changed and the style of drafting has been changed, but there is no change in substance at all. The last amendment is (6).

- (6) In the event of a vacancy in the office of returning officer for an electoral district, due to any cause whatsoever, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within thirty days after the day on which such vacancy occurred.

This was approved by the committee at the last session. We have to change the number because we include a new subsection in this section, section 8.

Mr. HOWARD: Is there any inconvenience or great cost attached to the requirement that the chief electoral officer causes a list to be published annually in the *Canada Gazette*?

Mr. CASTONGUAY: I could not tell you the actual cost. I must publish the complete list of 263 returning officers, with their addresses and occupations. I have not the cost figure here.

Mr. HOWARD: I do not myself think it is particularly necessary to publish this on an annual basis although it does give one a list every year of all such officers. It presents a means of obtaining all this information from just one source. Presumably, if the name and address of every newly appointed returning officer is gazetted, this is then public knowledge and available to anyone who may want to communicate with the chief electoral officer.

I would move the endorsement of this by approving the discussion draft which is before us with the exception of the proposed clause 5, so that we would have a new subsection (2) the same subsection (3), with the amendment which we have already passed, a new (4) and the proposed (6).

Mr. CASTONGUAY: Yes.

Mr. MOREAU: I like the idea of having a package deal once in a while for information. I think perhaps the cost of gazetting these once a year may very easily be met by the number of inquiries that the chief electoral officer will not have, owing to the list. I think it might help to reduce the number of inquiries. I do not know what the cost would be, but I do not imagine it is prohibitive.

The CHAIRMAN: Do they have a special gazette for that?

Mr. CASTONGUAY: It is published with the ordinary gazette.

Mr. HOWARD: There is an annual report which the chief electoral officer makes to parliament, is there not?

Mr. CASTONGUAY: Yes, but this information is not included. The report does not contain the names of the returning officers.

Mr. HOWARD: Could it? Would it require an amendment to the act to say that you should include such information in the annual report?

Mr. CASTONGUAY: If you were to leave it to me—I cannot of course speak for any successors I may have—I would meet the wishes of the committee if they wanted me to include that information in my report.

Mr. HOWARD: It may be only a few pennies involved, but I think we should concern ourselves about pennies which are spent at public expense. If we can meet the concept that this should be listed completely periodically and if it is cheaper to do it in the annual report laid before parliament by the chief electoral officer than by publishing it in the *Canada Gazette*, let us do it in that way.

Mr. CASTONGUAY: My report to the Speaker comes under section 58. I send my report to the Speaker of the House of Commons and he tables it in the house. The relevant section is section 58, subsection (1).

58.(1). The chief electoral officer shall before or within ten days after the commencement of any session of parliament make a report to the Speaker of the House of Commons as to any matter or event which has arisen or occurred in connection with the administration of his office in the interval since the date of his next preceding report and which he considers should be brought to the attention of the house, and he shall in such report suggest what, if any, amendments are, in his opinion, desirable for the more convenient administration of the law.

The committee may wish to make it statutory that I include the names of the returning officers and their addresses and occupations in my annual report. If so, that would be the section that would be binding on the chief electoral officer.

The CHAIRMAN: Where would that be published?

Mr. CASTONGUAY: It would not be published; it would be tabled.

Mr. MORE: The purpose of publishing is to have it available to as wide a section of the public who may require it as possible, and the *Canada Gazette* would be the organ that would permit that. If that is the purpose of publishing a list, it seems to me the *Canada Gazette* is the right place for it.

Mr. MOREAU: I would like to make a motion and then we might have a motion to discuss, and if Mr. Howard would like to move an amendment to the motion we would then have something to consider. I would like to move that the draft amendments as given to the committee by the chief electoral officer be adopted.

Mr. MORE: I second the motion.

Mr. HOWARD: I have already proposed that but with the exception of subsection (5).

The CHAIRMAN: Mr. Moreau has moved the adoption of all these amendments. If you want to amend the motion you may do so.

Mr. HOWARD: Procedurally, Mr. Chairman, I think you are a bit nuts.

The CHAIRMAN: Is there any amendment?

Those in favour?

Mr. HOWARD: Not I.

The CHAIRMAN: Those against?

Motion agreed to.

Mr. HOWARD: The chairman has not seen fit to put the motion.

Mr. MOREAU: We did not have a formal motion.

The CHAIRMAN: We have had someone move that this be adopted as presented, and if you want to make a change you have to make a motion to amend it. I do not see any other way in which to do it.

Mr. HOWARD: I do not want to hassle over this, but initially I moved a motion to endorse the proposals before us with the exception of the proposed subsection (5). I did that right at the start of my discussion.

Mr. WOOLLIAMS: Was there a seconder?

Mr. HOWARD: I do not know. The Chairman did not inquire.

Mr. WOOLLIAMS: It seems that we are just quibbling over this.

The CHAIRMAN: Let us move to section 14 of the act.

Qualifications and disqualifications of electors.

Mr. CASTONGUAY: The amendment that I propose at page 5 of my draft bill to clause 9 is (2) and this should stand until we consider clause 62 of the draft bill.

The CHAIRMAN: There has been the change of age in this section. Is there anything else you want to change in the section?

Mr. RICHARD: What page is this?

The CHAIRMAN: Pages 162, 163 and 164 and page 5 of the draft bill.

#### *Qualifications and Disqualifications of Electors.*

##### Qualifications.

14. (1) Except as hereinafter provided, every person in Canada, man or woman, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and is qualified to vote in such polling division, if he or she

- (a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;
- (b) is a Canadian citizen or other British subject;
- (c) in the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and
- (d) at a by-election only, continues to be ordinarily resident in the electoral district until polling day at such by-election.

##### Disqualifications.

(2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say,

- (a) the Chief Electoral Officer;
- (b) the Assistant Chief Electoral Officer;
- (c) the returning officer for each electoral district during his term of office, except when there is an equality of vote on the official addition of votes or on a recount, as in this Act provided;
- (b) at a general election only under the procedure set forth in those Rules, or, if he has not voted under that procedure, at the place of his ordinary residence as shown on the statement made by him under paragraph 25\* of those Rules.

Residence qualifications of Veteran electors at a by-election.

(6) A Veteran elector, as defined in paragraph 44\* of *The Canadian Forces Voting Rules*, is entitled to vote at a by-election only in the

electoral district in which is situated the place of his actual ordinary residence.

Exception.

(7) Paragraph (c) of subsection (1) does not apply to the wife of a Canadian Forces elector who resided with her husband during his service outside Canada.

Persons in receipt of pay disqualified.

15. (1) Subject to the exceptions stated in subsection (2), every person employed by any person for pay or reward in reference to an election in the electoral district in which such person would otherwise be entitled to vote is disqualified from voting and incompetent to vote in such electoral district at such election.

Exceptions.

(2) A person is not disqualified from voting at an election of a member to serve in the House of Commons by reason that he is employed for pay or reward in reference to an election in the electoral district in which such persons would otherwise be entitled to vote, so long as the employment is legal.

Classes of persons excepted.

- (3) Persons who may be legally employed are
- (a) election clerks, revising officers, deputy returning officers, enumerators, revising agents, poll clerks, messengers, interpreters, constables and persons otherwise necessarily and properly employed by an election officer for the conduct of the election;
  - (b) official agents of candidates;
  - (c) persons engaged in printing election material on behalf of a candidate;
  - (d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate; and
  - (e) any agent having a written authorization from a candidate pursuant to section 34.

*Rules as to the Residence of Electors.*

Interpretation of the words "ordinarily resident" and "ordinarily resided."

16. (1) The rules in this section apply to the interpretation of the words "ordinarily resident" and "ordinarily resided" in any section of this Act in which those words are or either of them is used with respect to the right of a voter to vote.

- (b) at a general election only under the procedure set forth in those Rules, or, if he has not voted under that procedure, at the place of his ordinary residence as shown on the statement made by him under paragraph 25\* of those Rules.

Residence qualifications of Veteran electors at a by-election.

(6) A Veteran elector, as defined in paragraph 44\* of *The Canadian Forces Voting Rules*, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence.

Exception.

(7) Paragraph (c) of subsection (1) does not apply to the wife of a Canadian Forces elector who resided with her husband during his service outside Canada.

Mr. CASTONGUAY: In my draft bill at page 5 I deal with clause 9. Clause 9(1) was approved by the committee at the last meeting but (2) was allowed to stand until after consideration of clause 62.

The CHAIRMAN: Is there anything else in 14? Subsection 9(b) has to stand until we reach clause 62.

Mr. WOOLLIAMS: It would be helpful if you would give the pages, Mr. Chairman.

The CHAIRMAN: It is at the bottom of page 163 and the top of page 164. The suggested amendments appear on page 5 of the draft bill.

Mr. WOOLLIAMS: That is 9(b)?

The CHAIRMAN: It is 9(1)(b) and 9(2)(b). This will be allowed to stand until we reach clause 62.

We will move to section 15.

Mr. CASTONGUAY: I have no amendments to suggest to this section.

The CHAIRMAN: Do any members of the committee have any amendments?

We will move to section 16.

Mr. CASTONGUAY: At page 5 of the draft bill, clause 10, there is an amendment that I wish to submit for the committee's approval. It is as follows:

10. Section 16 of the said Act is amended by adding thereto, immediately after subsection (11), the following subsection:

Temporary residence on a ship, boat or vessel.

"(11A) A person whose temporary place of residence is on any ship, boat or vessel, shall be deemed to be ordinarily resident in the polling division in which is situated the port or landing place that such ship, boat or vessel is using as its base ashore on the date of the issue of the writs ordering a general election and is entitled to have his name included in the list of electors prepared for such polling division and is qualified to vote therein at the said general election; but such person is not entitled to vote in such polling division unless on polling day the ship, boat or vessel is still using as its base ashore the port or landing place that it was using on the date of the issue of the writs and such person is still temporarily resident thereon; this subsection is not applicable at a by-election."

This is a problem which faces me at every general election. I face this problem in Prince Edward Island at Charlottetown where Department of Transport ships are based. I face this also in Halifax where Department of Transport ships are based. The problem also arises with fishing vessels which operate along the coast of Prince Edward Island and Nova Scotia. In the past I have ruled during a general election that these ships should be considered as places of ordinary residence within the meaning of subsection (11) at page 166.

I would like the committee's assistance. I am seeking approval of a clause actually dealing with this particular circumstance of these ships. This is a copy of the New Zealand legislation which deals with this particular problem.

The effect of this is that these things are based at Charlottetown and I would like to have support for the ruling I have given that these persons may vote in the electoral district of Charlottetown, if the ship was officially based there on the date of the issuance of the writ and continued to be based there up until polling day. I would be happier if the committee would deal with this problem so that I would not have to give a ruling under subsection 11. If the committee does not approve of this, then I would have to abide by the ruling, and not allow these persons on the ships to vote at these places.

Mr. WOOLLIAMS: This has been a case of stretching the law to fit an unusual circumstance?

Mr. CASTONGUAY: Yes.

Mr. WOOLLIAMS: How many persons are affected?

Mr. CASTONGUAY: There are personnel who reside not necessarily in the electoral district of Queens, but perhaps in Halifax, and they might go home to vote if it is convenient; but this would take care of people who, for instance, do not reside in the province. These people are temporary workers who may come from some other place and would be allowed to vote the same as temporary workers under subsection 11. Frankly, I do not know the actual number concerned. Mr. Macquarrie might be familiar with this.

This is a problem in respect of Department of Transport ships based in the electoral district of Charlottetown and Halifax. In the last three general elections I ruled in the electoral district of Queens that the personnel on these ships come under subsection 11 of section 16, and could be considered as having their place of temporary residence there because they are based in that location.

Mr. MACQUARRIE: There would certainly be less than 100 in all these ships.

Mr. MOREAU: Mr. Chairman, I would move that we adopt Mr. Castonguay's amendment to the act in this respect.

The CHAIRMAN: It is moved by Mr. Moreau and seconded by Mr. Blouin.

Mr. HOWARD: Subsection 11 starts off with the words "Except as provided in subsection 13". Is there any reason for this?

Mr. CASTONGUAY: Subsection 13 deals with people who are employed on public works. These people in public works, if they come from other electoral districts, require 30 days residence prior to the day of issuance of the writ in order to be enabled to vote in this area. People who reside in the electoral district prior to the commencement of the public works project do not have to meet the 30 day residence requirement, but other people and their dependants require the 30 days residence prior to the issuance of the writ. My own view would be that this should not apply to ships of the Department of Transport or private fishing fleets.

Mr. MOREAU: Are we finished with that?

The CHAIRMAN: Is there any objection?

Amendment agreed to.

Mr. MOREAU: Under subsection 12, I wonder if Mr. Castonguay, subject to the wishes of the committee, could prepare an amendment. I think the amendment I have in mind should come under this section. This is in respect of civil service people in our embassies, legations, and so on, who are overseas. My suggestion is that they be included in the provisions regarding the armed forces voting perhaps, at least on those areas where we have armed forces voting overseas. I wonder if the committee would concur in this objective?

Mr. DOUCETT: What page are you on?

Mr. MOREAU: Page 167.

The CHAIRMAN: Page 167 of the act; there is no suggested amendment in respect of this.

Mr. CASTONGUAY: This is not a proposal which I anticipated. so I do not have a draft amendment for this.

In 1955, this committee did study the question and by a vote of one defeated the motion to have civil servants serving abroad given the right to vote under the Canadian forces voting regulations, which they were at that time, and rules as they are now. The proposal put before the committee by the Department of

External Affairs, who were acting as spokesmen for all civil servants, was that the facilities now extended to members of the Canadian forces for voting outside Canada be extended to federal civil servants. At that time I testified that there would be no extra cost, except the cost of the extra forms, if these facilities were limited to the existing voting territories we establish for members of the Canadian forces serving outside Canada.

I do not think I could prepare an amendment of this type for the next meeting because it would be a very lengthy drafting job. I imagine it would take some time to bring it about. I do not know exactly just when, but I could not do it for the next meeting; it may take a week or ten days.

Mr. MOREAU: If the committee would concur in the objective I have in mind, I think we should allow that.

I would move that Mr. Castonguay be asked to prepare such an amendment to the act, and then perhaps we could decide whether or not it is the wish of the committee to proceed on that basis.

Mr. RICHARD: I think Mr. Castonguay just gave us the difficulties of preparing such an amendment and he might need some guidance before preparing it. I think the important part of his statement is that there would be no trouble in preparing an amendment to allow voting facilities to civil servants abroad in the existing districts provided for the armed forces, but that would not cover all civil servants.

Mr. CASTONGUAY: It would still involve a drafting problem to prepare it, even under the existing territories.

Mr. RICHARD: But you are not suggesting you could not prepare something to cover all civil servants abroad?

Mr. MOREAU: In my original remarks I said where we had armed forces voting.

Mr. HOWARD: In any event, these would be amendments to the armed forces rules and not to this section here particularly.

Mr. CASTONGUAY: I do not know of any other method to provide voting for civil servants serving abroad other than in co-operation with the Canadian forces voting rules, or through permanent list and absentee voting. Frankly, I do not know of any other hook-up. It cannot be hooked up with out present civilian voting procedure. It must be tied up with our armed forces voting rules. There may be some other person who can design it, but I am convinced there are only two approaches; either through permanent lists and absentee voting or through a hook-up with the Canadian forces voting rules in the structure of the territories.

Mr. MACQUARRIE: Has Mr. Castonguay studied all the proceedings in the American states; do they, along with the absentee ballot, have the permanent list as well?

Mr. CASTONGUAY: Every state has a permanent list, but again there is a great deal of variety and variation in the permanent lists. Some have a house to house canvass, and others do not. I could not find two states which have a similar permanent list. You have the title, but very many variations of the idea. Some states provide an absentee ballot and others do not. In the United Kingdom, Australia and New Zealand they have absentee voting, not only for the armed forces, but also for civilians; there is no special legislation for the armed forces. In every, or almost every, commonwealth country they have permanent lists and absentee voting for those persons serving outside those countries, whether armed force personnel or civilian. This is all done through the same facilities and there is no special privilege given to any group of people.

Mr. MACQUARRIE: As I recall earlier discussions on this, we often came to the point that you could go through a fairly elaborate process and extend the

opportunity to vote to certain civil servants, but miss a great many civil servants and other Canadians abroad such as employees of banks, and so on. I think we will never do a proper job until we adopt the absentee ballot system. However, I do not say that this is not worthy enough to go ahead with a draft.

Mr. MOREAU: The object here is to enfranchise as many people as possible. As Mr. Castonguay has pointed out, the cost involved where we do have armed forces voting facilities would not be prohibitive. It would be a possibility, perhaps, of allowing a few more people to vote where it is reasonable and practicable to do so. That was the object of raising the matter.

Mr. LEBOE: Mr. Chairman, I would think if it is an involved proposition to prepare a draft amendment, as Mr. Castonguay has said, and if we would only be going half way, perhaps we should give more serious consideration at the appropriate time to this. It seems to me there is no use in going to a lot of trouble and giving a lot of work to the chief election officer if the work will not be fruitful in the long run. I think there might be an overlap in the work and possibly we should have a much broader plan.

Mr. MOREAU: My only comment is that we did refer the matter of permanent voting lists and absentee voting to another time. We have essentially eliminated that from our discussion in this committee. Therefore, as Mr. Castonguay points out, we could not do the job until we had absentee voting. This was rather a compromise method to insert as many people as possible.

Mr. CASTONGUAY: Maybe you would like to know the number of civil servants involved. My information is that this represents about 1,200 civil servants. I would also like to make it clear, as I did to the previous committee, that I cannot see how we can provide the same facilities for provincial civil servants serving abroad. My information is there are 1,200 federal civil servants from the Department of Trade and Commerce, Department of External Affairs, Department of Agriculture, and other departments which have people abroad. I cannot see how it is feasible or practicable to extend this to provincial civil servants.

Mr. MORE: Have you any information on how broad the Saskatchewan plan is? They do not have a permanent voters' list, but I believe they do have an absentee mail ballot.

Mr. CASTONGUAY: It is rather easier to legislate for an electoral act in respect of a province which has no large metropolitan centres. So, in Saskatchewan they do not need the same safeguards which you would need in other places. In the Saskatchewan legislature they feel they do not need the same safeguards, and therefore you can bring in a form of absentee voting which I do not think would be acceptable to members of the committee who represent large metropolitan areas, if I may put it tactfully.

Mr. MACQUARRIE: I was interested in the idea of relating this to the military vote. Do I understand that those civil servants abroad who are not geographically located so as to take advantage of the military service vote would, in fact, under what you are tentatively thinking of, not be reached.

Mr. CASTONGUAY: We do not reach all members of the Canadian forces with our existing rules. I could not establish a voting territory for South America where there might be 60 or 70 persons and spend \$40,000 to get their votes, which is the cost of a voting territory. The proposition was that it would be confined to where we have existing voting territories. We would not be required to establish a voting territory solely for the use of federal civil servants in other areas where there are not military forces. However, parliament in the rules has given me the right to attach countries which can be adequately serviced from our existing voting territories. For example, I have attached Washington to the Ontario-Quebec voting territory. I do not

know whether or not Mr. Kennedy would approve of this. Many states are attached to our voting territories for voting purposes. Japan, for instance, is serviced from Edmonton. The Gaza Strip is serviced from London, England. I have that power, but I will not maintain or claim that we reach all members of the Canadian forces. Also, there are some military attaches in various embassies who do not have the right to vote.

Mr. WOOLLIAMS: What is the objection to this absentee voting system; what is the basis behind it? In the United States system they take a declaration and post their vote back.

Mr. CASTONGUAY: This is on the basis of a permanent list where you register it, mail it back and there is a comparison made of the signature on your postal ballot with the one on your registration card.

Mr. WOOLLIAMS: Why does it have to be a permanent list?

Mr. CASTONGUAY: Because under our system of enumeration we do not collect registrations. We just obtain information second, third or fourth hand. We are given six days to collect 10 million names, and it could not be done in this way in six days.

I am not suggesting it is impossible, but if this committee desires to have absentee voting without safeguards, I do not know what type of an election we are going to have.

Mr. WOOLLIAMS: I was not making the suggestion; I was just attempting to find out what the situation is at this time.

Mr. MOREAU: Without ending the discussion, I am wondering whether it is this committee's desire to extend the franchise to those areas where we now have armed forces voting.

The CHAIRMAN: Is there any seconder to Mr. Moreau's motion?

Mr. RICHARD: Do I understand correctly that Mr. Moreau's motion will cover only civil servants in those districts where this situation is in existence.

Mr. MOREAU: It will extend to those areas where it is practical, yes.

Mr. RICHARD: Has any consideration been given to the idea of extending this right to other peoples who are stationed in these types of districts? Will this privilege extend only to civil servants?

Mr. MORE: Are you suggesting that any Canadian in these districts should have the right to vote?

Mr. RICHARD: If we make this amendment it should apply to everyone.

Mr. HOWARD: I am sure everyone here will agree with Mr. Richard, that everyone should be permitted to vote throughout this country, but what would such a procedure entail in the way of providing safeguards so that some determination can be made of whether an individual in fact has that right to vote and in fact is the person he claims to be? The absentee system of polling allows a person to vote when he is absent from his home community. I think this right should be extended to everyone in Canada; however, as Mr. Woolliams suggested a moment ago some safeguard must be provided.

Mr. RICHARD: Can you tell me the difference between a civil servant and a bank employee?

Mr. HOWARD: There is no difference, but we should consider all Canadians absent from their home communities on polling day. If we are going to consider this question of absentee polling, let us consider everyone who could be involved. If we are going to set up rules governing people outside of Canada who cannot vote in their own constituencies because they are in the service of Canada outside the country, then we should extend this set of rules for absentee voting and it should apply to everyone else in Canada. I am sure

that everyone including Mr. Woolliams, Mr. Moreau, and Mr. Leboe, who raised the question earlier in respect of absentee voting, would agree with my contention.

Unfortunately the committee decided to defer our discussion in regard to this subject, but I should like to have that decision reversed so that we may be allowed a complete and thorough discussion of this subject.

Mr. LEBOE: Mr. Chairman, has the committee reached a discussion regarding absentee voting by individuals confined to hospitals?

The CHAIRMAN: We have not reached that discussion as yet.

Mr. MOREAU: Do I have a seconder for my motion?

The CHAIRMAN: Mr. Moreau moved that Mr. Castonguay be asked to prepare an amendment to the act allowing civil servants and their dependants to vote in the area where armed service voting facilities are provided under the rules applying to armed service voting.

Mr. CHRETIEN: I second the motion, Mr. Chairman.

The CHAIRMAN: Those in favour of this motion please raise their hands. Those against please raise their hands.

I declare the motion carried.

Motion agreed to.

Mr. MACQUARRIE: Now that we have adopted this motion, I should like to ask a question; in practical terms what does the final portion of the amendment mean?

Mr. MOREAU: It means that the rules governing armed forces voting would apply to these people.

Mr. MACQUARRIE: Can someone tell us what proportion of the civil servants would likely be reached under such a plan?

Mr. CASTONGUAY: I cannot give you that answer. I can only hazard a guess, Mr. Chairman. I would say possibly of the 1,200 I could reach perhaps 70 per cent.

Mind you, this is only an estimate.

Mr. HOWARD: You could reach 70 per cent of that total without cost other than the cost of forms?

Mr. CASTONGUAY: Yes.

I should like to point out to the committee that I will not be able to provide this amendment on time.

Mr. MOREAU: I understand that situation.

Mr. CASTONGUAY: This subject is rather involved. Such an amendment would be almost as extensive as the Canadian forces rules so I cannot do this over night. It is rather an extensive operation.

Mr. GREENE: Does this suggested amendment apply only to civil servants overseas, Mr. Moreau?

Mr. MOREAU: Yes, this amendment would cover only those individuals overseas.

Mr. MORE: You are not suggesting that the right should be extended to civil servants in Canada?

Mr. MOREAU: No; this right would be applied only to civil servants overseas.

Mr. RIDEOUT: Mr. Chairman, I think it is most unfair to individuals in their constituencies who, in view of the fact they are hospitalized, are unable to vote. I think something should be done for these people. We are attempting to extend the voting right to individuals all around the world while there are people in their own constituencies who, because they are incapacitated in

hospital, are unable to vote. I do not know offhand how many beds are maintained in the hospital at Moncton, but I am convinced there would be at least 1,000 people at any given time who would be disfranchised because of the fact they are in hospital.

Mr. GREENE: What facilities would be required for these people to vote?

Mr. RIDEOUT: Polling booths could be set up in the hospitals.

Mr. CASTONGUAY: Mr. Chairman, excuse me again for referring to this fact, and I am not speaking in behalf of the committee which studied this problem earlier, but this situation has been studied by a committee before. If I fully understand the intent of this committee I should point out that I have ascertained through the Department of National Health and Welfare that in an acute hospital the average stay of patients is ten days, so that from the date of the issuing of the writ to polling day which is normally a period of anywhere from 57 to 62 days there could conceivably be five or six sets of new patients. In these large acute hospitals, especially in large cities, there electors do not necessarily reside in the electoral district where the hospital is situated. They may perhaps be from seven, eight or even 20 electoral districts within the range of that hospital.

I am again not speaking for the committee that studied this question, but the conclusion arrived at by that committee was that this problem could only be attacked in acute hospitals through the establishment of a permanent list and absentee voting, because there is no way of providing facilities for the patients of each electoral district in the hospitals. This is not feasible under our act at all.

Parliament has made provision for people in chronic institutions such as sanatoriums to vote, because the stay there is a little longer than an acute hospital. The same principle was followed there in so far as the Canadian forces vote rules are concerned. Parliament does not wish to have one district with the votes of perhaps 2,000 people who do not reside in the electoral district. It is my understanding that in respect of the Canadian forces vote rules, parliament did not at that time want the vote of a large military establishment of perhaps 5,000 or 6,000 members of the armed forces in an electoral district in which only 60 or 70 percent of these people actually resided.

Mr. RIDEOUT: I understand the difficulties you have mentioned as applied to large cities, but in the hospital in the city to which I have referred 80 percent of the people belong to one electoral district, yet they are disfranchised and I do not think this is right. People in convalescent homes are allowed to vote, is that right?

Mr. CASTONGUAY: The thought of the committee in 1960 in regard to extending the privilege of voting at advanced polls by persons who for any reason believed they would be absent could be applied to the acute hospital situation because of the fact that the average stay of a patient being ten days, someone anticipating entering a hospital could vote at the advanced poll on the ninth or seventh day before polling date. Whether this change has had that effect or not I cannot tell you. I do not know who the people were that took advantage of this change, and there were some 80,000. I do not think it is practical in any way to design legislation to suit different hospitals, and you would have to do this in order to tackle this type of problem. Wherever these facilities are provided they are under the permanent list, and this is simply the absentee voting rules.

Mr. RIDEOUT: Would not the adoption of this suggestion be a step in the right direction? When an individual travels from Moncton to Montreal for special treatment he is in a different category. I am sure we all agree that

hospital populations are growing fantastically and will continue to grow. There will be a greater percentage of Canadian citizen disfranchised because of their illness and confinement to hospitals.

Mr. CASTONGUAY: I have discussed this problem with the hospital supervisors. If we devised a system allowing the electors of each electoral district who are hospitalized to vote we would have to move a ballot box from bed to bed. We would meet the situation where one patient would be allowed to vote being in the electoral district and his neighbour would not be allowed to vote, not being a resident of that district. The hospital staff have informed me that this situation would not add to the welfare of these patients, but would cause some concern.

Mr. WOOLLIAMS: The mortality rate from heart attacks would go up, I suggest.

Mr. RIDEOUT: You do allow voting in convalescent homes.

Mr. CASTONGUAY: Yes; they are allowed to vote.

Mr. RIDEOUT: This is not done on the basis that these people will have heart attacks; is that right?

Mr. CASTONGUAY: The individuals in convalescent homes allowed to vote are allowed to do so because they were residents of the home on the date of the issuing of the writ.

Mr. WOOLLIAMS: These individuals were domiciled at the homes.

Mr. CASTONGUAY: I am referring to sanatoriums and similar institutions. People resident in old folks homes are allowed to vote because most of them were resident there on the date of the issuing of the writ. If you attach this same condition in respect of hospitals, only those people who were hospitalized on the date of the issuing of the writ and on polling day would be allowed to vote.

Mr. WOOLLIAMS: As I understand your position, Mr. Castonguay, you are suggesting that in cities such as Toronto, you would probably have to make allowance for individuals from perhaps 30 different constituencies; is that correct?

Mr. GREENE: In a quasi rural constituency 95 per cent of the people in hospital would normally vote in that constituency. Why should these people be disfranchised because of the fact that five per cent do not belong to that constituency? I do not think this is a reasonable approach to the situation.

Mr. RICHARD: Mr. Greene, you must admit that 75 per cent to 80 per cent of people in hospitals only remain in the hospital for approximately five or six days, and that on election day 50 per cent of these people would be in a different situation. They might, perhaps, have just gone through surgery, or be in extremely poor condition and not able to vote?

Mr. RIDEOUT: Mr. Chairman, it seems that we are both for and against something at the same time. Some individuals are in favour of compulsory voting, yet we are not allowing under certain circumstances some citizens the right to vote. I do not suggest that we could have 100 per cent of the population in every hospital voting on polling day, but in the hospital in my area I am sure we could accommodate 80 per cent of the patients.

Mr. CASTONGUAY: If this committee recommends that a polling station be established in hospitals, attaching the condition that persons eligible to vote must be resident in that hospital on the date of the issuing of the writ, no practical difficulty would be involved. This simply means that an individual would be allowed to vote providing he was a patient in the hospital on the date of the issuing of the writ and polling day.

You may have 1,500 people in the hospital on the date of issuing of the writ, but I cannot tell you how many of those 1,500 would still be there on polling day. If the statistics given by the Department of National Health and Welfare are correct, the average stay of a patient is ten days in an acute hospital. Keeping that fact in mind, I do not know how many of 1,500 patients would be there on polling day. Those patients who entered the hospital after the date of the issuing of the writ would not be allowed to vote.

Mr. MACQUARRIE: It seems to me that we are stretching the word "resident" to cover persons in hospital on the date of the issuing of the writ. I should not like to be called a resident of a hospital.

Mr. HOWARD: From the discussions which have taken place not only today but on earlier occasions I think it is quite obvious this committee made an error in passing a motion to defer the consideration of the absentee system of voting and the permanent list structure. I should like to see that decision reversed and ask Mr. Castonguay to undertake a study of this situation and report back to this committee. We are now in the midst of a discussion in this regard.

I have always contended that the act should be amended in such a way as to afford everyone in Canada the right to vote when for any reason a person is absent from his own community on election day. These people should be given the right to vote by way of an absentee system. I should like to see our discussion in this regard revived, and I feel that the majority of the members of this committee have the same feeling. I was one of the majority of members who voted for that motion to defer this discussion and feel that I have a right to now move that we revive this question rather than wait for the consultation with the various provinces, in an attempt to set up a system whereby everyone in Canada has the right to vote. I do not think we should concern ourselves only with those people who happen to be in hospital, happen to work in banks in some other part of the world, or happen to be absent from their home communities for some reason or another.

Mr. HOWARD: We are quite prepared to move such a motion.

Mr. MOREAU: Mr. Chairman, surely the committee took the stand at an earlier meeting for very good reasons, and there is some sense of urgency to get through the revisions to the act so that they can become law before the end of the year. I would think that perhaps in addition to absentee voting considerations complicating matters we also have the other complicating factor of absentee members in the committee at earlier meetings. I feel that this whole question was somewhat redundant. We have all agreed that absentee voting was a matter we could not consider at this series of hearings, and I wonder if perhaps we could not stick to our initial decision to go through the act section by section and move those amendments to the act as we come to them.

Mr. LEBOE: Mr. Chairman, I would like to suggest possibly that a way out of this dilemma would be to have a motion before the committee which would attempt at least to get on the agenda of the federal-provincial conference the opening of a door for discussions between provinces and the chief electoral officers.

The CHAIRMAN: This is part of the motion as passed the other day.

Mr. MORE: Mr. Chairman, I could have a great deal to say about a lot of these sections but it seems to me that you, sir, as chairman, having regard to the motion that was adopted, should rule this discussion out of order. The committee came to a decision and discussion on this is out of order on the basis of that decision.

The CHAIRMAN: I admit that it is out of order but I wanted to give leeway to members of the committee to study this question. I think we decided at one of the last meetings that absentee voting was too much to consider.

Mr. GREENE: This would be voting in the constituency. Mr. Howard led us off the beam there. He wants to have a polling station in the hospital for those persons who are normally resident in that constituency, that is by virtue of the fact that they are in the hospital. I do not think this is absentee voting.

Mr. HOWARD: I did not lead you off the beam. We call it absentee voting; it is absence from the community in which you live and register.

The CHAIRMAN: We will continue and pass on to section 17 and if at the end we have to do so we will come back to this question.

Mr. PENNELL: I might interject for a moment here to read what was passed in a prior motion:

That a study be undertaken under the chairmanship of the chief electoral officer for the preparation of a full report on the question of a permanent electors list and of a method of absentee voting, stating the arguments for and against the adoption of a permanent list; and

That the committee recommend to the government that it approach the governments of the provinces with a view to participating in such a study and to canvass the possibility of a joint permanent electors list.

Mr. LEBOE: That was the thing I had in mind.

Mr. HOWARD: Before we proceed I wonder, while we are on the subject matter, whether or not Mr. Castonguay could give us some indication about the possibility of a study being undertaken under his chairmanship of the question of absentee voting and of the permanent list, and whether or not at these hearings or at these meetings before we conclude the act section by section he might not be able to make such a report.

Mr. CASTONGUAY: It would be impossible, Mr. Chairman.

Clause 17, page 168 of the act. Page 6 of the draft bill. I have an amendment to subsection (4) of section 17 of the act. It is a new subclause (b) and it is self-explanatory.

(b) correct any errors of a clerical nature in the name and particulars of any elector appearing on the copy of the list that he furnishes to the printer and initial the same;

The returning officers did not have that power before. I suspect many did exercise that power, but I would like to see it in the act.

Mr. WOOLLIAM: I move it be adopted.

Mr. MORE: I second the motion.

The CHAIRMAN: It is moved that the amendment be adopted.

Motion agreed to.

Mr. CASTONGUAY: In subclause (2) of clause 11 I am suggesting an amendment which would not require the elector whose name was inadvertently left off the typewritten list or the printed list to produce form No. 7 on the polling day to the returning officer in order to get a certificate to allow him to vote.

(2) Subsection (12) of section 17 of the said Act is repealed and the following substituted therefor:

Issue of certificate in case of omission from list

“(12) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators' record books in his

possession that such an omission has actually been made, issue to such elector a certificate in Form No. 20 entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate; no such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary list of electors by the revising officer during his sittings for revision.

We have found that the electors—this is about seven weeks before the time they get Form No. 7 until polling day—cannot produce this and often do not keep the slip in the house. As the act stands now the returning officer cannot issue a certificate unless he produces this Form No. 7 which is a receipt that he was enumerated. This Form No. 7 is in this bill.

Mr. WOOLLIAMS: What procedure do we follow, do we merely take it out?

Mr. CASTONGUAY: The safeguards now are the following: when a pair of enumerators call at a house, they have Form No. 7 and there is a carbon copy of that plus a copy that remains permanently in their book. They leave the original copy with the elector; they take the second copy and when they are finished with their enumeration they tear out the second carbon copy and compile the list from that. There is one carbon copy that stays permanently in the book and it is returned to the returning officer. When an elector arrives and he maintains that he was enumerated; that is he was given a slip, and when his name is not on the printed slip the returning officer goes to the original enumerator's list. If he finds the name there, then he goes to the carbon copy to see if the elector was issued with this slip, and that proves that the man was enumerated. He then gives him a certificate. What I find impractical and not too realistic is the fact that you cannot expect electors to keep these slips for seven weeks and to turn up on polling day with the slips.

The CHAIRMAN: Is it agreed? It is moved by Mr. Moreau and seconded by Mr. Chretien that it be adopted. Is there any objection?

Motion agreed to.

Mr. CASTONGUAY: At page 7 there is a new clause 12.

Issue of certificate in case of change in ordinary residence.

(12A) If, after the date of the issue of the writ ordering an election, an elector changes his place of ordinary residence from an urban polling division to another urban polling division in the same electoral district, and his name has been included in the list of electors prepared for the polling division in which his new place of ordinary residence is situated instead of the list prepared for the polling division where he resided on the date of the issue of the said writ, the returning officer shall,

(a) on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators' record books in his possession that such a notice in Form No. 7 had been issued to him, issue a certificate in Form No. 20A authorizing the elector to vote at the polling station established for the polling division where he ordinarily resided on the date of the issue of the said writ and for which his name should have appeared on the official list; and

- (b) forthwith after issuing the certificate, send a copy of the certificate to both deputy returning officers concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with the certificate."

We have had the problem when we had an election in June that in large metropolitan areas there is a movement of the population when the lease expires at the end of May and you have the date of the issue of the writ in April. The enumerators pick up the electors at the residence occupied at the date of the issue of the writ. If these electors obtain a new residence in the same electoral district, maybe half a mile away, then they are unable, under the present provisions, to vote if their names have been inadvertently missed because the returning officer cannot issue them a Form 7 unless they are occupying the same dwelling. This will allow him to issue this Form 7 now and allow them to vote at the residence they occupied at the date of the issuance of the writ. But this does not take care of the elector who moves from one district to another. This is movement within the same electoral district and it only takes care of that contingency.

Mr. MOREAU: He would have to vote where he lived on the date of the issue of the writ in that poll, even though he does not occupy that dwelling, he has moved to a new dwelling.

The CHAIRMAN: It is agreed.

The amendment suggested in subclause (3) at the bottom of page 7 should stand until we deal with clause 33.

Mr. GRÉGOIRE: May I ask a question, Mr. Castonguay? Is a candidate permitted to print the electoral list?

Mr. CASTONGUAY: There is nothing in the act that prevents him from doing it.

Mr. GRÉGOIRE: So that the returning officer can give such a contract to the candidate who is a printer himself?

Mr. CASTONGUAY: There is nothing in the act that prevents this. This legislation gives full power to the returning officer to have the list printed. It does not in any way bar him from having it printed by anyone he chooses to print it.

Mr. GRÉGOIRE: But is it normal?

Mr. CASTONGUAY: I would not think the committee would like me to comment on this. I do not think it is normal. I thought you were going to ask me whether it is morally right.

Mr. GRÉGOIRE: Do you not think there might be something there? For example, if such a candidate is a printer, he is entitled to receive the list earlier than the others and also he might have more copies of it.

Mr. CASTONGUAY: I do not think this is a matter upon which I should comment. It is a matter for the committee to decide upon.

Mr. GRÉGOIRE: This is serious enough. Apparently a candidate in my constituency during the last two elections had a contract to print those lists.

Mr. HOWARD: It did not seem to do him any good.

Mr. GRÉGOIRE: He was a doctor and a printing organization was the one that printed the list.

Mr. RICHARD: If the printer was a friend of a candidate, what would be the difference?

Mr. GRÉGOIRE: There might not be any difference.

Mr. MILLAR: You had better keep that printer.

Mr. WOOLLIAMS: I think this has worked out very favourably.

Mr. CASTONGUAY: I have an amendment at page 8, in subclause (4):

(4) Subsections (17), (18) and (19) of section 17 of the said Act are repealed and the following substituted therefor:

Liability of enumerators.

“(17) Any enumerator is guilty of an offence against this Act who wilfully and without reasonable excuse,

(a) includes in any list of electors prepared by him the name of any person whom he has not good reason to believe has the right to have his name included,

(b) omits to include in any list prepared by him the name of any person whom he has good reason to believe has the right to have his name included, or

(c) gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person whom he has good reason to believe is not qualified or competent to vote at the election.

We had a prosecution in one large metropolitan area and the judge ruled that the electors did not pad the list because we had seized the documents before the list had actually been compiled, before the enumerators actually had their lists typewritten. I am suggesting the new clause (C) be improved by the committee. It is not to facilitate the prosecution. But, if someone pads a list we cannot obtain a prosecution because it is not a list if he has issued the certificates; we are in deep trouble. If the enumerators knew they would be prosecuted for padding the list, the list could be destroyed before anyone got near it. But, we have the evidence of their having left a Form 7, and it would facilitate the prosecution in this aspect.

Mr. MOREAU: I so move.

Mr. MILLAR: I will second it, Mr. Chairman.

Mr. CASTONGUAY:

Obstructing enumerator or revising agent an offence.

(18) Everyone is guilty of an offence against this act who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this act.

Subclause (18) only adds to it the revising agents. This provides for an offence for anyone impeding or obstructing an enumerator in the performance of his duties under this act. This is the existing section. I suggest it would be advisable to include the revising agent. He performs a function not too dissimilar to that of the enumerators; he has to make calls from house to house.

Mr. RIDEOUT: How many people have been charged under this recently?

Mr. CASTONGUAY: One, we obtained a conviction in one large metropolitan area.

Mr. HOWARD: Is this new?

Mr. CASTONGUAY: The only thing that is new is the addition of the words “or revising agent”.

Mr. HOWARD: Is that not number (19)?

Mr. CASTONGUAY: We had to renumber this because of the insertion. This is a renumbering.

Mr. HOWARD: Yes, but (19) now says:

Every person who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this act is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$10 and not more than \$50.

Mr. CASTONGUAY: Again, this is under clause 33, I am sorry but I am a little off base. It will have to be considered then. This concerns the revision of the offence and penalty section. But, the new one is subsection (19), the one below.

Amalgamation of polling divisions.

(19) After the completion of the enumeration or of the revision of the lists of electors, as the case may be, a returning officer may, upon the prior approval of the chief electoral officer, where there appears on the list of electors of a polling division in his electoral district less than two hundred names whether by reason of a mistake or miscalculation in the number of electors estimated by him when establishing the polling division or for any other reason whatsoever, amalgamate the polling division with one or more adjacent polling divisions in the electoral district.

As you know, I order the returning officers to revise their polling division arrangements. Naturally, they have no scientific method to establish where they have set up a polling division of 250 electors there or four months after this revision has been completed; it could be that a whole area has been torn down, and where he thought there were 250 electors he finds out there are 50. Then, an election is called.

I have used my powers under 5 (2) of the act to authorize them to amalgamate or merge two polling divisions. Where we have had a polling division with 50 electors and the adjacent one has 200 I have used my power to merge these two in order to avoid having two polling divisions, two deputy returning officers and two poll clerks. This would support what I have been given under 5 (2).

Mr. RIDEOUT: Did you do this between elections and at all times?

Mr. CASTONGUAY: Yes, and I have used it in connection with various religious institutions and hospitals. During the 1953 and 1957 elections these people were very interested in having an exclusive polling division. I cannot tell you the reason for this. But, the emphasis now has changed and they would like to have the polling division extended by including private dwellings so that the borders of these institutions will be diluted.

Mr. WOOLLIAMS: The same as Indian reservations?

Mr. CASTONGUAY: Yes. Wherever persons in charge of these institutions have made a request to a returning officer after enumeration and the list has been printed I have used my powers under 5 (2) of the act to authorize the returning officer to amalgamate the religious polling division with a civilian one, and the merged list is prepared alphabetically, as a result of which there is no way then of identifying the vote. This would enable me to carry on as I have and I would like the approval of the committee on my actions of the past.

Mr. GREENE: I move that clause 19 be adopted.

Mr. RIDEOUT: I second the motion.

The CHAIRMAN: It has been moved by Mr. Greene and seconded by Mr. Rideout that clause 19 be adopted.

Motion agreed to.

Mr. CASTONGUAY:

Official list.

(20) The lists of electors for the two or more amalgamated polling divisions referred to in subsection (19) shall be deemed to be the official list for the new polling division created by the amalgamation.

(20) is consequential to the amendment you have just approved.

(5) All that portion of rule (3) of schedule A to section 17 of the said act preceding clause (a) thereof and clause (a) are repealed and the following substituted therefor:

"Rule (3). When instructed by the chief electoral officer at any time prior to the issue of the writ ordering an election in his electoral district or if not so instructed prior to the issue of such writ, then on the date of the issue of such writ, the returning officer shall (a) in an electoral district the urban areas of which have not been altered since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator for every urban polling division comprised in the electoral district, whereupon such candidates or the designated representatives shall not later than twelve o'clock noon on the fifty-fourth day before polling day furnish a list of the names of the persons so nominated for all urban polling divisions to the returning officer, and, except as provided in rule (4), the returning officer shall appoint such persons to be enumerators for the polling divisions for which they have been nominated; and"

This is the amendment I am proposing. I do not know if any of the metropolitan members will like this. It is set out at page 9.

The change is to the effect that the candidates should have the right to nominate urban enumerators, and that they should be asked to give the list of enumerators to the returning officer on the 54th day before polling day. As you know, the enumeration commences on the 49th day. The reason I am asking for this is that the present provision is rather ambiguous; it stipulates at least 5 days before the returning officer proposes to appoint enumerators he is to notify candidates he will appoint them on that day, so that candidates are not aware of the date he proposes to appoint. This has not made for a happy situation.

As you recall, the returning officers are generally in business between the date of the dissolution of parliament and the date of the issuance of the writ, and it is rather difficult for the persons who have the right to nominate people to ascertain the date on which the nominations must be in. However, there is the other side of the coin, that the returning officers have been asked to wait until the Friday before the enumeration commences for a list of 200 enumerators, and they are expected over the week-end to make contact with 200 enumerators and give them their supplies, and this is not very realistic. So, if a candidate does not give the list on the 54th day, then he has 24 hours in which to act on that. My own point of view is that this would clarify this situation.

Mr. MOREAU: I have one comment to make, Mr. Chairman.

As you appreciate, Mr. Castonguay, we perhaps have special considerations in a riding such as mine where we have a great number more polls. However, our returning officers have always approached this very intelligently and in a

co-operative manner by giving us a certain section and the enumerators are to be named in a certain part of the riding by a certain date, and she would then hold her instruction course, or whatever you call it, on a certain date. But, this was a variable thing. The riding was broken up in sections, as I say, and it did avoid a lot of confusion.

Mr. CASTONGUAY: These particular arrangements would be sort of particular to York-Scarborough, where you have about 600 polling divisions, as a result of which the returning officer there has to proceed in that manner. But, where you have a normal size electoral district it is necessary that you get the enumeration in the urban areas on the road, so to speak. I can appreciate the candidate's position. He might have compiled a list of 200; he hands that list to the returning officer and then he finds that 40 per cent are not available or cannot vote. So, he only has three or four days to call in these enumerators, and I think if there was a firm date set the candidates would then know the target date at which to submit these lists.

Mr. MOREAU: Would this limit the flexibility which the returning officer currently has?

Mr. CASTONGUAY: No. It would not limit any flexibility on the part of the returning officer but it would make it difficult for the candidate. They would have to have their list ready on the 54th day. But, the enumeration starts on the 49th. I have seen it happen so often, and it is not the fault of the candidates, that a snap election is called, and the list of enumerators might have been compiled six months before. However, you still have to get the enumeration under way on the 49th day. If two lists are submitted with 200 on each, it makes a total of 400 people, and there are only three days to get these names in.

Mr. MOREAU: I am in full support of the idea which you are trying to get across. However, I do know that 5 days, that is between the 49th and the 54th, in a riding like York-Scarborough is not sufficient, and I think by breaking it up into sections our returning officer was able to get us as candidates to submit our list of enumerators for certain sections at least before that.

Mr. CASTONGUAY: Before the 5 days?

Mr. MOREAU: Before the 54th day.

Mr. CASTONGUAY: Yes.

Mr. MOREAU: But, if we specify this, then we will have some candidates, who have read this, say they do not have to give this list before the 54th day.

Mr. CASTONGUAY: It is specified now. The returning officer must notify the candidate five days before he proposes to appoint.

Mr. HOWARD: Will not redistribution correct that?

Mr. CASTONGUAY: That problem is peculiar to your district. The returning officer has been most efficient there. However, this returning officer can still proceed in the same way under this provision; the same flexibility is there.

Mr. GRÉGOIRE: Will that list have to be definite?

Mr. CASTONGUAY: No.

Mr. GRÉGOIRE: Or, could there be any changes on the list after the 54th day?

Mr. CASTONGUAY: What would happen would be this, you submit a list of 50 enumerators; the returning officer makes contact with these 50 and if anyone cannot act he must get in touch with you, and you must give him a replacement within 24 hours.

Mr. GRÉGOIRE: After the 54th day?

Mr. CASTONGUAY: Yes, at any time.

Mr. GRÉGOIRE: That sort of thing happened in my constituency.

Mr. GRÉGOIRE:

(*Interpretation:*) (Translating equipment temporarily out of order).

The CHAIRMAN: There seems to be some difficulty with the equipment.

Mr. CASTONGUAY: Mr. Grégoire, the amendment will take care of the difficulty you mentioned.

Mr. GRÉGOIRE: So it will not be completely definite and if some things happen, like the one I mentioned, so that we cannot organize two together, for example, one Liberal and one Social Credit we will be in this position. Suppose one works from 4 o'clock to 12 o'clock and the other works from 8 o'clock to 4 o'clock, we will be able to bring about the changes?

Mr. CASTONGUAY: If you read the amendment coming up next at the bottom of the page you will note that will take care of the problem that arose in your constituency.

Mr. GRÉGOIRE: What page?

Mr. CASTONGUAY: Page 9 of the English draft bill, subclause (7), rule (9).

(7) Rule (9) of schedule A to section 17 of the said act is repealed and the following substituted therefor:

"Rule (9). Each pair of enumerators shall visit every dwelling place in their polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, alternately on each day one of the pair of enumerators to select the most convenient time for the visit (unless as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered); if, on the above mentioned visits to any dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the chief electoral officer, on which it shall be stated the day and hour that the enumerators shall make another visit to such dwelling place; the enumerators shall also state on such notification card their names, addresses, and telephone number, if any, of one or both of them."

If you pass this amendment the problem you raised will not come up. In this I am taking nothing away from candidates. If you submit a list of enumerators to a returning officer and he finds a person cannot or is not competent to act he must give you 24 hours to replace this person. Now, the difficulty you pointed out was that one enumerator was on day shift or something like that and could only work at night and the other wanted to work in the daytime. I am trying to solve this problem by the suggestion I am making in rule (9) at the bottom of the page.

Mr. LEBOE: Would Mr. Castonguay tell us whether or not this system of having the candidates nominating the enumerators adds to the efficiency of the work of getting the enumeration done or does it impede it?

Mr. CASTONGUAY: I was not in office before the 1930's but I do think the enumeration system has contributed a great deal to eliminating padding. But, whether it has made the list more accurate, I could not tell you. However, I can tell you it had a very salutary effect in wholesale adding of lists.

Mr. LEBOE: My question did not concern dual enumerating but whether or not the candidate did, in fact, have anything to do with the appointment of the enumerators.

Mr. CASTONGUAY: The act is such that very few candidates directly have anything to do with it, but the act does enable them to designate a person to act on their behalf and that person recommends the enumerators. I cannot speak for anyone else but, personally, I have had no problem or complaints in so far as this problem you raised is concerned. I do not see any problem at all.

Mr. WOOLLIAMS: Is not this section to expedite getting the work done so that the returning officer can do his job?

Mr. CASTONGUAY: That is correct.

Mr. HOWARD: In the proposal and in the act it makes reference to an electoral district, the urban areas of which have not been altered, and in another place it says the urban areas, which have been altered. Would you explain this? What are urban areas?

Mr. CASTONGUAY: For instance, with the redistribution a certain portion, say, of one electoral district might be put into another one, and this provides for that; the alteration takes place by redistribution.

Mr. HOWARD: What about the proposal that polling divisions be reduced in number, to contain not more than 250 when it was 350 before? Would this result in urban areas having been altered?

Mr. CASTONGUAY: No. Nothing the returning officer does alters the electoral district boundaries; only parliament can do that. But, what may happen where you have a difference is this: when there is annexation you will take a rural area into an urban area. In this case all it would mean is that the target would be 250. There would be a polling division of 250 in urban areas.

Mr. HOWARD: Does it also take into consideration that an area which is rural grows and becomes incorporated into a municipality? This has happened in two communities in my area. Are they then reclassified?

Mr. CASTONGUAY: If they are an incorporated city, yes.

Mr. HOWARD: Would you then say that is an urban area which has been altered?

Mr. CASTONGUAY: No. Only redistribution would alter an urban area in that sense.

Mr. FISHER: What distinction did you notice between the situation of the rural enumerators compared with the urban enumerators in terms of efficiency?

Mr. CASTONGUAY: It is very hard to assess.

Mr. FISHER: Well, let us put it this way. Most of the complaints I have encountered are with the rural enumerators. Has any consideration been given to putting rural enumerators within the scope of the candidate?

Mr. CASTONGUAY: I have never heard of that proposal being put forward.

Mr. FISHER: What is the great difficulty?

Mr. CASTONGUAY: Certainly there would be tremendous difficulties in electoral districts such as the Northwest Territories or several of these districts mentioned in the act. There are remote polling divisions in the electoral district of Skeena and, I assume, very few candidates or the sitting member would have covered that district. It is quite large. For instance, a candidate would not know very many people in the Fort Chimo area.

Mr. FISHER: The same situation exists in my riding; I never will be able to get to Fort Severn and other isolated areas.

Mr. CASTONGUAY: I did not want to use your riding as an example because I thought you would have been all over it.

Mr. FISHER: There are parts of it to which I will never get. What is your opinion in respect of towns of 3,000 or 4,000 population, which are stable, continuing, and where the parties have continuing organizations.

Mr. CASTONGUAY: This can be easily done by revising the 5,000 figure to whatever the committee wish, if you think it is advisable.

Mr. FISHER: I think the fact the parties have an opportunity to name an enumerator leads to a more efficient enumeration with fewer howls on election days. At least then the blame would not be upon the returning officer but upon the candidates and their party organization. I always have felt it silly that a community such as Nipigon with a 2,400 population, which is an old and stable community and all four parties have organizations and members, should be a rural poll.

Mr. CASTONGUAY: The big difficulty is there should be a section that could declare small towns urban because if you declare them urban they are closed areas and there is no vouching. There are safe-guards on the rural list. For instance, your name does not have to be on the list to vote. However, you will find more complaints in respect of the transition. If a town gets over 5,000 it becomes urban and people forget they cannot vote under the rural procedure any more. We receive an awful lot of complaints in this connection. They say: we voted last time and our names were not on the list, what is the difficulty?

Mr. FISHER: I agree that has to be taken into account; however, I would like to suggest to the committee that it is an excellent idea, wherever practical, to have the parties involved with the enumerators. I never really have understood the distinction here.

Mr. HOWARD: Would it not be appropriate for Mr. Fisher to move a motion asking Mr. Castonguay to draft some amendment around the theme he has suggested.

Mr. CASTONGUAY: I think his desires could be accomplished by reducing the population by urban areas.

Mr. HOWARD: This may not be accomplished.

Mr. CASTONGUAY: He is only speaking of towns.

Mr. HOWARD: I understood that he was speaking of all rural areas.

Mr. FISHER: No, I am thinking of the small towns that have been established. I can think of about 50 polls in my riding where it would be hopeless for the candidates to nominate anyone; however, there are a great many communities in every riding that are stable and have party organizations and identity. I think it would be of assistance to the organizations of the parties in these towns.

Mr. CASTONGUAY: May I refer you to page 161, subsection (12). If the population was reduced there would this accomplish your purpose?

Mr. MOREAU: If I may interrupt, would not Mr. Fisher agree that the very stability of these towns makes them very suitable for the rural considerations of voting. Perhaps the accuracy of enumeration is not all that important.

Mr. CASTONGUAY: I think there is a plus and minus factor where there are certain considerations in favour of classing them urban as against perhaps other considerations that might be as important. The people in these towns may much prefer to be classed as rural polls in view of some of the other advantages. But, I think this is a little larger problem; it is a problem of enumeration.

Mr. FISHER: Again, I revert to what I was saying, where you have enumerators appointed by the candidates, and where you have the two going around together you get a better list and, in my opinion, I think you really do keep the padding out in the rural polls. That is where it is. You also encounter a form of patronage over which I receive objections. These objections come not only from rival parties but from within the party itself. For example,

in the next election the Liberals will appoint or give the returning officer a list of people who will do most of the enumerating. In the last couple of elections it has been the Conservatives. I get complaints of this from Conservatives, and I am sure I will get them from the Liberals. Here again you are getting into the closed deal.

Mr. GREENE: Is there any reason why you could not, say in a municipality of 3,000 or less—and I am only using this as an illustration—give the right to swear in one election day, even though you called it an urban poll? Is not the reason you do not permit it at rural polls the fact you do not know the people and it might be padded?

Mr. CASTONGUAY: Yes. For the sake of uniformity, we have two systems, urban and rural, and if you are going to ask us to draft legislation to take care of several small towns, what yardstick are you going to use to ensure that these safety factors are maintained. At one time this was 5,000; it has been down to 2,000 and up to 12,000. As I say, it has been raised and lowered.

Committees before have tried to tackle this problem of making places urban; they lowered it from 12,000 because they thought they preferred the rural voting procedure. But, you must remember the urban procedure was brought about in 1938. In 1934 we shifted to permanent lists because the system we have now is considered to be wholly inadequate. Then they found the system they adopted in 1934 was wholly inadequate. But, the system for 1930 allowed the selection and appointment of all enumerators, urban and rural, by the returning officer. The shift was made in 1938 that the urban areas would have those where you would have dual enumeration and they did not need the safeguards in the rural area which they needed in the city.

My own view is it would be rather difficult to say: all right, this is an urban poll for the purpose of the preparation of the list. But, in a town of "X" population you allow the voucher proceeding. Where do we draw the line? We have towns and villages whose populations range from 200 or 300 up to 20,000 or 30,000 and I do not think it would be fair to ask me to say: all right, we are going to have an urban list here and the rural voting procedure there. Perhaps the committee would like to sit down and prepare legislation singling out these towns. I would prefer it that way.

Mr. MORE: You said it was down to 2,000.

Mr. CASTONGUAY: 2,500.

Mr. MORE: Did the desire to have the swearing in privilege result in the change?

Mr. CASTONGUAY: Yes, it was lowered from 12,000 to 2,000.

Mr. FISHER: It seems to me there is really no conflict here between principles. What you are talking about is the procedure. I was just suggesting it is an excellent idea to have enumerators in as many polls as possible nominated by the candidates. The relationship between that and the fact people should have the opportunity of being sworn in is just a device and not a principle.

Mr. MOREAU: It would seem there is an important relationship because the considerations of the voting lists are not nearly as important where rural voting procedures apply. Certain people may be left off the list and so on, and perhaps other names may be included that should not be on it. But, in a small town and in rural areas these discrepancies are readily apparent and I do not think this suggestion requires real consideration.

Mr. FISHER: As you know, I represent a hinterland area as distinct from a rural area and the factors that apply in the city apply there. You have mobile populations. Thousands of people come into Nipigon on election day from road construction, projects of all kinds, from the tugs on the river and

so on. The local identity theme may apply in an area such as the Ottawa river valley, but in the constituency to which I am referring the conditions are not that different.

Mr. WOOLLIAMS: How do you know?

Mr. FISHER: Why do you not allow the taking of an oath in a city poll?

Mr. MOREAU: Because we do not know whether or not they voted before. I suggest even in Nipigon, if there was a construction project where you had a transient population, that the whole town of Nipigon would know about that and they would know approximately how many men are employed. I do not think that the security factors are nearly equivalent to urban areas.

Mr. WOOLLIAMS: Well, I really think the system has to be held together. It seems to me that most complaints come when you move a rural area to an urban and people find they have been left off the list and cannot be sworn in. There is some merit in what Mr. Fisher says. Referring to the Bow river area, you have 500 to 1,000 people living in Lake Louise, but the local people know who is who, and this works out pretty well.

Mr. CASTONGUAY: At the risk of being accused of shooting down members' ideas—and, I do not want to give that impression—if you have urban enumerators and if you have the rural system in urban polling divisions, then the urban enumerators are required to make a house to house canvass. Many years ago we paid mileage to the enumerators and they would sit down at the kitchen table and compile their lists there. We now have disposed of that and we have no mileage accounts for rural enumerators.

Now, if you go along with the principle that in rural areas—I am not speaking of towns, because in towns you can take care of this—but if you apply urban procedure in the selection of urban enumerators in every rural polling station, those enumerators must be paid their travelling expenses to go from house to house. The committee may recommend that they enumerate the same way. But I would like to see that, if you decide to have urban selection in the rural areas, we do not pay mileage allowance, because it would be a fantastic expense.

And there is another problem which you stated yourself. There are some areas where you have never been. An election may be called when the candidates may be in quite a few areas in your electoral district, and when the other candidates may not know as many people. So the returning officer would not know the names in remote areas.

It may be said that a list can be compiled long ahead of time, and that the candidates would have them ready. But we always have a list from the sitting member ready. There has been no difficulty there. Our difficulty was with the candidate at the preceding election who was the runnerup. He has difficulty getting his list on time. The returning officer may end up by selecting one-third of the ones for the runnerup, because sometimes the runnerup may say: I am sorry, but I cannot think of anybody else. You fill in the rest. There is a problem in rural areas that I am afraid of, but not in the city constituencies. I am thinking particularly of the 21 constituencies where we have 21 days between the nomination day and polling day, and we have to charter an aircraft to go in. The returning officer sometimes does not know whom he will select. And in other areas we may have civil servants who are weather officers, and who are the only competent people in those remote places to run it. I am also thinking of ecclesiastics. I do not believe you would have other people prepared to undertake it from an economic point of view.

Mr. FISHER: What is the reason that a person living in a so called rural area has a tremendous advantage in the way he can be sworn in? Why cannot this privilege be extended further to take in, let us say, metropolitan Montreal and Toronto? I suppose Montreal scares you?

Mr. CASTONGUAY: I would not restrict it only to Montreal.

Mr. FISHER: Let us take a city the side of the one I come from, Port Arthur, Fort William, and Sault Ste. Marie. Surely these cities are stable enough, and you could get the identity principle to work.

Mr. CASTONGUAY: I do not think it is a question of a city being stable, but rather of the atmosphere being stable.

Mr. MOREAU: Who has to identify these people?

Mr. FISHER: I think it is up to them to find somebody.

Mr. GREGOIRE: I think that they have sufficient opportunity to see that their names are on the list. Even on election day they can be put on the list.

The CHAIRMAN: Yes, even on election day they can be put on the list.

Mr. GREGOIRE: Especially in cities and towns; but in the case of the elimination of rural enumerators—in my own constituency I have 22 rural polling subdivisions, and even if there is only one enumerator in it, he is supposed to be chosen by the president of the elector's constituency, and if he is chosen by the candidate, we see that it is by the candidate of the party which has appointed the president of the elector's constituency. The other opposition parties have nobody. In my rural enumeration, only one party has an enumerator. I think there is a problem. We have to look closer at this list. There may be many more mistakes. So I think, as Mr. Fisher pointed out, there is a difference between the appointment of two enumerators and the fact that they can be sworn under oath in rural areas.

Mr. FISHER: I think it is a good thing in as many places as possible to have the enumerators designated by the party, and also to have as many opportunities as possible for people to be sworn in, provided they can have someone vouch for them who lives in that particular area. I do not see why it is not possible to move both of these ideas along.

Mr. LEBOE: After all, the voter has to be brought in by another voter who is actually on the list, and they both have to swear, and they are both liable.

Mr. MOREAU: The reason for this procedure in an urban area is that in a riding such as mine none of the parties in many of the polls have any organization at all.

The CHAIRMAN: We shall be meeting this afternoon and again tonight.

Mr. MOREAU: I thought we were on page 172, but now it seems that we are back to page 61.

Mr. FISHER: I am sorry if I sidetracked the committee, but I still think those two ideas are good.

Mr. HOWARD: In view of the time, Mr. Chairman,—and I agree with the idea—might we not adjourn to leave the matter unsettled and come back at 3 o'clock and try to put the ideas in some concrete form of amendment in order to get the subject matter before us?

The CHAIRMAN: Have you any objection to adjourning right now and coming back at 3 o'clock, or following the orders of the day? They are generally over at 3 o'clock now.

Mr. HOWARD: What parliament are you going to?

Mr. LEBOE: Mr. Chairman, I have a motion which I would like to move and which I do not think is controversial at all. If it is, we could deal with it very quickly. I was wondering if the committee would agree to listen to it for a minute or two. I do not think that it is controversial in any respect. I would like to move that the committee recommend to the government that the earlier recommendations that the government approach the provincial governments

with a view to participating in a study of the question of a permanent voters' list be placed on the agenda for the forthcoming federal-provincial conference.

Mr. MOREAU: That is very controversial. We had a discussion about that.

Mr. LEBOE: I am talking about getting it on the agenda of the federal-provincial conference; I am not asking for any changes. The motion that was passed was for a study.

Mr. MOREAU: My initial objective was to try to get it on this present conference agenda.

Mr. LEBOE: There is nothing in the motion. But in the discussion preceding it you will see that that was essentially the objective.

Mr. MOREAU: I think Mr. Castonguay felt that it was not possible to do this at such short notice.

Mr. LEBOE: If you do not try anything, nothing is possible. Is there any reason why the government should not be approached to try to get it on the agenda and get it on the way? Why the procrastination?

Mr. MOREAU: We were given a good reason by Mr. Castonguay when he indicated to us that to try to adopt two major undertakings in one election year, both the redistribution and a change in the preparation of the list, would probably make it a pretty chaotic sort of election.

Mr. LEBOE: I do not mean an adoption; I would just like to see it on the agenda, and they could do with it what they liked.

Mr. CASTONGUAY: What I did say was that this is one feature, but the other feature, as I pointed out, was that I thought you could not approach provincial governments unless you had some plan for them to consider. A study should be made, and having made the study and prepared a report you would then be able to get in touch with the provincial chief electoral officers, or whoever these governments designate, and submit the reports to them, and then have a working conference to see if they are acceptable. This is the way to do it, I think.

Mr. LEBOE: The question I had in mind was simply, how are we going to get it off the ground if we do not get it into such a position, how are we going to initiate it?

Mr. HOWARD: We will instruct Mr. Castonguay to start the ground lifting process.

Mr. CASTONGUAY: I do not know whether the problem is worth considering if you have nothing to submit to them except the idea.

Mr. LEBOE: But if Mr. Castonguay is prepared to take the responsibility I think it would be all right. I was not present at the previous meetings.

Mr. CASTONGUAY: It is not a question of my taking the responsibility first. The house has to adopt the motion which the committee passes. It is parliament's responsibility to ask me to go ahead and initiate it.

The CHAIRMAN: The meeting is adjourned.

#### AFTERNOON SITTING

TUESDAY, November 19, 1963.

The CHAIRMAN: All right, gentlemen, I think we can begin. We have a quorum and we can go on now. We were discussing, before we adjourned at noon, the question submitted by Mr. Fisher.

Mr. FISHER: Mr. Chairman, I would like to leave the discussion just where it was. I have been talking with Mr. Castonguay and he has raised a problem

which I can certainly see in a practical way would make one of my suggestions very ineffective, almost unworkable, and I would like to have an opportunity, with my colleague here, to think about it and see if there is any way it could be made easier, and if not, then just to let the matter drop. If there is any way I can see that would meet the objection, I would like to bring it back before the committee finishes its proceedings.

The objection, in a nutshell, is if you use the idea of opening up the right to be sworn in, in your communities up to 50,000, it would be fine for isolated communities of that size, such as Sault Ste. Marie, and Port Arthur, but it would be dynamite within metropolitan areas where you are right within the framework of a huge area with surrounding municipalities which might qualify in this way. That is the reason I want to drop it, to have a chance to think about it.

Mr. MOREAU: Mr. Chairman I thought we had agreed to meet, and that we did refer the matter of the permanent voters' list and related matters to another day. We had agreed to go through the act section by section taking up the amendments as proposed by Mr. Castonguay and other amendments that any members of the committee might wish to move at that time. I realize you hesitate to limit discussion. However if we are going to complete our study I feel that this is a procedure which we must follow. As to points which are raised further back in the Canada Elections Act, points which we have already gone by, I suggest that we defer a discussion of them. Perhaps the members were not here at the time. I suggest that we take them up at the end, after we have had a chance to go through the act, and that such matters might be raised at the end of our proceedings. We might go back to certain sections if members so wished.

The CHAIRMAN: We are at page nine, rule (5), which also appears on page 174 of the act, rule (5). Does anybody move the adoption? .

Mr. CASTONGUAY:

"Rule (5). If either of the candidates or persons entitled to nominate enumerators fail by twelve o'clock noon on the fifty-fourth day before polling day to nominate a fit and proper person for appointment as enumerator for any urban polling division comprised in the electoral district the returning officer shall, subject to the provisions of Rule (2), himself select and appoint enumerators to any necessary extent."

The effect of this is that any list of enumerators received by the returning officer by 12 o'clock noon on the 54th day before polling day will be accepted, but no list can be entertained after that. However if there are on the list 20 or 30 people who cannot act, then the returning officer is obliged to give the candidate 24 hours to get replacements.

Mr. WOOLLIAMS? I think that is fair. I would like to move it.

Mr. FISHER: I second it.

The CHAIRMAN: It has been moved and seconded that rule (5) be adopted. Motion agreed to.

Now rule (9)

Mr. CASTONGUAY:

"Rule (9). Each pair of enumerators shall visit every dwelling place in their polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, alternately on each day one of the pair of enumerators to select the most convenient time for the visit (unless as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered); if,

on the above mentioned visits to any dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the Chief Electoral Officer, on which it shall be stated the day and hour that the enumerators shall make another visit to such dwelling place; the enumerators shall also state on such notification card their names, addresses, and telephone number, if any, of one or both of them."

Rule 7 is an attempt to solve the problem which returning officers have with dual enumerators. He may find some dear old lady who can work only at night, and some old gentleman who can work only in the daytime, and he has great difficulty in arriving at some peaceful solution. Also, it must be remembered that a candidate has the right to designate that a specific person be appointed to act in a specific polling division. When that occurs and neither party wishes to accommodate the other, the poor returning officer is in an awful state. Up to now I have told them to proceed in the manner which I have set out in this amendment: that one day they work for the convenience of the one, and the next day they work for the convenience of the other. And if anybody does not agree, he will be replaced by somebody who does agree, bearing in mind that the enumerator has a six day period.

The CHAIRMAN: It has been moved and seconded that rule 7 be adopted. Motion agreed to.

Mr. CASTONGUAY:

"Rule (12). Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if, in his judgment, the said list is incomplete or contains the name of any person whose name should not be included in the list, he shall not certify to the enumerators' account, and shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts."

This should stand until we deal with clause 30 of this bill.

The CHAIRMAN: Clause 30. Now, rule (18).

Mr. CASTONGUAY:

"Rule (18). Forthwith upon being advised by the returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the *ex officio* revising officer shall, *not later than the forty-fifth day before polling day*, appoint in writing, in Form No. 12, a substitute revising officer for every revisal district, as hereafter established by the returning officer, for which the *ex officio* revising officer is not prepared to himself revise the lists of electors for the pending election; every substitute revising officer thus appointed shall be a person qualified as an elector in the electoral district within which he is to act; every such substitute revising officer shall, immediately after his appointment, be sworn to the faithful and impartial performance of his duties; the substitute revising officer's oath shall be in Form No. 13, and it shall be subscribed before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province; the *ex officio* revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every

substitute revising officer as soon as it has been completed; the *ex officio* revising officer shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him."

In rule (18) the amendment I propose was suggested to me by various judges who appointed substitute revising officers. It is not stated in the act when judges are required to appoint substitute revising officers. However they have asked me to advise the committee. I have always told them to use this date here, and it has worked satisfactorily, with all judges, that in the 45 days before polling day the substitute revising officers should be appointed. This is necessary because the notice of replacement has to be printed, and it has to bear the names of the substitute revising officers and their addresses. On some occasions in the heading of the list of electors the address of the substitute returning officer appears. What we try to do in towns and other places is this, if a judge appoints a person to work, we use his office; this is much better, because he is more available to anybody else. So we like to have his address before the lists are printed. This is what has been done in practice over the last two or three general elections, and the judges have asked me if this could not be clarified.

Mr. RICHARD: I move its adoption.

Mr. WOOLLIAMS: I second it.

The CHAIRMAN: It has been moved and seconded that rule (18) be adopted.

Motion agreed to.

Now, rule (23).

Mr. CASTONGUAY:

"Rule (23). Forthwith on receipt of the notification mentioned in rule (22), the returning officer shall, not later than Thursday the twenty-fifth day before polling day, cause to be printed a notice of revision in form No. 14 stating the following:

- (a) the numbers of the polling divisions contained in every revisal district established by him,
- (b) the name of the revising officer appointed for each revisal district,
- (c) the revisal office at which the revising officer will attend for the revision of the lists of electors, and
- (d) the days and hours therein during which the revisal office will be open,

and at least four days before the first day fixed for the sittings for revision the returning officer shall mail to each postmaster of the post offices situated in the urban areas of his electoral district a copy of the notice of revision in form No. 14; and the returning officer shall also transmit or deliver five copies of the notice of revision in form No. 14 to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative."

On page 11 I have an amendment to clause 10. The only change is the words "situated in the urban areas of his electoral district". We have an electoral district partly urban and partly rural, and as the act stands now the returning officer is required to send notice of revision of the urban areas to all postmasters. This only creates confusion. So I have instructed the returning officer not to send them to rural, but just to urban post offices to avoid confusion. I would prefer to see it in the act, if the committee would approve it.

The CHAIRMAN: It has been moved by Mr. Richard and seconded by Mr. Woolliams.

Motion agreed to.

Mr. WOOLLIAMS: These are all suggestions where you are trying to ease the working of the act.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Rule (25).

Mr. CASTONGUAY:

"Rule (25). Every postmaster shall, forthwith after receipt of a copy of the notice of revision in form no. 14, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the revision of the lists of electors has passed, and for the purposes of this provision such postmaster shall be deemed to be an election officer."

I have tried to follow the principle of trying to remove some of the provisions of the act which may have had a purpose 40 to 50 years ago, but I do not think any member of this committee would agree that a postmaster should be fired simply because he failed to put up a notice, or that he should be subject to that penalty. I hope that the members of the committee will share my views on that. So I suggest that this be removed from our legislation.

Mr. MOREAU: Has anyone been fired recently?

Mr. CASTONGUAY: No one. I do not think this is necessary. It could have been when introduced 30 to 40 years ago.

Mr. LEBOE: Having been a postmaster, I agree.

Mr. RICHARD: I move the adoption.

Mr. HOWARD: In what position does this leave a postmaster when he is, for the purpose of this act, an election officer? What does this entail for him?

Mr. CASTONGUAY: It is not considered an offence now within the meaning of this act; that is, an offence subject to penalty, that he be punished for not putting up a notice. The punishment was loss of his position, if it was judged an offence. But it would mean that under the act. It would mean that there is a particular provision of the act, section 70, which authorizes me to investigate any alleged offence committed by an election officer.

Mr. HOWARD: That is what I was getting at. He still comes under some authority?

Mr. CASTONGUAY: That is right.

The CHAIRMAN: Rule (28a).

Mr. CASTONGUAY:

(12) Schedule A to section 17 of the said act is further amended by adding thereto, immediately after rule (28) thereof, the following rule:

"Rule (28A). Whenever it has been established that a pair of enumerators have included in their preliminary list of electors the name of an elector whose place of ordinary residence is situated in a polling division that is adjacent to the polling division for which they have been appointed as enumerators, the returning officer shall request the appropriate revising officer during the sittings of revision to remove such elector's name from the list of electors in which it appears and to include it in the list of electors for the polling division in which the elector resides."

This is a new provision. This particular provision is necessary against an individual enumerator poaching in an adjacent polling division. When this is

discovered only after the lists are printed, it can only be corrected by the revising officer. The revising officer is in no position to correct it unless all the electors concerned march up to the revising officer and ask to be put on the list. I have corrected this before lists are printed by extending the enumeration to a certain date before the revision and by making these enumerators go back and do another enumeration. But in doing that you have two slips; each elector will get two slips, and it makes it a little difficult. If there is any mistake discovered, after the printing of the page, this would permit it be corrected by the revising officer, but the enumerators would have to produce their slips to satisfy him in the matter.

Mr. WOOLLIAMS: What is the last date for someone to get his name on the list in an urban district?

Mr. CASTONGUAY: Sixteen days before the polling day.

Mr. WOOLLIAMS: Because whole blocks have been left out. In Calgary there were five blocks completely left out.

Mr. CASTONGUAY: That particular case was brought to my attention and I extended the revision. Whenever it was brought to my attention I have extended the revision and we have corrected it in that way.

Mr. WOOLLIAMS: Have you that power always?

Mr. CASTONGUAY: Yes, and I have used it on the major mistakes. I do not think the committee would expect me to extend these powers for one name in one poll, but I have used it extensively where there has been a major mistake discovered and I have used it up to the Saturday before the polling day, not on the Sunday.

Mr. WOOLLIAMS: Because in these new suburban areas it is possible to miss a whole area, and that has occurred. I did not know you had that authority.

Mr. CASTONGUAY: Under 5(2) I can do almost anything.

Mr. HOWARD: And not only in the suburban areas but in remote rural areas where communication is slack and often the returning officer does not know whether the person has left a community or become sick.

Mr. CASTONGUAY: I have used it in other circumstances which may interest members of the committee, for instance in logging operations. If the logging operations are on the day of the issue of the writ, the act requires us to enumerate, so that when the returning officer has been informed that a logging operation will be completed a month before polling day what I do then is to extend the enumeration up until these people have left and then I will cancel the enumeration because no one is there.

Mr. WOOLLIAMS: I have one question about the swearing in. I wish to follow the same thought. This is an example where we have 30 or 40 people to be sworn in a rural area. They were missed and then there was some question whether or not they were citizens. What proof can the returning officer ask for? Someone says, "how do you know this fellow is a citizen?"

Mr. CASTONGUAY: My understanding is that no deputy returning officer can ask for credentials which qualify a person as an elector. The only thing the deputy returning officer can ask an elector to do is to take the oath, and if he takes the oath then he is allowed to vote. If a deputy returning officer still feels that this person is not qualified to vote and the person has taken an oath, there is a procedure to have the person arrested before giving his ballot, but a scrutineer cannot ask that an elector produce either his driver's permit or his citizenship papers or any other papers. They have no power to do it under the act.

Mr. CAMERON (*High Park*): That is one of the problems we have frequently with the deputy returning officers. Some deputy returning officer takes upon himself the responsibility of saying, "you are not eligible".

Mr. CASTONGUAY: I had tremendous problems with this and I have an amendment which I would like you to consider later.

Mr. MORE: In the case of poaching, enumerators are paid on the basis of their revised list. Is that correct?

Mr. CASTONGUAY: No, their first list.

Mr. MORE: Even though they poached?

Mr. CASTONGUAY: Yes. If it is discovered; we only discover this afterwards. I have another amendment which I was hoping to present to you to correct this situation. I have many of these amendments.

Mr. CAMERON (*High Park*): What happens under Rule 28a if the voter is named on the wrong list and he gets through the mail a copy of that list and is told to vote. He goes there and finds he is on two lists.

Mr. CASTONGUAY: In 28a? What section?

Mr. CAMERON (*High Park*): He is on the list and gets a copy of the voters' list.

Mr. CASTONGUAY: In the poaching case? The list is reprinted. We would have to work out some system to send him a card telling him that this can be done by instruction.

Mr. CAMERON (*High Park*): He will get maybe half a dozen notices from candidates who will tell him to vote at a certain place.

Mr. CASTONGUAY: It can be done easily by instruction. We will send a notice to the electors on what the proper station is. We can make a provision, if the committee wishes, or it can be done by instruction.

Mr. MILLAR: Is it not a fact that if this is discovered by the enumerators and the man is taken off the list, he will not get a copy of the preliminary list?

Mr. CASTONGUAY: This only happens at the revision in Rule 28a. The list is printed and mailed prior to that. I can prepare an amendment in that event, but this can easily be done by instruction.

Mr. CAMERON (*High Park*): I was just wondering, that is all. It can be done by instruction.

The CHAIRMAN: We are now on Rule 29.

(13) Rule (29) of Schedule A to section 17 of the said Act is amended by deleting the word "and" at the end of clause (b) thereof and by adding thereto the following clauses:

"(d) personal applications made by electors to have their names struck off the preliminary list; and

(e) requests made by the returning officer to correct errors appearing on the printed preliminary list of electors in accordance with the corrections made by the returning officer on the list and certified by him."

(14) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (29) thereof, the following Rule:

Mr. CASTONGUAY: Rule 29, clause (d). We have this problem now where it is rather onerous and difficult to get off the list in an urban area. The procedure requires that an objection be made by a person and that a notice be sent to the person objected to, and that the following Tuesday the sittings are held to take care of the objection.

Now, we have many American citizens who inadvertently are included on the list. They try to appear personally before the revising officer to get their names off and they cannot do it because they have to get through this procedure of getting someone to fill out the form. The revising officer sends the form to them and there is only one procedure. However, if an elector personally appears before the revising officer and satisfies the revising officer that his name should be off the list, then the revising officer should have that power. This is a personal appearance, not through an intermediary.

Mr. MOREAU: Is there any control over the revising officer who might strike people off his list and claim they appeared before him?

Mr. CASTONGUAY: There is no control over many things. No, there is no control over that. There is this control, that anyone can have an agent, and that would be the same control as that exercised over ballot boxes. If you have no scrutineer present over a ballot box, it would be the same as with the pinky stamps. The safeguard in the act is that in most of these operations during revision in advance polls and polling stations every candidate has a right to have two agents present. If he does not exercise those rights, well it is too bad.

Mr. MACQUARRIE: In the proposed subclause (d) "personal applications" does not mean written applications; it means a personal appearance. Is that correct?

Mr. CASTONGUAY: That is right.

Mr. CAMERON (*High Park*): I move the amendment.

Mr. CASTONGUAY: In subclause (e) we have the situation where the returning officer gets many calls. I am still on the same rule.

Mr. RICHARD: Is it not true that if an American's name is on the list he can write to the revising officer who will send someone to see him and complete the form?

Mr. CASTONGUAY: The American immigration authorities have ceased writing letters asking about establishment of the fact whether a person votes, because there is no proof. We used to get a couple of hundred letters a year on this and we pointed out to them that the poll books are not subject to examination by anyone; that they are destroyed after a year and that the mere appearance of a person's name on the list of electors is no proof that he has voted. That was the procedure in the past, but I do not think we have had a letter from the American immigration people in the last year.

Mr. MORE: Do you think personal applications might be misinterpreted?

Mr. CASTONGUAY: If the committee wishes, we can do something about this.

Mr. MORE: Could you add the words "by personal appearance"? Would that clutter it up too much?

Mr. HOWARD: In subclause (c) which is in the act now we find reference to verbal applications. I wondered whether since those are different words they would not be different things.

Mr. CASTONGUAY: Perhaps we should draft that along this line and then come back again at the next meeting at which time we could discuss it further.

Mr. RICHARD: I am afraid you did not understand my question. I thought that an American or any citizen who is not put on the list could notify the revising officer by letter and he would send someone over to him to fill in the form.

Mr. CASTONGUAY: It cannot be done because an American citizen has to get an elector of the electoral district to object; he must go to the revising officer, complete a form of objection, and that notice of objection is sent to the elector—that is, to the American citizen—and on the following Tuesday the person who went through this procedure for the American citizen has to

appear before the revising officer and produce prima facie evidence the American is an American citizen, and he is struck off. This is the only procedure whereby a name can be removed in the urban areas. We have many complaints on this. There are people who, on religious grounds, do not want their names on the list and they do not want to vote. But, their names are on there, and if they raise an objection about this they have to go through the same procedure.

If you like, I will prepare an amendment to clause (d), to make this more explicit. This particular amendment is under (e).

- (e) requests made by the returning officer to correct errors appearing on the printed preliminary list of electors in accordance with the corrections made by the returning officer on the list and certified by him.

The returning officers naturally are the ones who get all the complaints. Once these lists are posted and mailed they get complaints from an elector, saying I am not a florist but a bookkeeper; I am not a sales clerk but a general manager, and so on. Now the revising officer has no means to accept this information. I think this procedure would help. The returning officer could give these corrections to the revising officer; he does not have to accept them, but this is the channel through which it is done.

Mr. HOWARD: Does this relate to the earlier reference to clerical errors?

Mr. CASTONGUAY: The previous reference has to do with the clerical errors on the original enumerators list, but these are errors phoned in by electors to the returning officer after they see the printed list. They are errors to do with misspelling of names and so on, but this does not allow the returning officer to say a name should be struck off or added. These corrections appear on a statement of changes and additions and do not appear on the printed list.

Some hon. MEMBERS: Carried.

Agreed to.

The CHAIRMAN: Next is 29(a).

"Rule (29A). At the sittings for revision referred to in rule (29) the revising officer may

- (a) comply with any request made by a returning officer pursuant to rule (28A), and
- (b) correct any typographical errors of which he has knowledge appearing in the printed list of electors."

Mr. HOWARD: Would you call these clerical errors as well?

Mr. CASTONGUAY: They would be printing errors really, not clerical.

The CHAIRMAN: 29 (a) is an addition.

Mr. CASTONGUAY: Well, you see, it is to correct errors appearing on the printed preliminary list.

Mr. HOWARD: I was wondering about narrowing it down a bit more; would it be a typographical error, for instance?

Mr. CASTONGUAY: It would not be if the man was put down as a salesman and he phoned and said he was a sales manager.

Mr. HOWARD: If an enumerator put a man down who should not be on the list would that be an error?

Mr. CASTONGUAY: No. We could narrow that down to errors in respect of the names, occupations and so on. We could have the errors limited so that it would not be misunderstood.

We could redraft this clause to meet the wishes of the committee on this.

The CHAIRMAN: The next is 29(a).

Mr. CASTONGUAY: This is consequential to what is done above. These two will stand. Clause 13 of the bill will stand.

The CHAIRMAN: Next is rule 30.

"Rule (30). During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than *noon of Saturday*, the *sixteenth* day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objective to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

Mr. FISHER: Before you proceed, Mr. Chairman, I want to ask one question. Have you any amendments in respect of your dealings with the printing of lists, how they should be printed, what type of print and so on.

Mr. CASTONGUAY: No, but it comes under section 17 if you have anything to discuss.

In respect of this section, what happens here is that the period of revision is on a Thursday, Friday and Saturday and notice of objection can only be made to names that are made on the list of electors on Thursday and Friday. Now, the sittings of revision end at 10 p.m. and this makes it impossible in many areas. As you know, the post office is closed at 8 or 9 o'clock and the returning officer cannot mail by registered mail this notice of objection; they have to wait until Saturday. This is to make it possible for revising officers who receive notices of objection and want to send them in to do so. They only receive them on Friday. However, they have to mail them on Saturday, not later than noon, so that they will still reach the elector on time.

Some hon. MEMBERS: Carried.

The CHAIRMAN: The next is rule 36.

"Rule (36). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration, a sworn application made by two revising agents, in Form No. 70,

- (a) together with an application in Form No. 71, signed by the person who desires to be registered as an elector; or
  - (b) if such person is then temporarily absent from the place of his ordinary residence, an application in the alternative Form No. 71 signed by a relative by blood or marriage of such person;
- whereupon the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an

accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

Mr. CASTONGUAY: We found that these revising officers which were approved in 1960 have been reasonably satisfactory, but they are required to complete Form 70 and Form 71 at the back of the draft bill, page 48. Now, the weakness of the system is that someone phones and wants the service of the revising agents, and the revising agent goes to that person's home; he is not there. We will say Mrs. Brown is not there, but the husband is there. As a result, they have to make three or four trips to catch Mrs. Brown in. There was a weakness in this respect, and we thought we could make the same requirement in respect of Form 70 as we do in respect of Form 71; that a blood relative could sign this application form for a person who has been omitted from the list, if he has requested the services of the revising agent. This would prevent repetitions trips back and forth to find the person in. So, a husband can sign for a wife or a father for his son.

That procedure would simplify this matter to a great extent. This is permitted now; when an elector of an electoral district wishes to act as an agent for another elector he takes form 17. Now, you have two revising agents who do this work, and I think there would be no danger in allowing this practice to exist. It would save an awful lot of work.

Mr. WOOLLIAMS: I will move the adoption of that. It would seem it is liberalizing the law with a small "1".

Mr. CASTONGUAY: In clause 17 of the bill at page 13, I have an amendment which possibly members will not like.

(17) Rules (44) and (45) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule" (44). The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, two copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect.

Mr. CASTONGUAY: This is an amendment to Rule 44. The revising officers have told me there is a great deal of difficulty in preparing five copies of each statement of change and additions for each candidate, and in places where there are five or six candidates this is very difficult to do. It has been suggested that to facilitate their work and to expedite the preparation of these statements in order to get them out to candidates only two copies be given to candidates. I am referring to the statement of changes and additions.

Mr. MOREAU: Does this present some practical difficulty. Again, I am influenced by our own personal experience. But, in a riding like mine, where you have to set up more than one committee room it is difficult, and sometimes these revising districts are rather large. I would like to keep one copy at campaign headquarters.

Mr. CASTONGUAY: Under this provision you have two copies, one for the main headquarters and one for the committee rooms. I expect objections to be

made in this connection. But, as you know, there are many members who represent metropolitan areas, and you know the problems there. Perhaps you would like to compromise and suggest that three would be better.

Mr. MOREAU: That is what I had in mind. I was going to suggest perhaps three, and I would hope this would not unduly burden our revising agents. However, it is immaterial to me.

Mr. MORE: Are these typewritten carbon copies?

Mr. CASTONGUAY: Yes.

Mr. MORE: If there are five candidates and they received two copies each that would make a total of ten, as a result of which it would be necessary to type it twice.

Mr. CASTONGUAY: Well, we have a form of stencil now whereby we can reproduce nine or ten copies from one.

Mr. MORE: But, with six candidates you would require 18 copies, and this would pose an added difficulty.

Mr. CASTONGUAY: Well, I am only the buffer between the revising officers and the candidates.

Mr. MACQUARRIE: I think that two copies would be sufficient for alert candidates.

Mr. CAMERON (*High Park*): I know in our constituency we would experience trouble with only two copies. However, I would think that three would be all right.

Mr. MOREAU: I move that we make it three.

Mr. RICHARD: I second the motion.

The CHAIRMAN: I has been moved by Mr. Moreau and seconded by Mr. Richard that there be three copies instead of two.

Mr. HOWARD: Did you anticipate that three would be the final result so you started with two?

Mr. CASTONGUAY: I just put a figure which might be acceptable to the committee.

Next is rule 45.

*Rule (45).* Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the two copies, and to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to rule (44); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in forms nos. 15 and 16, respectively, every used application, made by agents in forms nos. 17 and 18, respectively, and by revising agents in forms nos. 70 and 71, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.

Mr. CASTONGUAY: In connection with rule 45, the same ammendment would apply; that is, three copies instead of two.

The CHAIRMAN: Rule 52 is next.

(18) Rule (52) of schedule A to section 17 of the said act is repealed and the following substituted therefor:

"*Rule (52).* Each pair of revising agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day

before polling day, and up to and including Saturday, the sixteenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division the returning officer may make known to them: if at such place it is found that there is any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election,

(a) such person may complete form no. 71, and

(b) if such person is then temporarily absent from the place of his ordinary residence an application may be completed in the alternative form no. 71 by a relative by blood or marriage of such person,

and the revising agents shall then jointly complete form no. 70 and present such completed forms to the appropriate revising officer during such times as he may be sitting as provided in rule (28)."

Mr. CASTONGUAY: In respect of rule 52, this is consequential to the amendment approved in rule 36 of the previous page, and we have dealt with that. (b) is to make the provision that was approved in rule 36.

Some hon. MEMBERS: Carried.

Mr. CASTONGUAY: The next is the amendment in rule 19.

(19) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (53) thereof, the following rule:

"Rule (53A). Every revising agent is guilty of an offence against this act who wilfully and without reasonable excuse fails to comply with any of the provisions of rule (52) or (53)"

Mr. CASTONGUAY: We had some revising agents at the last two general elections who got Forms 70 and 71 completed but threw them in the basket, as a result of which I have no means to handle this. There is no penalty for this type of offence and I have suggested this type of thing would be desirable so that I could take some action other than cutting their fees. This is rather serious because these revising agents might pick up 40 or 50 electors, who they expect to be on the list, and they forget to go to the revising officer. I think if I had the power to take action I would do so and then this would not happen.

Mr. CAMERON (*High Park*): Would the same apply for Form 71 at page 49?

Mr. CASTONGUAY: One is for the elector to sign. Did you say page 49?

Mr. CAMERON (*High Park*): Yes.

Mr. CASTONGUAY: The revising agent must sign Form 70 but the applicant himself must sign Form 71.

If you look at page 48, subparagraph 4 of this form, this is what it is; this takes care of the amendment we have just passed. Then if you go to page 50, this is an alternative form where the relatives are used. I think what you suggest is that that is an old form, while this is a new form.

Mr. CAMERON (*High Park*): They do look pretty identical.

The CHAIRMAN: Is 3-A adopted?

Agreed.

Now we go to rule (55) on page 15.

(20) Schedule A to section 17 of the said Act is further amended by adding thereto the following Rule:

"Rule (55). A revising officer may upon receipt from a pair of revising agents of a completed application in Forms Nos. 70 and 71 relating to a polling division not contained in his revisal district

cause such forms to be transferred to the appropriate revising officer within whose district the polling division is contained, and where an application is so transferred to a revising officer before ten o'clock in the forenoon of Monday the fourteenth day before polling day, the revising officer shall hold sittings for revision on that Monday the fourteenth day before polling day and shall determine and dispose of the application; however, where the revising officer does not accept the application no notice of objection in Form No. 69 shall be transmitted to the applicant."

Mr. CASTONGUAY: This is consequential to the amendments made to rule (15).

The CHAIRMAN: It has been moved by Mr. Richard and seconded.

Mr. MORE: If an elector is absent on holiday and if his name is not enumerated, is there a form which somebody else may complete, a relative for example or anybody, and submit it for him?

Mr. CASTONGUAY: There are many ways to get on the list in an urban situation. An employer can do it, an elector can do it, or a blood relative can do it for him, under clause 12 of the bill.

Mr. HOWARD: Before we get to clause 12, section (b) of section 17 deals with rural polling divisions, and I thought this might be a proper place for Mr. Fisher to raise again the question of enumerators in rural polling divisions, which is companion to what he raised this morning about swearing in.

Mr. WOOLLIAMS: I thought we were going to leave that until the end of the sections.

The CHAIRMAN: Is it the intention to move it right away? Or shall we wait until we come to the end of the bill?

Mr. FISHER: I am proposing to leave it until later in the proceedings, as long as it is agreed that I shall have a chance to bring it up and no one will object.

Mr. CASTONGUAY: Before we leave section 17 I would like to have the support of the committee with respect to an action I took during the last election. According to the act I have to mail copies of the list of electors to every polling division. The percentage of rejected ballots in the last election in 1962 increased quite considerably. I thought I would conduct an experiment to see whether this could be reduced. What I did was to send copies of this poster in each envelope. I put a copy of these directions to the electors in each envelope. This is the notice which we put up in each polling station with the list of electors.

## DOCUMENT 1

## CANADA ELECTIONS ACT

**DIRECTIONS TO ELECTORS**

Each elector may vote at only one polling station and for only one candidate.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space on the ballot paper containing the name and particulars of the candidate for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the number on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another.

If an elector votes for more than one candidate, or makes any mark on the ballot paper by which he can afterwards be identified, his vote will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at an election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

*In the following specimen of ballot paper, given for illustration, the candidates are William R. Doe, Frank Arthur Doe, Joseph Doe, and John Thomas Doe, and the elector has marked his ballot paper in favour of John Thomas Doe.*

**DOE, WILLIAM R.,**  
636 POWER ST., OTTAWA,  
BARRISTER.

**DOE, FRANK ARTHUR,**  
R.R. NO. 3, WESTBORO,  
FARMER.

**DOE, JOSEPH,**  
EASTVIEW,  
GENTLEMAN.

**DOE, JOHN THOMAS,**  
239 BANK ST., OTTAWA,  
MERCHANT.

X

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## NOTICE

### INTERFERENCE WITH ELECTION DOCUMENTS

Subsection (1) of section 72 of the *Canada Elections Act* reads as follows:

"72. (1) Any person unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors, or other document, authorized or required by this act to be posted up, is guilty of an indictable offence against this act and liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution, or to imprisonment for a term not exceeding two years with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith (in case only a fine and costs are imposed) or are not paid before the expiration of the term of imprisonment imposed (in case imprisonment, as well as fine and costs, is imposed), to imprisonment, with or without hard labour, for such term, or further term, as such fine and costs or either of them remain unpaid, not exceeding three months".

Mr. CASTONGUAY: I sent this to the electoral districts so that the members could see the effect that it might or might not have on reducing the number of rejected ballot papers. I would like to bring it up at this point because if the members of the committee feel that it was not too successful, then I do not intend to pursue it at a future election.

Mr. WOOLLIAMS: By what percentage were you able to decrease the spoiled ballots?

Mr. CASTONGUAY: I do not say that this was the factor which brought about a decrease, but if you look at the figures you will see that in 1962 the number of rejected ballot papers was 82,522, which is just over one per cent, while in 1963 it would be 64,650. This, I maintain, reached approximately 800,000 electors, these directions to electors.

Mr. MORE: This was done in selected districts.

Mr. CASTONGUAY: I selected districts on two bases; those which had a large percentage of rejected ballot papers at the last election, and some districts where there was a large population of ethnic groups, to see if it would help the situation. For an expenditure of about \$5,000 I can reach most of the urban population with this. The cost of this form is \$1.00 a thousand. I do not allege in any way at all that sending this direction brought down the rejections, but I asked the returning officers if it was well received, and they said that it had been, generally speaking, well received.

Mr. MOREAU: I give full support to any educational measures we can take, but I wonder if one vital factor which might have contributed to reducing the number of spoiled ballots was the close succession of elections? I mean the talk about spoiled ballots and the publicity received in some constituencies in 1962, and also the fact that most organizations were virtually the same in both elections, they came so close that people were very much more conscious of the fact that tick marks and so on were not acceptable, and perhaps these political organizations were doing quite a lot in the way of political education in this matter. I think that happened in the 1963 election perhaps more so than in the 1962. I am all for educational ideas.

Mr. CASTONGUAY: The wire services were most co-operative and they ran many stories. I know a great deal of work was done by political candidates, and everything else. I do not say that this mailing did it, but when the number did go higher, one per cent in 1962, I got a little concerned and thought that something should be done.

Mr. MORE: You have no idea why one constituency had 1,500 more votes, and their spoiled ballots were up by 143?

Mr. CASTONGUAY: None at all.

Mr. WOOLLIAMS: I imagine the Chairman is impressed with his own record.

Mr. CAMERON (*High Park*): Would it be possible to underline with a black pencil the proviso about printing, and make them change the word "will" to "must"?

Mr. CASTONGUAY: If the committee would approve it in principle without any formal action to indicate that you give me your support, I would be prepared to do this next time along those lines.

Mr. MORE: Are these all the constituencies in which this was done?

Mr. CASTONGUAY: Yes.

## DOCUMENT 2

	Total Rejected Ballot Papers			Total Ballot Papers Cast			Electors on List
	1958	1962	1963	1958	1962	1963	1963
<i>Ontario</i>							
Carleton	404	595	392	48,929	62,775	67,728	77,910
Hamilton South	590	761	504	45,777	50,642	54,451	67,669
Ottawa East	318	317	298	28,259	24,798	25,591	31,132
Ottawa West	391	409	337	37,913	30,977	31,169	38,934
Russell	523	611	461	43,380	50,237	52,664	62,929
Parkdale	381	296	253	26,456	26,005	25,052	34,078
St. Paul's	479	356	273	28,590	26,933	28,296	38,323
Spadina	756	584	428	29,893	27,322	27,592	37,793
Trinity	514	420	271	22,915	20,870	19,940	26,533
York Centre	911	1,045	597	58,628	80,935	83,394	106,741
<i>Quebec</i>							
Cartier	525	377	332	16,713	13,495	13,842	19,944
Gatineau	213	340	183	20,935	24,346	25,030	31,116
Hull	405	432	253	36,238	37,661	37,379	44,713
Laurier	265	273	261	20,046	16,773	18,226	26,870
Quebec South	405	525	548	31,683	29,144	30,178	36,316
St. Ann	263	298	228	16,143	13,521	12,989	19,601
Saint-Antoine- Westmount	329	459	308	30,028	27,349	27,731	38,175
Sainte-Marie	406	423	308	22,770	19,426	20,491	32,253
<i>Manitoba</i>							
Winnipeg North Centre	446	425	249	32,445	29,409	29,785	42,432
<i>Totals</i>	8,524	8,946	6,484	597,741	612,618	631,528	813,462

Mr. MOREAU: Regarding the matter of spoiled ballots, I do not know if this is the appropriate time, but would it not be advisable to legalize the marking of ballots with ballpoint pens and other types of pencils? I fail to see why they have to be marked with "the black pencil provided".

The CHAIRMAN: If you wish, we can take that up when we come to the question of ballots later.

Mr. CASTONGUAY: I have a suggestion to give to the committee later on.

Mr. MILLAR: Is there any reason why the names of the candidates should not be put on the list like this, to show you the way to mark it?

Mr. MACQUARRIE: I think Mr. Cameron's suggestion is a very practical and useful one, to underline with a black pencil.

The CHAIRMAN: Will the committee support this suggestion made by Mr. Castonguay? I see there is no objection.

Mr. MORE: Mr. Chairman, I would like to raise a little question. I understand from Mr. Castonguay that this costs \$5,000. According to my figuring it would come to \$2 for each rejected ballot. It might be a saving if you gave credit to the reduction of spoiled ballots on this list being all a result of this program. As I take Mr. Castonguay's figures, there is an over-all lowering of 17,872 in the number of spoiled ballots.

Mr. CASTONGUAY: This did not cost \$5,000. That would be the total if I did it for all the urban areas across Canada. I did it for another reason too. I might as well confess everything. There are provinces where there are very

large differences in voting procedures so that there was a great deal of confusion in the polls and I thought this was necessary. There are many other provinces whose electoral laws are not dissimilar, but there are some that are different. I therefore thought that this would maybe remove some of the confusion in those provinces as to the voting procedure even though this is a simple thing. Now whether or not this was achieved I do not know but I am informed it was.

Mr. FISHER: Are you about to leave section 17? There is a question I wanted to ask about printing. I do not think there is anything here in relation to it. I had representations from a couple of local typographical unions who were worried over something that is taking place in the province of Ontario with regard to the printing of lists, and that is the introduction of these new kinds of printing processes. They are not actually printing processes, they are the photo offset and the letterpress. In other words the list is made up by typewriter and reproduced. I am wondering whether there is any defence or protection within the Canada Elections Act against that kind of thing.

Mr. CASTONGUAY: No, but in my tariff there is a rate for photo offset and another rate for letterpress.

Mr. FISHER: What is the general tendency?

Mr. CASTONGUAY: In the large metropolitan areas I would certainly say that a great deal of it is done by photo offset, and wherever they have this equipment they are doing it that way, and yet there are areas where printers only have letterpress.

Mr. FISHER: What is the difference in cost to you?

Mr. CASTONGUAY: Letterpress is 18 cents per name and photo offset is 16 cents per name.

Mr. FISHER: That still gives quite an advantage to photo offset.

Mr. CASTONGUAY: Photo offset is cheaper than letterpress.

Mr. FISHER: But I thought it would be much cheaper than that.

Mr. CASTONGUAY: This rate may appear to be high but you must remember that I have no power in the act to commandeer any printing establishment. They have two weeks to print the list and they do overtime. They will not put their bread and butter job aside to print our list. Some people allege these rates are high, certainly they are high but you have to make them attractive so that the printers will take them.

Mr. FISHER: That clears up my point.

The CHAIRMAN: Section 12 on page 15.

12. (1) Subsection (2) of section 18 of the said Act is repealed and the following substituted therefor:

Electoral districts of Yukon and Northwest Territories.

"(2) In the electoral districts of Yukon and Northwest Territories it is sufficient compliance with subsection (1), if, at least six days before the day fixed for the nomination of candidates, the returning officer causes such proclamation to be inserted in at least one newspaper published in the Yukon Territory, and in at least one newspaper published in the Northwest Territories and mails one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day."

Mr. CASTONGUAY: I received a letter from the editor of the Whitehorse newspaper and he told me there is no longer any newspaper published in

Dawson and that there has not been one for over 15 years. We should therefore bring our legislation up to date. I have amended this to remove "Dawson" and make it any printer in the area.

Mr. MACQUARRIE: There is not much choice but to agree.

Mr. CASTONGUAY: There are two newspapers published in Whitehorse now.

The CHAIRMAN: This is adopted.

Mr. HOWARD: I have something to say on section 19 of the act before you get to section 20. It seems to me it would be appropriate to move that the age of qualification for candidates be reduced to 18 years from 21 years, and I would so move.

Mr. MOREAU: I second Mr. Howard's motion.

The CHAIRMAN: The motion is that the age qualification be reduced from 21 to 18. Is there no objection?

Mr. MACQUARRIE: Could you tell us, I am going to get a little research done at a moment's notice—Mr. Castonguay, if in the jurisdictions with which you are familiar that have an age limit lower than 21, a similar section naming the age of candidates gives a different age figure?

Mr. CASTONGUAY: Quebec and Alberta. Quebec lowered the age from 21 to 18 and Alberta has also lowered it to 18. In Saskatchewan the voting age is 18 and the candidate's age is 18. In British Columbia the voting age is 19 and the candidate's age is 19.

Mr. MACQUARRIE: I am wondering here about some legal opinion which I could perhaps get from Mr. Anglin. Is there anything involved in the position of a candidate who is required to become a legal entity though our election act or through this process of becoming a member of parliament?

Mr. MOREAU: I have a related question whether there are any offences for which he would be held responsible under the elections act?

Mr. E. A. ANGLIN, Q. C. (*Assistant Chief Electoral Officer*): As far as the offences go, there is no distinction made between a person who is 18 and one who is 21. If he is under 16 he is tried in another court of course.

Mr. WOOLLIAMS: Does the fact that a person is convicted of an indictable offence disqualify him from becoming a candidate?

Mr. CASTONGUAY: He must be in a penal institution. Yes, under the act he cannot be an elector for five years if he has committed an indictable offence.

Mr. MOREAU: That is under the elections act?

Mr. CASTONGUAY: For a legal practice it is five years and for corrupt practice it is seven years.

Mr. WOOLLIAMS: If a person has been convicted of an indictable offence under the code does that disqualify him?

Mr. CASTONGUAY: You will find reference to it on page 49, section 80.

Mr. LEBOE: There are no property entanglements as far as the candidate is concerned, are there?

Mr. CASTONGUAY: None whatsoever.

Mr. MOREAU: Is there any reason to have subsection (c) placed in there at all? Would not "qualified elector" be a sufficient definition for a candidate?

Mr. CASTONGUAY: You can have a member of the Canadian forces as a qualified elector and he can be 17 or even 16. I think that the advisability of drafting it in that way at that time was to ensure that this would not happen.

The CHAIRMAN: There is the motion to reduce the age of the candidates to 18; is there any objection to that. This was moved by Mr. Howard and seconded by Mr. Moreau.

Mr. MOREAU: I am wondering, Mr. Chairman, if we have satisfied the legal considerations here. I just raise this question to ascertain whether there would be any conflict or possible conflict in a legal way with other existing statutes. Now, mind you, I am not opposed to the idea provided we are not doing something that might be difficult to handle later on.

Mr. CASTONGUAY: I presume the provinces of Alberta and Quebec went into this very thoroughly, and they have lowered the age of candidates.

Mr. RICHARD: Have there been any objections in Quebec under the civil code?

The CHAIRMAN: Under the civil code I believe the minors cannot act but there is nothing to prevent them from being candidates.

Mr. WOOLLIAMS: Is it not a point of law that under federal jurisdiction we have a right to pass laws in reference to the election of candidates to the federal parliament and, therefore, no provincial law would be applicable here because we are passing the act in so far as federal jurisdiction is concerned, electing federal members of parliament.

Mr. DROUIN (*Interpretation*): I do know that in the civil code there is authority which provides that a minor can annul his engagements and escape his responsibility in reference to those things contracted during his minority.

As far as I am concerned, Mr. Chairman, I am not at this time ready to lower the age of candidates from 21 to 18. Would it be possible, Mr. Chairman, to stand this section for the time being. I do think that before we come to a decision on this matter we should obtain more information. As I say, we should look into this matter very fully before putting any proposals before the house in this connection. I suggest that we stand this clause in order that we may provide ourselves with the proper information on this matter.

(Text)

Mr. FISHER: Are you yourself going to undertake to provide us, when this matter comes up again, with the information you have been able to bring forward or are you asking the chief electoral officer to provide us with information?

Mr. DROUIN (*Interpretation*): Although I am ready to do it myself I feel that it would be a good idea if the chief electoral officer obtained some information. He might possibly check to see what the discussion was in the provincial legislature in Quebec during the study of the last amendments made to the election act in the province of Quebec. This might take two or three weeks.

Mr. CASTONGUAY: I believe that in the province of Quebec the age of candidates was not reduced, and that it remains at 21 years.

Mr. DROUIN: There could have been discussion and some legal advice obtained at that time. I could ask for some information from the chief electoral officer in the province of Quebec, in Saskatchewan, and British Columbia. The age of candidates was reduced.

Mr. CASTONGUAY: The civil law does not apply to that.

Mr. DROUIN: This is a matter of civil responsibility.

Mr. CASTONGUAY: I do not think this would apply here because we are dealing here with two absolutely separate jurisdictions, and they are not affected by the civil code of the province of Quebec.

Mr. DROUIN: I could give you an example. Under the Canada Elections Act the candidate can contract engagements through his electoral agent in respect of advertising, for example, and under the civil code in the province of Quebec, a minor whose contracts are prejudicial, may have them annulled by the civil courts. Somebody might contract to undertake during an election campaign to do such and such a thing, and it is possible that he could ask the

civil courts to have this undertaking annulled and yet this would be purely a civil matter which would be undertaken during an election campaign. That is just something that comes to mind. There might be more. I have not studied the matter before today.

Mr. RICHARD: I think it might be a good idea to study the matter further. I am not from the province of Quebec, but, as has just been said, I think a minor candidate in the province of Quebec could make undertakings which would make him liable to penalties under the Canadian code. I do not know about it, but I think we should study the matter.

(Text)

Mr. MOREAU: If it is a matter of campaign expenses and he is a minor, he is held liable for his contract.

Mr. CASTONGUAY: We had a candidate at the last election who was under 21.

The CHAIRMAN: Where was that?

Mr. CASTONGUAY: I might say that he was not successful. It happened in the Iles-de-la-Madeleine.

Mr. HOWARD: You did not discover it until later?

Mr. CASTONGUAY: It was discovered four days before polling day.

Mr. HOWARD: What happened then?

Mr. CASTONGUAY: I imagine the courts would have declared the election to be null and void if he had won.

The CHAIRMAN: Are you willing to let that stand for further information? Agreed to stand.

Now, section 13.

13. Section 20 of the said act is amended by adding thereto the following subsection:

“(4) Everyone is guilty of an offence against this act who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election.”

Mr. CASTONGUAY: On this particular point I am speaking beyond the bounds of the recommendations of a chief electoral officer.

Mr. FISHER: I would like to hear them.

Mr. CASTONGUAY: On this problem there are many candidates that are sometimes called phantom candidates. That means a candidate who knows that he is ineligible for election, yet he presents himself, and the returning officer is in no position to judge on it. We had a case in the 1962 election of a flying officer, an M.D. who appeared before the returning officer in civilian clothes and no one recognized him. He polled 10,000 votes and was ineligible.

We had another case of a candidate under 21, as I have said.

Mr. HOWARD: On what grounds would the courts say that he was ineligible?

Mr. CASTONGUAY: A member of the Canadian forces was ineligible while still a member. Far be it from me to spread rumours, but it was suggested that this might be a method to sort of cut his service so that he would not have to reimburse the crown for his medical education. As you may have read in the papers locally, in the United Kingdom this method is used to cut one's service in the forces. So it seems to me that a candidate who knows he is ineligible and puts his country to the expense, and his electoral district to the expense of having papers printed, and then, even if successful, of putting everybody to the expense of going through litigation to have the election declared null and void should be subject to some penalty. So I felt that in order to put more teeth into

it, we might make it one of the offences which it would be my responsibility to investigate and take appropriate action upon under section 70, subsection 4.

Mr. MOREAU: I move the adoption of that amendment, Mr. Chairman.

Mr. CASTONGUAY: Section 70, subsection four.

The CHAIRMAN: Section 13, first.

Mr. CASTONGUAY: Yes, this is on page 247 of my general election instruction for returning officers. Subsection 4 gives me the power to investigate an offence and to take any appropriate action under these specific sections with respect to persons other than election officers.

Mr. MOREAU: What penalties would apply?

Mr. CASTONGUAY: If you approve of the plan I have made, it is possible the maximum penalty would be \$1,000.

Mr. MOREAU: I move the adoption.

The CHAIRMAN: It is moved by Mr. Moreau and seconded by Mr. Woolliams that section 13 be adopted.

Mr. CASTONGUAY: Is it the wish of the committee that an amendment be prepared to give me power to investigate this offence?

The CHAIRMAN: Carried.

Motion agreed to.

Mr. CASTONGUAY: We can take it up later on, but we will prepare the amendment when this section comes up.

Mr. WOOLLIAMS: It is in the act. I wonder if the chief electoral officer would summarize those things which will disqualify a person from being a candidate?

Mr. CASTONGUAY: They are all in section 95.

Mr. MACQUARRIE: Before we leave section 20, I know this is purely hypothetical, but unless you cover it in paragraph F, you have nothing at all in respect of a senator. You have the Yukon territory council, and legislators, and so on. Was that change in the act before?

Mr. CASTONGUAY: It was never in the act, and was never proposed that it would be in the act.

Mr. MACQUARRIE: In the United Kingdom the House of Lords do not even vote in a general election under the assumption that they represent the upper house. I do not suggest we necessarily disfranchise our senior colleagues, but I am interested in this, nevertheless.

The CHAIRMAN: We are on section 21 now.

21. Subsection (1) of section 43 of the said act is repealed and the following substituted therefor:

Issue of transfer certificate to agents of candidates.

"43. (1) At any time between the close of nominations and not later than ten o'clock in the evening of the *Tuesday, the sixth day before* polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in form no. 44 entitling him to vote at the latter polling station."

Mr. CASTONGUAY: I suggest that before we proceed with the draft suggested amendment I have to section 21, there are many representations which have

been sent to this committee that the political affiliations of the candidates be placed on the ballot paper. I have prepared for you here some material. There are four provinces which have provided that the political affiliations of the candidates—and I have made photostatic copies of their ballots and legislation pertaining to the political affiliations—be placed on the ballot papers.

## DOCUMENT 3

## Province of British Columbia

<p style="text-align: center;"><b>DOE</b></p> <p style="text-align: center;">John Doe, of Victoria, Merchant</p> <p style="text-align: center;">(Space for political party or interest.)</p>	
<p style="text-align: center;"><b>ROE</b></p> <p style="text-align: center;">Richard Roe, of Richfield, Miner</p> <p style="text-align: center;">(Space for political party or interest.)</p>	
<p style="text-align: center;"><b>STILES, GEORGE</b></p> <p style="text-align: center;">George Stiles, of Nanaimo, Solicitor</p> <p style="text-align: center;">(Space for political party or interest.)</p>	
<p style="text-align: center;"><b>STILES, JOHN</b></p> <p style="text-align: center;">John Stiles, of Atlin, Barrister-at-law</p> <p style="text-align: center;">(Space for political party or interest.)</p>	

## Section 86

- (4) (a) In Single-member electoral districts,
- (i) the name of the political party or interest represented by each candidate shall be printed on the ballot-paper;
  - (ii) the name of the candidate of the political party represented by the premier of the province shall be placed at the top of the ballot-paper;
  - (iii) the name of the candidate of the political party or interest constituting the recognized opposition party at the time of dissolution of the last legislative assembly shall be placed next on the ballot-paper;
  - (iv) the names of all other candidates shall be placed next on the ballot-paper in the alphabetical order of the names of the political parties or interests represented;

- (v) the name of the political party or interest represented by a candidate shall be shown in the manner required by the written direction (if any) of the recognized leader of such party, which shall be filed with the returning officer before five o'clock in the afternoon of nomination-day;
- (vi) where the recognized leader of the political party or interest represented by a candidate does not file a written direction under subclause (v), the name of that party shall be shown in the manner in which it appears on the nomination-paper of the candidate.
- (b) In multi-member districts, the provisions of clause (a) of subsection (4) shall be adhered to, but the list of candidates on the ballot-paper shall be arranged alphabetically in groups corresponding to the respective political parties or interests represented by the candidates.
- (5) (a) For the purpose of this section, the word "independent" shall be construed as meaning a political party or interest.
- (b) No person nominated who seeks election as an independent candidate shall use on his nomination-paper or elsewhere the name of any recognized political party.
- (6) Where any doubt arises as to the order of the names of the candidates under this section, the returning officer shall decide the matter, and his decision shall be final.

## Province of Alberta

Joseph Thomas BROWN,  
of the Village of  
Social Credit.

Edward JOHNSON,  
of Township \_\_\_\_\_, Range \_\_\_\_\_, west  
of the \_\_\_\_\_ Meridian, \_\_\_\_\_ Liberal.

William SMITH,  
of the City of  
Co-operative Commonwealth Federation.

Louis WILSON,  
of the Post Office of  
Conservative.

## Section 59.

(2) There shall be printed on the ballot paper the name and surname of each candidate together with his address and political party or political affiliation as shown on the statement accompanying his nomination paper, and the name or names shall be printed first with type not less than the size known as "eight point, caps", and the surname shall be printed second with type of the size known as "ten point, caps".

## Province of Saskatchewan

**1** BROWN, WM R (*Pol. affil.*)  
of Radville,  
Farmer

**2** HAMON, JANE (*Pol. affil.*)  
of Weyburn,  
Spinster

**3** O'NEIL, JOSEPH (*Pol. affil.*)  
of Weyburn,  
Gentleman

**4** SMITH, ALICE (*Pol. affil.*)  
of Gladmar,  
Married Woman

## Section 19.

(8) The names, political affiliations, addresses and occupations of the respective candidates shall be printed as set out in the nomination papers, alphabetically arranged according to the respective surnames and with the surnames first; provided that the names may be arranged otherwise than alphabetically where the candidates all agree, within one hour after the time appointed for the close of the nominations, to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged on the ballot papers as so agreed upon.

(9) The political affiliation, if any, of each candidate shall be set forth in abbreviated form in brackets after his name, and for that purpose the following abbreviations:

- (a) C.C.F. for Co-operative Commonwealth Federation;
- (b) Ind. for Independent;
- (c) Lab. for Labour;
- (d) Lab. Prog. for Labour Progressive;
- (e) Lib. for Liberal;
- (f) Prog. Con. for Progressive Conservative;
- (g) Soc. Cred. for Social Credit;
- (h) such abbreviations as may be designated by the chief electoral officer with respect to other political affiliation;

shall be used:

Provided that a candidate may, in his nomination paper, request that his political affiliation appear on the ballot paper in unabbreviated form and in such case the political affiliation shall be so set forth in brackets after his name.

PROVINCE <sup>DE</sup>  
OF QUEBEC

	<p style="text-align: center;"><b>BUREAU, Jean-Charles</b> LIBÉRAL LIBERAL</p>	
	<p style="text-align: center;"><b>MARTIN, Pamphile</b> UNION NATIONALE NATIONAL UNION</p>	
	<p style="text-align: center;"><b>De BELLEFEUILLE, Pierre-A.</b></p>	

147. 1. Nul bulletin de présentation n'est valide s'il n'est accompagné lors de sa remise au président d'élection:

- a) du consentement écrit de la personne présentée,
- b) de sa photographie récente de face montrant la tête ou la tête et les épaules seulement, en format 4X5 pouces au moins,
- c) d'une copie authentique de son acte de naissance ou d'une autre preuve de son nom et de son âge,
- d) de la désignation de son parti ou de l'indication «indépendant»,
- e) de la nomination de son agent officiel,
- f) d'une somme de deux cents dollars ou d'un chèque de deux cents dollars accepté par une banque.

193. Le bulletin de vote est un papier imprimé sur lequel sont inscrits, également au moyen de l'imprimerie et dans l'ordre alphabétique, en premier lieu les noms des candidats officiels de partis reconnus accompagnés du nom de leur parti, puis ceux des autres candidats suivis, dans tous les cas, de leurs prénoms respectifs.

Il contient à droite du ou des prénoms de chaque candidat un petit espace en forme de carré où apparaît la couleur naturelle du papier, spécialement et exclusivement réservé à l'apposition de la croix du votant et il est au surplus fait et imprimé conformément à la formule 44.

147. 1. No nomination-paper shall be valid unless accompanied, when filed with the returning-officer:

- (a) by the written consent of the person nominated,
- (b) by his recent full-face photograph showing only the head or the head and shoulders, and at least 4X5 inches in size,
- (c) by an authentic copy of his act of birth or other proof of his name and age,
- (d) by an indication of the name of his party or the indication "independent",
- (e) by the appointment of his official agent,
- (f) by the sum of two hundred dollars or a cheque for two hundred dollars accepted by a bank.

193. The ballot-paper shall be a printed paper on which shall be entered, also in print and in alphabetical order, first the surnames of the official candidates of the recognized parties with the name of their party, then those of the other candidates followed, in all cases, by their respective Christian names.

It shall contain a small square space at the right of the Christian name or names of each candidate, in which the natural colour of the paper appears, specially and solely reserved for the marking of a cross by the voter and, furthermore, such ballot-paper shall be prepared and printed as in form 44.

#### DOCUMENT 4

#### DISCUSSION DRAFT

November 18, 1963.

#### *Canada Elections Act Amendment*

"Established political party or group" defined.

"28. (1) In this section, "established political party or group" means (a) in relation to a general election or the ballot papers to be used in a general election,

(i) a political party or group to which at least . . . members of the House of Commons were affiliated on the day before the dissolution of Parliament immediately preceding that general election, or

(ii) a political party or group to which at least . . . candidates in that general election were affiliated at the time of their nomination,

(A) who were officially nominated not later than the thirty-first day before polling day, and

(B) who have each filed a document with the Chief Electoral Officer not later than the thirty-first day before polling day indicating

- (1) his consent to the inclusion of the abbreviated name of that political party or group immediately after his name on the ballot papers for the electoral district for which he is a candidate in that general election, and
  - (2) the name of the leader of that political party or group; and
- (b) in relation to a by-election or the ballot papers to be used in a by-election,
- (i) a political party or group to which at least . . . members of the House of Commons were affiliated on the day before the day on which a vacancy in the House of Commons occurred as a result of which that by-election is to be held, or
  - (ii) a political party or group, the abbreviated name of which appeared on ballot papers used in any electoral district in the general election immediately preceding that by-election.

Ballot papers.

(1a) The ballot of each elector shall be a printed paper, in this Act called a ballot paper, to which shall be attached a counterfoil, and to the counterfoil a stub, with a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub. Form and content of ballot papers.

(1b) The ballot papers in an electoral district shall be in Form No. 35 and shall be as nearly alike as possible and on each ballot paper shall be printed, in the alphabetical order of the names of the candidates taking the surnames first, a description of each candidate in that electoral district stating

- (a) his names, with surname first, and where required pursuant to subsection (1f), the abbreviation of the name of the established political party or group shown on the document relating to that candidate filed pursuant to subsection (1c),
- (b) his address, and
- (c) his occupation,

in such a way that a blank space of at least one inch in length follows the description of each of the candidates.

Documents filed by leaders.

(1c) The leader of an established political party or group, or a person designated by him in a document signed by that leader and filed with the Chief Electoral Officer, may file with the Chief Electoral Officer a document showing

- (a) the name and address of any candidate who wishes his affiliation to that established political party or group to be shown on the ballot papers,
- (b) the name of the electoral district for which that candidate has been nominated, and
- (c) the abbreviation of the name of that established political party or group that is to be included on the ballot papers for the electoral district referred to in paragraph (b), to show that candidate's affiliation to that established political party or group,

but notwithstanding subsection (2) of section 5 a document referred to in this subsection may not be filed with the Chief Electoral Officer more than one hour after the close of nominations in that electoral district.

(1d) The Chief Electoral Officer shall inform the returning officer in each electoral district with respect to

Chief Electoral Officer to inform returning officers.

- (a) the name of each candidate in the electoral district, that is shown in a document filed pursuant to subsection (1c), and
- (b) the abbreviation of the name of the established political party or group to which that candidate is affiliated, that is to be printed on the ballot papers in that electoral district to show that candidate's affiliation to that established political party or group, as shown in the document filed pursuant to subsection (1c).

Document filed by candidate.

(1e) An officially nominated candidate, or his official agent, may file with the returning officer in his electoral district a document signed by that candidate, stating

- (a) that the candidate is affiliated to a specified established political party or group, and
- (b) that the candidate wishes an abbreviated form of the name of that established political party or group to be printed immediately after his name on the ballot papers for that electoral district,

but notwithstanding subsection (2) of section 5 a document referred to in this subsection may not be filed with a returning officer more than eighteen hours after the close of nominations in that electoral district.

Cases where political affiliation to appear on ballot papers.

(1f) Where a candidate has filed a document pursuant to subsection (1e) and a document relating to that candidate has been filed by the leader or by a person designated by the leader of the established political party or group to which that candidate has said he is affiliated, pursuant to subsection (1c), the abbreviation of the name of the established political party or group shown on the document relating to that candidate filed pursuant to subsection (1c) shall be printed on the ballot papers.

Arrangement and correction of names on ballot papers.

(2) The names, with the surname first, the address and the occupation of each of the candidates shall, except as provided in this subsection, be printed on the ballot papers exactly as such names, addresses and occupations first appear on the nomination papers, but any candidate may, within nineteen hours after the close of nominations, supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in the heading of his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.

Change of arrangement of names where two members to be elected.

(3) Where two members are to be elected in an electoral district and there are more than two candidates, all the candidates may agree in writing that their descriptions be printed on the ballot papers for that electoral district in a specific order other than the alphabetical order of the names of the candidates taking the surnames first, and if such an agreement signed by each of the candidates in the presence of a witness is filed with the returning officer not later than nineteen hours after the close of nominations in that electoral district, the descriptions of the candidates shall be printed on the ballot papers for that electoral district in the order specified in the written agreement."

Mr. CASTONGUAY: According as you decide, section 21 will be incorporated in section 28, so you will please wait until we come to section 28, because you have to go back to section 21 anyway; but if you notice this, section 21 is the method where all the information is put on the nomination papers, but in section 28 it stipulates that the information must be printed on the ballot paper exactly as it appears on the nomination paper. That is why I suggest that it be discussed at this stage.

Mr. MOREAU: I move that this committee recommend that the party affiliations be placed on the ballot papers.

Mr. HOWARD: I second the motion.

The CHAIRMAN: It has been moved and seconded.

Mr. HOWARD: Would Mr. Castonguay have anticipated this by having the appropriate wording all worked out?

Mr. CASTONGUAY: Yes, I did. This amendment would provide for placing the political affiliation of the candidate on the ballot papers. I wish to emphasize that I am only submitting this as a draft for discussion. I had this amendment prepared for the previous committee and owing to the elections in 1962 and 1963 I had to revise it. I would emphasize strongly that this is purely a suggestion.

Mr. MACQUARRIE: We have a motion before us, Mr. Chairman, and very briefly I would like to say that I oppose it on the old fashioned grounds that we seek the endorsement of our would-be supporters as individuals and anything which emphasized the party role would possibly minimize the old concept of representation which has developed through the years. I know there are those who think it is helpful to identification, but I still think it should be through the individual and not through the party, and one knows the dreadful consequences that follow the list system where the thing became automatically an exercise in partyism. For that reason I would like to see the thing remain the way it is.

Mr. MOREAU: If I may say a word on this, I think that Mr. Macquarrie has raised a very valid point and one with which I am in sympathy. I must again come back to the urban areas. Our problems are quite different. Perhaps our points of view are different because of this. I think in the urban areas particularly in one as large as the one I represent, the candidate has in many instances, very little opportunity really to make much of an impact on the electorate as an individual. He does make an impact on his party organization and the number of people he can enthruse to work for him perhaps in an election. This certainly has a bearing on the outcome. However, in most cases he does not reach but a fraction of the electorate in an urban riding, and certainly in a variety of ridings, and I feel that in my own campaign at least there was an emphasis in my budget on visual advertising to get the simple message across concerning who the Liberal candidate was. I am sure you have faced very much the same problem.

I feel that we are not necessarily taking anything away from the candidate in putting the party affiliation on the ballot. I still feel he is running as an individual. However, we do have a party system and perhaps even the major proportion of our electors who vote along the party lines would vote for a party rather than a candidate. I think we are only burying our heads in the sand when we try to pretend otherwise. I certainly would support this idea. For the sake of uniformity I think it would have to be all across the country, but if we were to have too much objection from the rural ridings, then I would say let us at least have them in the urban areas because I think it is of vital importance.

Mr. WOOLLIAMS: I would like to speak to this point for a moment. I support Mr. Macquarrie's argument—and I would be against it. I feel that after all the most important thing is the individual placing himself; he is the person to be chosen to sit in the House of Commons. It is true that some people may vote in reference to parties; it is also true that people vote in reference to the individuals themselves. We have seen sometimes when there has been a sweep in a provincial or a federal election that because of that sweep certain individuals have been chosen maybe because of their party affiliations. Surely the most important thing is the individual asking to be accepted or rejected by that particular legal entity, the constituency. I myself would oppose it. I feel it should remain as it is and I am against it.

Mr. RICHARD: I also agree with Mr. Woolliams and Mr. Macquarrie. My first point is that we are dealing here with a ballot which sometimes has six or seven names on it. There is enough confusion in the minds of the electorate in trying to pick out the names of those who are there without adding more literature on that ballot to confuse them. If you have eight names with different party names you will have real confusion.

My second point is this, I would like to see the machinery legalized which would say that so and so is entitled to call himself a Conservative or a Liberal Conservative and so and so is entitled to call himself a Progressive Conservative, and so on. It has taken a long time for parliament to decide that a party will have the right to use that name and in effect we are going to have a designation of candidates by a national organization. If that is what we are coming to, then we are changing the whole system in Canada and we will come to the system they have in the United States. We have had enough freedom in this country to select candidates under party banners, and I do not think we want this regimentation in all the parties of Canada.

Mr. FISHER: Could I ask Mr. Richard a question? You are suggesting that you might get a conflict between the official party candidate and an unofficial candidate; is that it?

Mr. RICHARD: My first point was that there is enough confusion on the ballot. After all, you might be a Liberal Progressive, a Liberal Conservative, a Conservative Progressive or a Conservative Liberal, that is if you are saying that people are picked by the names of the parties. I do not know of any party that would have the power to use a particular name such as Liberal or Conservative or N.D.P. Admittedly N.D.P. is hard to imitate at the present time but they will change their name in time to make it more popular. If they do that, they might also come on a name that someone might like to imitate.

Mr. HOWARD: I did not know there were so many independent members existing in the house at the present time, Mr. Chairman. It used to be my thought that we should not have the name of the party on the ballot because we had enough party authority and control over parliament by a government in office and that situation has not changed from the time when there were 208 members on the Conservative side.

It is a fact that individuals run as candidates by themselves publicizing their own qualities and names as much as possible, and it is a fact also that they run as party candidates. You cannot have it both ways. If we had a system in which there were no parties and in which individuals ran as individuals and as independents, then there would not be any need for this sort of thing, but it is a fact Mr. Woolliams is a Progressive Conservative, or a Diefenbaker Conservative, or whatever it is he happened to be when he was elected. It is a fact Mr. Richard is a Liberal and perhaps always has been and has run on the Liberal ticket, and so on. I am a member of the New Democratic Party and ran under that banner. This is the way we approach the electorate,

as individuals and as participants in a party. What more logic can there be than to have both of them appear on the ballot just so the confusion that now exists will not continue to exist? Mr. Richard says that cluttering the ballot with more typing or printing only adds to the confusion. It is my submission that it clarifies it intensely because people who look at the ballot may want to vote for the Liberal party, but with no indication on the ballot of who the candidate is they are then likely to run into confusion and vote for the wrong person. That is a system to determine what they do not know beforehand. It assists the voter to determine who is the Conservative, Liberal or other party candidate. If you want to succumb to the appeal of the individual and his personality and want to vote for the individual, then you will find that on the ballot too. It is of great assistance to the voter to find this out so that he can cast his ballot the way he wants to.

The CHAIRMAN: I know it is more difficult in Montreal and Toronto than it is in smaller places. I was asked during the last election by someone in Montreal who the Liberal candidate was. He wanted to vote Liberal but he did not know who the candidate was.

Mr. WOOLLIAMS: It is pretty hard to believe there are any political hermits today with all the bombardments that are directed toward the people.

Mr. DROUIN (*Interpretation*): I would like to ask Mr. Castonguay whether under the amendments he is putting forward for discussion a candidate could come under the Conservative banner without the consent of the leader of the party.

Mr. CASTONGUAY: I put forward these amendments with two things in mind. I consider the leader of a party should be protected from candidates who would like to run their country under a banner and, secondly, the candidates should be protected because a party leader could put on his list the name of the candidate and give an abbreviation of his own party besides the one of the candidate. Under this arrangement I would first receive the list of the party leaders; secondly the candidate would indicate the name of the party he is affiliated with, and if the candidate and the leader of the party do not agree, then the name of the candidate would appear without the political affiliation.

Mr. DROUIN (*Interpretation*): Then I assume it would be the same if two candidates come forward under the banner of the Conservative party; you would choose the one recommended by the party. In other words, one would not be able to represent himself as an independent Conservative.

Mr. CASTONGUAY: When I prepared these amendments I thought the leader of the party should be protected from candidates who wanted to get on his list and that the candidate should be protected from the leader who puts him on his list. So, therefore, in this particular draft I will use the established parties and groups in the house and the leaders of those people would send me a list of their candidates. The draft permits also the creation of new parties and any candidate who is not on the leader's list has no political affiliation beside his name.

(Text)

Mr. MORE: Mr. Chairman, I would like to stand both of these sections until we have had an opportunity to look at the information which Mr. Castonguay has presented. I have not had a chance to date to peruse this and, therefore, I suggest we should stand these sections for the time being.

Mr. MOREAU: Without getting into technical considerations I as well would like to make another comment on the principle we are dealing with, and that was the matter raised in respect of confusion and so on. I would support

Mr. Howard's view that a great deal more confusion exists in the urban area because the party affiliation is not on the ballot. I would also raise the point—and I think this is a well known one—that there is an acknowledged source of trouble in elections when people run candidates of almost identical names, particularly in urban areas. We have had several instances of this in elections which are within my recollection. This was an attempt to exploit the confusion that exists in the present scheme which we have in urban areas. We have had examples of exploitation from the confusion which exists under the present scheme, and I feel it is a real source of difficulty and one we should remedy.

Mr. RICHARD: On occasions when that confusion was created people also pretended to belong to the same party.

The CHAIRMAN: Gentlemen, at the present time we have an amendment.

Mr. WOOLLIAMS: The chief electoral officer has spoken with some warmth in this connection and I was wondering if he had an opinion from the leaders of some political parties, after discussing it with them.

Mr. CASTONGUAY: No, I have not discussed it with anyone. There were suggestions sent to them that this be brought up in committee. This suggestion has been put forward to every committee that I have attended, which are two or three, and I drafted an amendment. I stressed at the beginning it was very complex and very difficult. I am not too wedded to the amendment I suggested to you, but it was the best thing I could produce under the existing makeup of this house. I was particularly anxious I would not be put in the position of arbitrating who is a candidate and who represents a political party. So, that amendment might reflect a great deal of self preservation for the chief electoral officer.

Mr. WOOLLIAMS: Have you ever been put in that position?

Mr. CASTONGUAY: I am in that position now because I have to publish a list of candidates and their political affiliations, to be given to the members of the Canadian forces to vote. I have been lucky so far that it has not bounced back on me. I have to publish this pamphlet here. The act provides I obtain this information from the best source available. As I say, this is a pamphlet I have to publish. I have only one here but I will pass it around. I have not had any difficulty purely because it is used by a potential number of 100,000 Canadian force electors. But, I would suggest the impact of this on 10 million electors would be a different thing, and I look at this from a different point of view. However, I would respectfully suggest and beg the committee not to put me in the position to decide on the political affiliation of the candidate.

Mr. MORE: I think what Mr. Castonguay says points up the fact that this is not a simple matter. I believe it our duty to review the matters that are brought before us carefully, and when you just recently have been provided with information of this nature it is impossible to review it and vote on it at this time. I for one do not want to be put in the position of voting for or against this motion now, and I suggest in all seriousness this should stand.

Mr. HOWARD: As Mr. More says, I think it is the general feeling that this motion should stand. However, there may be the desire to explore in a preliminary way some of the ideas concerning this matter. As far as I am concerned, the normal procedure is to move motions in order that we may know what we are talking about. This was the approach Mr. Moreau took, and that is why I seconded it. First of all, I believe in it and second, this is the way to get the subject matter before the committee.

Mr. LEBOE: Before this discussion is too deeply embedded I want to put myself on record as hoping the committee will be practical in this thing and not get carried away with ideas. Some of our friends say they are independents;

let us see them sit as independents. But, we know in practice they are Conservatives. I am a Social Crediter, someone else is a Liberal and someone else an N.D.P. In practice that is where we sit; let us go along with what is reasonably right. This is what I am sure each of us wants to do. One way we can do this is to make sure somehow we get the party affiliation on the ballot.

We are not only informing the electorate as to where we stand when they go into the booth, because you and I know, and we have had the experience time after time, when an election is called, that people come along and ask who is the Conservative candidate, for example, and say "I want to vote for him." In 1958 there were literally thousands of people wanting to know who the Conservative candidates were. They had not even heard of them, and the result was that 208 Conservative candidates were elected.

Just to say that we run as independents does not preclude a person acting as an independent, because once he becomes elected he represents all the people in his constituency anyway, does he not? I think we are grabbing at straws and looking at ghosts in this matter of being an independent.

Mr. MOREAU: Nobody mentioned running as an independent.

Mr. LEBOE: If you have no name on the ballot what are you running as? You are running as an independent.

Mr. MOREAU: I do not think there is a candidate here from an urban riding who could not answer the question whether or not he has been called on election day to say who was the Liberal, or the Conservative, or the N.D.P. candidate, or whatever it was. We have had many instances of it in urban ridings. I am sure I felt I had the best "signed" campaign in Toronto, but still I had any number of calls on election day asking who the Liberal candidate was. I am sure the case is equally true with every other candidate running in that election. The fact is that many people do not take too much interest in an election, but they still like to exercise their right to vote. They may follow an election campaign as it applies on a national scale, by reading the daily newspapers, but they do not follow the individual campaign of the candidate too closely, and certainly not in urban areas. This is true in a great number of cases, perhaps with the majority of electors. I think we are only hiding our heads in the sand in trying to evade this responsibility, because I feel we do have a responsibility to attempt to clarify and make this whole question of voting a little bit less elusive.

Mr. LEBOE: The policy of a party is very interesting to the electorate, not only the individual but also the policy. And when you are talking about voting, they do not necessarily want to vote just for a man, but for the over-all policy which is enunciated by a particular party.

Mr. FISHER: We are getting more and more complicated constituencies, and we will have, after the next redistribution, a great many people who will have a hard time. It is not easy sometimes to identify what the constituency is. For example, it is quite common to see advertisements put in by parties in the papers at election time reading: here are our 17 candidates, let us say, or the 10 greater Winnipeg candidates. In a sense this is the very thing Mr. Moreau is talking about.

Parties have spent like the devil in order to carry the message which should be on the ballot, I feel. I want to put this general idea to the members: I think each one of us who is elected, and who is here judging this particular matter, has to check his own conscience about this, because we have an advantage as elected members with regard to the next poll. We have had, and will have, the advantage of being known as the sitting member of parliament. So the party affiliation is not so important to us in the short run, thinking in terms of the next election. I suggest that we keep that in our minds in all fairness, when we come to judge this question.

Mr. MILLAR: I will not deny that this coloured my thinking.

Mr. FISHER: It is quite obvious there would be an advantage. I have been successful in four elections in a row. Obviously by now it is the individual who is assumed to be more important than the party label. But is that as important to the individual as it is to the rest of us as individuals? What we have to think of here is something in terms of the electors, not of the candidates. We know that more and more there is a trend in our campaigns towards national campaigning, towards national leaders, towards advertising on television. The trend is to more and more attention to the national party leaders. This, I submit, is a reflection of the interest of people today, and that they are voting in essence for leadership and for a party. I think we should be realistic and recognize this and go along with the idea of the natural consequences of it, and that the party label should be on the ballot. I am quite prepared to concede that to minor parties such as ours this may have disadvantages in the short run. However, I think it is a reasonable thing to give the electors.

Mr. WOOLLIAMS: I think Mr. Fisher may have defeated his argument by his own presence. I think that if he wants to go to this extreme, then why not put the parties on the ballot and the electors could then vote Liberal, Conservative, N.D.P. or what have you and the leaders could pick out, as they do in some states, who they want to represent them. That is the extreme point of view of the philosophy.

Mr. HOWARD: Mr. Woolliams has a distorted interpretation of it.

Mr. LEBOE: Let us take the middle of the road.

Mr. MACQUARRIE: We could have an interesting seminar here. Even Mr. Fisher cannot decide what in fact motivates people to vote in a particular way. Naturally the leader, the policy and the individual candidate are all factors here. If in fact there is a tendency in this direction, then no doubt it is aided, abetted and encouraged by the importation of methods from other countries where candidates are part of their great national campaign. I am not sure that on principle we want to use this particular device to aid it still further. I would like to see some retention of the idea that we are a truly representative group representing not only the people who have the same label as we do but to represent all of these people in the constituency once we are elected. I am not exercising this caution to aid those who sometimes find it necessary to move from place to place in the House of Commons and to limit their mobility if they are entering through a ballot such as this amendment puts forward. I will not theorize any further. If Mr. Moreau wants to delay, I would be glad to defer to his suggestion.

The CHAIRMAN: We have before us the motion by Mr. Moreau seconded by Mr. Howard.

Mr. HOWARD: Inasmuch as I was the seconder; and in view of the time, I should like to move that we adjourn. This would hold the matter in abeyance. We will be back at eight o'clock and we can then decide whether we want to debate it further.

Mr. WOOLLIAMS: We should decide this question now.

Mr. HOWARD: I move we adjourn.

The CHAIRMAN: The question of adjournment is not debatable. We can only either accept or refuse.

Mr. WOOLLIAMS: Is there a seconder to this motion?

The CHAIRMAN: It is seconded by Mr. Fisher.

Mr. WOOLLIAMS: We can take a vote.

The CHAIRMAN: Those in favour of adjourning please raise your right arm? Seven. Those against? Four.

Motion agreed to. We will now adjourn.

Mr. MOREAU: I might just say that there would be a draw anyway. You would then have to decide yourself, Mr. Chairman.

The CHAIRMAN: The meeting is adjourned.

TUESDAY, November 19, 1963.  
8 p.m.

#### EVENING SESSION

The CHAIRMAN: Gentlemen, we now have a quorum; we will officially start.

There is a motion before us, moved by Mr. Moreau, seconded by Mr. Howard, that the name of the party be added to the name of the candidate on the printed ballot.

Mr. MORE: I would like to move an amendment to the effect that further consideration of this matter be hoisted for one week.

Mr. RICHARD: On what grounds?

Mr. MORE: To consider the information we have here. Perhaps you have had some advantages which I do not have, but I want to look this over. I move my amendment.

Mr. MOREAU: The amendment is not for discussion now.

Mr. RICHARD: I second Mr. More's amendment that it be postponed for a week.

Mr. MOREAU: It seems to me, Mr. Chairman, that we can decide on the matter of principle in respect of whether or not we are going to put the party affiliation on the ballot. It is quite distinct and separate from the issue of how we do it and what amendments will be required. The formula we use to do it is quite another matter. I would suggest that Mr. More is quite right; that it would be silly to go through the various amendments which Mr. Castonguay has drafted for us if we are not intending to adopt the thing in principle. I would like to see the issue adopted in principle first, and then we would know whether or not we should spend any time on this.

Mr. WOOLLIAMS: I think this is a fairly important change. We have heard arguments for and against this amendment. I did not read it; I did not have the time. I think it is important enough that we discuss it together with the parties affected. I am sure the Liberals would want to discuss it in their party and I think the Conservatives might like to discuss it in their party; I do not know how the others feel. I think in an important change to the Election Act that surely it is reasonable we have time to study the problem, think it through and weigh the pros and cons.

Miss JEWETT: Mr. Chairman, this is only a recommendation to the House of Commons. At the time it is raised in the House of Commons the parties can decide. I am amazed that there is any disagreement. I thought everybody wanted the party label on the ballot.

Mr. WOOLLIAMS: You are wrong.

Miss JEWETT: I have been in favour of it for a long time. Surely the committee can decide on its recommendation and then in the house we would decide whether or not it will actually be made law.

Mr. HOWARD: I believe, if I am not mistaken, that some of the members think that what is before us is the document which Mr. Castonguay prepared in anticipation of such a motion, but I submit that is not what is before us. What is before the committee is the motion moved by Mr. Moreau which I seconded. It is that we agree with the principle of putting the name of the party on the ballot alongside the name of the candidate; that is what is before us. I think Mr. Moreau's contention is correct, that we should decide that issue in principle and then we can concern ourselves with the details and whether or not we put that into effect. Assume the motion passes and the committee is agreeable to the contention that the names of the parties go on the ballot, then we come down to the mechanics of putting the name on the ballot and then we can discuss any other ideas about the way in which it should be worded.

However, to defer the principle for one week to me does not seem to be doing anything. One week from now we will be back with the same question of whether or not we should recommend that the name of the party go on the ballot, and not this detailed proposal which Mr. Castonguay has prepared in anticipation of the question arising. I, myself, will have some reservations about some of the proposals in the draft. But, let us first of all decide whether or not we are in favour of the principle of having the name of the political party on a ballot alongside the name of the candidate. If we approach it in this manner, the only course open is to vote down Mr. More's amendment and vote on the original motion of Mr. Moreau.

Mr. CHRETIEN (*Interpretation*): I am entirely in support of Mr. Howard and Mr. Moreau. If we hoist this thing in time, then we will make no progress whatsoever. So far I have noted that we have considered a large number of steps. I believe this matter also has been explored in the past and members of the committee already have made up their minds on the subject. I believe it is very important for us to vote on this in principle so that we may make progress, because we are not moving ahead very quickly.

Mr. RICHARD (*Interpretation*): I am not in favour of the immediate study of the suggestion, because I do not think members of the committee have studied this matter thoroughly enough. This is a matter of interest to all political parties. I think Mr. Woolliams was right in saying we should consult those who are most interested; that is, the parties and not individuals on the committee.

Mr. MOREAU (*Interpretation*): Mr. Chairman, I would like to say a word on that. I think Miss Jewett was perfectly right when she said that the parties will have an opportunity of making a decision in the house. The house will be able to decide on the report which is made to it. I do not see why we should delay it now at all.

Mr. CAMERON (*High Park*): I, too, am opposed to the amendment. As a veteran of great elections in the past I have some idea of the difficulties involved. I think it will be of benefit, not to me personally, but to the voters of High Park riding, or ridings such as in the metropolitan areas of Toronto, if they know the political affiliation of the names appearing on the ballot. I would vote on the principle and not for the amendment.

Mr. DROUIN (*Interpretation*): I think we should begin by giving our opinion on the principle of writing in the name of the political affiliation or not writing it in now. If we hoist it for a week, or delay our decisions for a time, then the study of the technical means of applying the principle will be delayed still further. I think we should complete the review of the act as quickly as possible. This evening we should adopt the principle of writing in the political affiliation on the ballot. Then we can discuss the practical application

of this principle. I was very proud of the Liberal party during the last election campaign and I would be proud to see that name under my name on a ballot.

Mr. RIDEOUT: If I might say a few words at this time, Mr. Chairman. I am very much opposed to the idea that the political affiliation should be put on the ballot. We already have, in first instance, decided that a man's occupation should not be placed on the ballot.

The CHAIRMAN: It was not decided about the name.

Mr. RIDEOUT: I understood it was agreed to.

The CHAIRMAN: No.

Mr. RIDEOUT: I might say, in so far as naming the political affiliation is concerned, I am definitely against it. We are elected as candidates to the House of Commons. You will note that when the Clerk calls out the names he does not refer to anyone by title or political party. We are all one working in the best interests of this nation. It would not be my desire to run on a team whereby I would be duty bound to support any principle which the party I represent stands for. I want to feel free to break with my party on something which might be of importance to this nation. I would not want to be associated in so far as the balloting is concerned, with any political party. It would be a big mistake if this was done. Again, I want to impress upon you that we are members of the House of Commons and we represent all the people all the time, and if we do not we should. As I said before, the occasion may arise where I may not altogether agree in principle with what my party stands for. As I say, I am definitely opposed to that.

Mr. MORE: If my amendment carries we will have this discussed a week later, so if you want to save time, vote.

Mr. MACQUARRIE: I would like to say that there is plenty before us, so that we can carry on without wasting time, and if it is the wish of some of the members that perhaps a week should be allowed for further study in this connection this is not a matter of life and death and I see no reason why we could not agree to that.

The CHAIRMAN: We have an amendment to the effect that it should be postponed for a week. It is moved by Mr. Moreau and seconded by Mr. Howard that the name of the party be added to the name of the candidate on the printed ballot. Now we have to vote on the amendment.

Mr. FISHER: The question.

The CHAIRMAN: All those in favour of the amendment?

An hon. MEMBER: What is the amendment?

The CHAIRMAN: Adjourned for one week. Those in favour? Those against? There are ten for and ten against. I am against the amendment.

Amendment negatived.

Now, we will vote on the main motion.

Mr. WOOLLIAMS: How many were for it?

The CHAIRMAN: There are 10 for it and 10 against it.

Mr. FISHER: The question is on the motion.

The CHAIRMAN: Those in favour of discussing the matter of putting the name of the party beside the name of the candidate on the ballot, please indicate.

Mr. MOREAU: We are accepting that in principle only.

The CHAIRMAN: Yes. All those in favour?

Mr. MONTEITH: Could I have a clarification? I thought you asked for those in favour of discussing the matter, and then there seems to be another thought; that the main motion is actually to recommend putting the name of the political party on the ballot too.

The CHAIRMAN: It was that the name of the party be added to the name of the candidate on the printed ballot, and this will bring us to discuss the amendment prepared by Mr. Castonguay.

All those in favour of the motion please raise your right hand.

Mr. RIDEOUT: We have not dealt with the question.

The CHAIRMAN: Yes, we did this afternoon. There are 10 in favour of the motion. All those against please signify by raising your right hand? There are 11. So it is defeated.

Motion negatived.

Mr. HOWARD: Did you not vote, Mr. Chairman?

The CHAIRMAN: No, I do not have to when it is 11 against 10.

Mr. RICHARD: Call the next item.

Miss JEWETT: If I might raise a point of procedure, I do not believe anyone should have voted on the second motion who did not vote on the first and was not here when the vote was called.

The CHAIRMAN: Well, Mr. Greene came in. He was here all afternoon. He participated in the discussion this afternoon, so he had a right to vote.

Miss JEWETT: I do not know who it was but there is a discrepancy in the vote.

Some hon. MEMBERS: Call it again.

The CHAIRMAN: Order. Mr. Greene came in when we were discussing the whole matter this afternoon and he knew what we were discussing.

An hon. MEMBER: What is the next item?

The CHAIRMAN: The next item on the draft amendments is at page 16, article 14.

14. (1) Subsection (5) of section 21 of the said Act is repealed and the following substituted therefor:

Form of nomination.

"(5) Any twenty-five or more persons qualified as electors in an electoral district for which an election is to be held whether their names are or are not on any list of electors may nominate a candidate or as many candidates as are required to be elected for such electoral district

- (a) by signing a nomination paper in Form No. 27, which signatures shall be duly witnessed, stating therein such particulars of the name, address and occupation of each person proposed as sufficiently to identify such candidate, and also stating therein the address of the candidate for service of process and papers under this Act and under the *Dominion Controverted Elections Act*, together with the name, address and occupation of his official agent;
- (b) by causing the nomination paper to be produced to or filed with the returning officer by any person who witnessed the signatures referred to in paragraph (a), at any time between the date of the proclamation and the close of nominations as hereinafter specified; and
- (c) by complying in all other respects with the provisions of this section."

(2) Subsections (8), (9) and (10) of section 21 of the said act are repealed and the following substituted therefor:

Nomination paper to be attested on oath.

"(8) The returning officer shall require the person producing or filing as aforesaid any nomination paper to make before him an oath in Form No. 28 stating that he knows that

- (a) the several persons who have signed the nomination paper are duly qualified electors of the electoral district for which the election is to be held; and
- (b) they have signed it in his presence.

(9) No nomination paper is valid or shall be acted upon by the returning officer unless

Consent of candidate.

- (a) it is accompanied by the consent in writing, duly witnessed, of the person therein nominated, except in the event such person is absent from the electoral district in which the election is to be held at the time the nomination paper is produced to or filed with the returning officer;

Oath of attestation.

- (b) an oath of attestation in Form No. 28 is taken before the returning officer by the person who witnessed the consent of the candidate stating that the consent of the candidate was signed on the nomination paper in his presence or where the candidate is absent from the electoral district as described in paragraph (a) an oath to that effect is taken in Form No. 28 by the person producing or filing the nomination paper; and

Deposit by candidate.

- (c) it is accompanied by a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada.

Idem.

(10) Where a nomination paper is signed by more than twenty-five persons the nomination paper is not invalid by reason only of the fact that one or more of the said persons are not qualified electors as provided in subsection (5), if at least twenty-five of the persons who so signed are duly qualified electors as provided in subsection (5)."

(3) Subsection (16) of section 21 of the said Act is repealed.

(4) Section 21 of the said Act is further amended by adding thereto the following subsection:

Filling in of nomination paper.

"(18) For the purpose of paragraph (a) of subsection (5) in filling in of a nomination paper for a candidate in Form No. 27,

- (a) the name of the candidate may not include any title, degree or other prefix or suffix but may include a nickname; and
- (b) the address of the candidate may not include the name of an electoral district."

Mr. DROUIN (*Interpretation*): Mr. Chairman, if I could revert, Mr. Rochon said he was in the room when the question was put and he did not have an opportunity to vote. I think we should put the matter to a vote once more. Mr. Rochon was standing near the table waiting for a seat in order to sit down. I think he was entitled to vote on this matter.

Mr. RICHARD: I think we should have a little order in this committee. My friend entered the room and he was standing there. He was not sitting in his place, and I think he will admit that.

The CHAIRMAN: The matter has been put to a vote and it has been defeated, so it is finished.

We are now at page 16, clause (14) of the draft amendments.

Mr. CASTONGUAY: Mr. Chairman, since this bill was printed the legislative division of the Department of Justice suggested there could be improvements to the actual amendments I am proposing, so I have had them mimeographed. There is no change in substance in the amendments I am proposing but it has been brought up to date. Would the members of the committee consider the mimeograph amendment instead of the one set out in clause (14) of the bill.

*Discussion Draft—November 18, 1963.*

*Canada Elections Act*

14. (1) The heading immediately preceding section 21 of the said act is repealed and the following substituted therefor:

*"Polling Day and Nomination Day."*

(2) Subsections (5) to (17) of section 21 of the said Act are repealed.

(3) The said act is further amended by adding thereto, immediately after section 21 thereof, the following heading and section:

*"Nomination of Candidates."*

Twenty-five or more electors may nominate.

"21A. (1) Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held, whether their names are or are not on any list of electors, may nominate a candidate for that electoral district in the manner provided in this section.

Manner of nomination.

(2) A candidate shall be nominated as follows:

- (a) a nomination paper in form No. 27 shall be prepared containing a statement of
  - (i) the name, address and occupation of the candidate,
  - (ii) the address designated by the candidate for service of process and papers under this act and under the Dominion Controverted Elections Act, and
  - (iii) the name, address and occupation of the official agent appointed by the candidate pursuant to section 62;
- (b) the nomination paper shall be signed by each of the twenty-five or more persons referred to in subsection (1), in the presence of a witness, and each of the persons so signing shall state in the nomination paper his address and occupation;
- (c) the nomination paper shall be signed by a witness to the signature of each of the persons who sign the nomination paper pursuant to paragraph (b), and each of the witnesses so signing shall state in the nomination paper his address and occupation;
- (d) except where the candidate is absent from the electoral district at the time the nomination paper is filed pursuant to paragraph (e), a statement in the nomination paper indicating that he consents to the nomination shall be signed by the candidate in the presence of a witness and the nomination paper shall be signed by that witness;

- (e) the nomination paper shall be filed with the returning officer for the electoral district by any witness who signed the nomination paper pursuant to paragraph (c);
- (f) an oath in writing, in form No. 28, sworn before the returning officer, of each of the witnesses who signed the nomination paper as witness to the signature of one or more of the persons who signed the nomination paper pursuant to paragraph (b), stating that
  - (i) he knows the person or persons to whose signature he is a witness, and
  - (ii) that person or those persons signed the nomination paper in his presence,
 shall be filed with the returning officer at the time the nomination paper is filed;
- (g) an oath in writing, sworn before the returning officer
  - (i) in form No. 28A, of the person who signed the nomination paper as a witness to the consent to nomination of the candidate, stating that
    - (A) he knows the candidate, and
    - (B) the candidate signed the consent to nomination in his presence, or
  - (ii) in form No. 28B, of the person who filed the nomination paper with the returning officer, stating that the candidate is absent from the electoral district for which the candidate is nominated,
 shall be filed with the returning officer at the time the nomination paper is filed; and
- (h) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada shall be handed to the returning officer at the time the nomination paper is filed.

Particulars of candidates.

- (3) For the purpose of subparagraph (i) of paragraph (a) of subsection (2),
  - (a) the name of the candidate may not include any title, degree or other prefix or suffix but may include a nickname; and
  - (b) the occupation of the candidate shall be stated briefly and shall correspond to the occupation by which the candidate is known in place of his ordinary residence.

Each candidate separate.

- (4) Each candidate shall be nominated by a separate nomination paper; but the some electors, or any of them, may subscribe as many nomination papers as there are members to be elected for the same electrical district.

Where twenty-five qualified electors sign, nomination paper is not invalid if a person not qualified also signed.

- (5) Where a nomination paper is signed by more than twenty-five persons the nomination paper is not invalid by reason only of the fact that one or more of the said persons are not qualified electors as provided in subsection (1), if at least twenty-five of the persons who so signed are duly qualified electors as provided in subsection (1).

Not rejected for ineligibility.

(6) The returning officer shall not refuse to accept any nomination paper for filing by reason of the ineligibility of the candidate nominated, unless the ineligibility appears on the nomination paper.

Correction or replacement.

(7) A nomination paper that the returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, and the new or corrected nomination paper may be filed with the returning officer not later than the time for the close of nominations.

(8) The returning officer shall not accept any deposit, until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor, which is conclusive evidence that the candidate has been duly and regularly nominated.

Deposit to Comptroller of the Treasury.

(9) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Comptroller of the Treasury.

Disposition of deposit.

(10) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case provided in subsection (11), it shall belong to Her Majesty for the public uses of Canada.

Idem.

(11) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board.

Time and place for receiving nominations.

(12) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been officially nominated; after two o'clock on nomination day no further nominations shall be receivable or be received.

Votes for persons not officially nominated to be void.

(13) Any votes given at the election for any other candidates than those officially nominated in the manner provided by this Act are null and void."

Mr. CASTONGUAY: Mr. Chairman, at the last two general elections I had more problems with the nomination papers than I have ever had before. It seems to me that either the present provisions pertaining to the nomination paper, which is the matter before us, are not too clear or the persons filing nomination papers on behalf of the candidates are not too familiar with the provisions of the act. However, I tried to remedy this in 1963 by having on the nomination paper several instructions for the candidates. I have had them put at the bottom of the nomination paper, and you probably saw them when your nomination papers were filed. I have not changed anything of substance in the existing provision nor in the drafting, but merely clarified the procedures. There is nothing new added. This is just a brief outline of the new draft that I am preparing for section 21.

Mr. RIDEOUT: Are you ready for discussion on this matter? You say "twenty-five or more persons".

Mr. CASTONGUAY: This is not a new proposal. This was in the act before. I have not changed anything in substance.

Mr. RIDEOUT: Why was it not only three?

Mr. CASTONGUAY: It used to be ten and the committee raised it to twenty-five.

Mr. RIDEOUT: I think it should be reduced to ten. There is falsifying going on. You have to bring up all the witnesses before the returning officer when you file. The witness's signature does not mean too much.

Mr. CASTONGUAY: One witness can witness 25 signatures.

Mr. RIDEOUT: On your nomination what do you have?

Mr. CASTONGUAY: On your nomination paper you must have 25 signatures but only one witness is required to appear before the returning officer.

Mr. RIDEOUT: I had to drag in a whole troop of witnesses.

Mr. CASTONGUAY: It may be that you had one witness for every elector.

Mr. RIDEOUT: I brought them from all over the country and it was a big "do".

Mr. CASTONGUAY: All that is necessary is to have one person witness all the signatures. It is only necessary to bring in one witness with the nomination paper.

Mr. RIDEOUT: But the witness has not witnessed the signatures in favour of the one who is being nominated.

Mr. CASTONGUAY: I think most candidates have one person to witness all the signatures, and only one person is required to come into the office.

Mr. RIDEOUT: He has not seen the citizen sign the nomination on the nomination paper.

Mr. MORE: This is casting reflection on a great number of candidates and their officers. This is not the case with me. I am sure there are many candidates who have witnesses who saw all the signatures.

Mr. RIDEOUT: In my case where they come from 135 miles around, the length and breadth of the county, I have to bring them all in. I wanted to cover all groups, of course.

Mr. CASTONGUAY: You do not have to bring them all in. All you have to do is have one person witness the signatures of 25 electors.

Mr. RIDEOUT: Say you have to take him with you?

Mr. CASTONGUAY: You do not have to do so. The witness takes his paper. You obtain 25 electors' signatures and one person witnesses 25 signatures.

Mr. RIDEOUT: How does he witness them if he is not there?

Mr. CASTONGUAY: I do not know of anyone who has that problem. On every nomination paper I have seen—perhaps I should say invariably rather than every paper—one witness has witnessed 25 or 50 signatures. I have very rarely seen any nomination paper that has a witness for every signature on the nomination paper.

Mr. RIDEOUT: That is what I went through. The returning officer demanded it.

Mr. FISHER: What is the reason behind this section? Would it be just to make sure that anyone who does seek nomination has some kind of bona fide support?

Mr. CASTONGUAY: I would imagine that would be the case. In some provinces they require up to 100 signatures. This is also used as a deterrent to candidates who contest elections and who have no stake in the constituency.

Mr. FISHER: If we were to give serious consideration to removing requirement of a deposit, this would be the place to balance it by increasing the number of qualified people who would support. If we had, say, 100 or 200 electors on this affidavit, that would be some compensation for doing away with the deposit.

Mr. CASTONGUAY: It would, but there have been places which have tried to achieve this purpose, to make it more difficult for people to be candidates who have no stake in the constituency. So the requirement was raised to 200 signatures and the candidate receives 20 votes. I do not, therefore, think it has acted as that type of deterrent.

Mr. RIDEOUT: I would like to ask Mr. Castonguay through you, Mr. Chairman, if he would look at 21A(b) which says:

the nomination paper shall be signed by each of the twenty-five or more persons referred to in subsection (1), in the presence of a witness, and each of the persons so signing shall state in the nomination paper his address and occupation;

Mr. CASTONGUAY: That is right.

Mr. RIDEOUT: It says "each of the persons so signing" must have a witness.

Mr. PENNELL: But one man can witness each signature?

Mr. RIDEOUT: How can he if he is not present?

Mr. PENNELL: He can be present.

Mr. RIDEOUT: My returning officer is right, I maintain.

Mr. PENNELL: At my nomination I just lay it on the table and one man stands there, and 25 people sign it while he is watching.

Mr. CASTONGUAY: Subsection (c) may explain it more clearly.

Mr. WOOLLIAMS: One witness could witness every signature, but if you did want to get a group right across the riding you would have to take the witness with you in your back pocket, so to speak; and I have had this experience.

Mr. MORE: No.

Mr. GREENE: Either you have to take one witness all across the riding or you have to bring all the witnesses in.

Mr. MILLER: Then if it is necessary to do this how can you cut the number down to three?

Mr. RIDEOUT: Three would only require three witnesses.

Mr. MILLER: All right. Your point is that you require 25 people from across the riding. If you amend it so you only need three, then you are destroying your own story.

Mr. RIDEOUT: No, I am not.

Mr. FISHER: This sounds like a New Brunswick custom.

Mr. RIDEOUT: That does not matter. By virtue of the Act I must do this.

The CHAIRMAN: No.

Mr. RIDEOUT: It is commonly accepted, and Mr. Woolliams will tell you that.

The CHAIRMAN: If you do not mind, we will go back to the articles.

On section 21A(1).

Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held, whether their names are or are not on any list of electors, may nominate a candidate for that electoral district in the manner provided in this section.

Agreed.

The CHAIRMAN: Subsection (2).

(2) A candidate shall be nominated as follows:

- (a) a nomination paper in form No. 27 shall be prepared containing a statement of
  - (i) the name, address and occupation of the candidate,
  - (ii) the address designated by the candidate for service of process and papers under this act and under the Dominion Controverted Elections Act, and
  - (iii) the name, address and occupation of the official agent appointed by the candidate pursuant to section 62;

Is that agreed?

Mr. HOWARD: Subject to the fact that I disagree that the name of the party affiliation is not contained here, along with many other members of the committee.

The CHAIRMAN: This has been defeated long ago.

Mr. HOWARD: But can I not disagree?

The CHAIRMAN: Yes, you can always disagree.

Agreed.

- (b) the nomination paper shall be signed by each of the twenty-five or more persons referred to in subsection (1), in the presence of a witness, and each of the persons so signing shall state in the nomination paper his address and occupation;

Agreed.

- (c) the nomination paper shall be signed by a witness to the signature of each of the persons who sign the nomination paper pursuant to paragraph (b), and each of the witnesses so signing shall state in the nomination paper his address and occupation;

Agreed.

Mr. WOOLLIAMS: Just a minute, Mr. Chairman. Let us not go too quickly. One witness can witness 25 signatures and no one worries. If you had 10 or 12 witnesses, then you would have 10 or 12 affidavits which would make the form cumbersome.

Mr. MORE: I would like to ask Mr. Castonguay the following question: You can have more than 25 people witness your nomination paper if you have a lot of points. You will then have 25 who can be sworn in.

Mr. GREENE: That is still a cumbersome process. What is the purpose of it?

Mr. CASTONGUAY: I have not changed any of the procedure that is in the act now.

Mr. RIDEOUT: Could Mr. Castonguay give us some observations on what is the difference between 10 and 25 witnesses?

Mr. CASTONGUAY: The reason the committee raised it in 1960 was that there was an election in Ontario where a candidate arrived from Toronto allegedly representing a party and he could barely get 10 signatures. He went to the returning officer and said, "where will I get 10 signatures?" Without the knowledge of the returning officer he went to the returning officer's sister-in-law and had her sign the paper because he told her the returning officer told her to do it. He got her husband to do it and then it turned out that this chap had communistic leanings. He did not run as a communist candidate and he had only 10 signatures. All he could get was the 10 signatures and he got seven of them through false pretences. The committee felt that maybe if they raised it to 25, then that type of candidate would be knocked out and it would be more difficult for him to get the signatures. That is why it was raised from 10 to 25 in 1960.

Mr. LEBOE: I do not think there is any problem here. If you take a witness with you and go around you would get 25 signatures in a matter of one hour in most places.

Mr. RIDEOUT: You could not do that in Prince Edward Island.

The CHAIRMAN: Is that carried?

Carried.

- (d) except where the candidate is absent from the electoral district at the time the nomination paper is filed pursuant to paragraph (e), a statement in the nomination paper indicating that he consents to the nomination shall be signed by the candidate in the presence of a witness and the nomination paper shall be signed by that witness;

Is that agreed?

Agreed.

- (e) the nomination paper shall be filed with the returning officer for the electoral district by any witness who signed the nomination paper pursuant to paragraph (c);

Mr. RIDEOUT: Does the candidate not have to file it? Does his agent file it?

Mr. CASTONGUAY: Sometimes the agent is the witness to many of these things.

The CHAIRMAN:

- (f) an oath in writing, in Form No. 28, sworn before the returning officer, of each of the witnesses who signed the nomination paper as witness to the signature of one or more of the persons who signed the nomination paper pursuant to paragraph (b), stating that
- (i) he knows the person or persons to whose signature he is a witness, and
  - (ii) that person or those persons signed the nomination paper in his presence,
- shall be filed with the returning officer at the time the nomination paper is filed;
- (g) an oath in writing, sworn before the returning officer
- (i) in Form No. 28A, of the person who signed the nomination paper as a witness to the consent to nomination of the candidate, stating that

- (A) he knows the candidate, and
- (B) the candidate signed the consent to nomination in his presence, or
- (ii) in Form No. 28B, of the person who filed the nomination paper with the returning officer, stating that the candidate is absent from the electoral district for which the candidate is nominated, shall be filed with the returning officer at the time the nomination paper is filed; and
- (h) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada shall be handed to the returning officer at the time the nomination paper is filed.

Mr. RIDEOUT: Let us pause there for a moment. We say the witness knows the people who signed the nomination paper but you say that anyone can sign.

Mr. CASTONGUAY: I say that 25 electors can sign it but the witness must know the person.

Mr. RIDEOUT: Each and every one?

Mr. CASTONGUAY: What is "knowing"?

Mr. RIDEOUT: Does he know the person or persons whose signature he has witnessed?

The CHAIRMAN: In my constituency the man went around and he had about 200 signatures. He witnessed all of them.

Mr. RIDEOUT: Politicians are flexible but I want to run this thing according to law.

Mr. CASTONGUAY: Mr. Chairman, you are not limited. You can have one witness witnessing five signatures, another witness witnessing six signatures, and so on. They must all come to the returning officer.

Mr. WOOLLIAMS: I think it is a little cumbersome.

Mr. MILLAR: I think there is no trouble there at all.

Mr. GREENE: I would like to ask Mr. Castonguay how long that deposit has been a requirement?

Mr. CASTONGUAY: The deposit is for \$200 and it has been a requirement for at least 40 years.

Mr. MORE: Could I ask Mr. Castonguay the difference between 28A and 28B? I only see one form in the book.

Mr. CASTONGUAY: We have the forms which we will suggest later on.

Mr. CHRETIEN (*Interpretation*): I should like to make a motion that we increase the sum from \$200 to \$500.

The CHAIRMAN: It has been proposed by Mr. Chretien and seconded by Mr. Drouin that the sum be boosted from \$200 to \$500.

Mr. HOWARD: I thought we were still on (g).

The CHAIRMAN: We were, and then somebody moved on to (h) without telling me.

Mr. HOWARD: Could we proceed to make some decision as to what we do on (g)?

The CHAIRMAN: Go ahead on (g).

Mr. HOWARD: I thought you were asking for approval or disapproval.

The CHAIRMAN: If you have something to say on (g) go ahead.

Mr. HOWARD: All I was doing was waiting patiently to get an opportunity to move a motion under (h) to the effect that we eliminate the deposit, let alone raise it to \$500.

Mr. CASHIN: Is Mr. Howard speaking on (h) or (g)?

The CHAIRMAN: We are on (h) now.

Mr. HOWARD: I will say something and you will fill it in wherever you like.

Is the motion to raise it to \$500 before us?

Mr. WOOLLIAMS: You did not hear the motion, did you, Mr. Chairman?

The CHAIRMAN: I said it in French.

Mr. HOWARD: I want to object.

Mr. MILLAR: \$500 is \$500 in any language.

Mr. HOWARD: I want to speak in opposition to it. The principal point here is that we should place as few barriers as possible in the way of people who may want to run as candidates, and one of the first barriers we can place in their way is a monetary one; that you have to find a certain amount of money before you can file your nomination papers. For instance, in British Columbia we do not have in our provincial elections any deposit at all. All we have is the requirement for a certain number of signatures on the nomination paper depending upon how many registered voters there are in any electoral district. This seems to me to be the only fair thing to do, not to place restrictions in the way of candidates who might want to run.

Mr. PAUL (*Interpretation*): I have heard Mr. Howard's argument with interest. The federal law should not facilitate the access of any person to a candidacy. If we study the conditions in Quebec we see that the conditions imposed by law when a person wants to be a candidate for the school commission or the municipality is that he has to fulfil some requirements which we do not require for provincial or federal elections. We should at least allow the candidates to become solvent. As far as I am concerned I am ready to approve the amendment proposed by Mr. Chretien to boost the sum from \$200 to \$500.

(Text)

Mr. MOREAU: Without getting into the argument as to what it should be, I think there should be a deterrent of some kind. While being in general agreement with the remarks made by Mr. Howard, I think the fact that a man runs in an election and he gets his deposit back if he gets a certain number of votes is not sufficient and we have to consider that there are some frivolous candidates who run for advertising purposes or alternatively run for any number of reasons but who are not really serious candidates.

The taxpayers of the country are put to some considerable expense in providing them with election forms, voters lists, and a myriad of other privileges extended to candidates. I feel, although I am in general support of the idea, that we should not prohibit anyone from running for parliament on monetary grounds. We should make sure that the people who are running are serious candidates. Therefore we should have a deterrent of some kind.

Mr. RIDEOUT: What I have to say has been pretty well exhausted, but I think in municipal affairs or in provincial affairs, there is a certain deposit which you have to make. In some cases people can withdraw, and may deal with the matter as if it were a case of getting a candidate into the field to represent a certain party, knowing very well that he will not be elected, but they want to shove him in, and there is not too much at stake. But if the deposit were raised from \$200 to \$500, some would have second thoughts about being nominated. I think it is a very important part of our system that the candidate show a little responsibility. I agree that the deposit should be raised to \$500 especially in view of what Mr. Castonguay said, that it has not been changed in 40 years.

Mr. CASHIN: It is quite true that the figure of \$500 is not today as formidable an amount as it was 40 years ago. In expressing my sentiments, far be it

from me to comment on the frivolity of candidates. However I do not think that raising the deposit from \$200 to \$500 would be any guarantee that frivolous candidates for parliament would be discouraged. Therefore I do not see any point to the rest of the grounds given, and on the basis of what we have heard, I would be opposed to the idea.

Mr. RIDEOUT: I know that \$500 does not mean as much to Mr. Cashin as it does to an ordinary individual like myself.

Mr. GREENE: I would point out the principle of giving equal time on the C.B.C., an institution which to some degree is owned by the taxpayers. They hold to the principle of giving equal time to both national and local candidates to a very large degree. So any candidate who qualifies is entitled to equal time on both television and the local radio.

Mr. FISHER: There is no rule of that kind at all.

Mr. GREENE: Well they certainly abide by it.

The CHAIRMAN: This cannot be brought up.

Miss JEWETT: I recall that the \$200 figure was not at all prohibitive at the time it was inaugurated, when only people of property and wealth ran in politics in those days in any event. But a figure of \$200 might well be prohibitive today, and certainly a figure of \$500 would be. I do not think there would have been many Social Credit or N.D.P. candidates running if the figure had been set at \$500. I do not think it is our function to decide whether or not smaller party candidates should or should not be able to run on financial grounds. Therefore I feel raising it to \$500 would be most unfair to candidates of the smaller, newer political parties. If we want to do something about them, we should go at it in some other way.

Mr. RIDEOUT: I would say that Miss Jewett would favour that we do not make any deposit at all.

Miss JEWETT: I am speaking on the amendment raising it to \$500 from \$200.

Mr. DROUIN: Mr. Chairman, at each election many candidates are not very serious and do not have anything to offer. If we raise it from \$200 to \$500 we would be able to eliminate those candidates. I am convinced that no really serious candidate would then be eliminated, if we raise it from \$200 to \$500 because, if the candidate is really serious, he can generally be elected, and he will take that risk. But in doing so, some people would be eliminated who are only there for publicity. Their expenses would be much higher than their deposits. Mr. Castonguay could give us figures if he has any. I am convinced that it is better for the electors to raise it, than to leave it at \$200 for each candidate.

Mr. FISHER: We were talking about a limit, ruling out various candidates. Is it not a democratic objective to have as many people running as possible, as long as they are not crackpots, and to give them an opportunity to stand? We have had a noble speech from the honourable member who represents Moncton about independents. But what about the young man who is independent and who wants to run for the purpose of putting over an idea?

Mr. RIDEOUT: I did not say anything about independents.

Mr. FISHER: You were talking about the virtues of independence. Would it do anything but play into the hands of people who have it? Would it not put a real stranglehold on opportunities particularly for young people? I would hope that one of the things resulting from lowering the voting age, if it should happen, is that we would get more young people willing to stand as candidates, and more independents. Is it any crime to have more than just the normal party opponents stand for election? Is there something wrong with having six or seven candidates?

Mr. WOOLLIAMS: I have not spoken on this subject. Mr. Fisher speaks as if there was something wrong with having six or seven candidates. I am afraid I do not quite know he means. There might be something wrong if this system is carried to extremes, when we can see people getting elected with 20 to 22 per cent of the vote. That does not sound very democratic to me.

We have had examples throughout the country where there were from 30,000 to 40,000 votes cast in a constituency for certain people who did put up their names, but who received only 200 or 300 votes. Surely this is destructive within itself. There is a limit, but there must be a purpose when we have a deposit of \$200. A lot of these fellows say that when you look at precedents, at *stare decisis*, you are always in trouble. But even the Supreme Court of Canada recently ruled that what were adequate damages 30, 40 to 50 years ago are not adequate damages today because of the change in value of the dollar. So if it were proper to have a \$200 sum 40 years ago, it would not seem to be too much to have \$500 today. And in answer to my good friend here on my left—

Miss JEWETT: She is surely to your left, boy!

Mr. WOOLLIAMS: To have had \$200, 40 years ago and to have \$500 today would seem to be reasonable; and if we are going to have any deposit at all, let us make it a reasonable deposit.

Mr. PENNELL: I would support Mr. Howard and Mr. Fisher. Mr. Fisher says we should make every effort to have a lot of people running, unless they are frivolous candidates. It seems to me that if you are going to eliminate the monetary barrier you should increase the number of people supporting the nomination, because that is the only way you can eliminate frivolous candidates. If they have to put up 25 signatures, we might eliminate frivolous people.

Mr. CAMERON (*High Park*): Mr. Chairman, I should like to state that I consider this motion a retrograde step and I think that is how the general public will construe this motion. I feel we are making it very difficult for people to run for election. Individuals will make the charge that we are making it difficult for ordinary people to run as candidates, and only individuals of means will be elected. For that reason I am opposed to the motion.

I think Mr. Pennell has expressed a very good idea regarding the increase in the number of people signing nomination papers.

Mr. CHRETIEN (*Interpretation*): It is my opinion that by increasing the amount to \$500, we will discourage people from running as candidates for reasons of publicity. I believe in this way we will have only serious candidates running for election. If the deposit was returned to candidates receiving less than a certain percentage of a total vote we would be encouraging frivolous candidates to run for election and individuals would become candidates only for the purposes of gaining publicity.

Mr. Chairman, this motion will be followed by a further motion changing the percentage of votes required in respect of the loss of deposit.

(*Text*) Mr. LEOE: Mr. Chairman, I am certainly opposed to any increase in the deposit. I agree with Mr. Fisher when he suggests that increasing this deposit to \$500 would simply put additional hardships on those serious individuals who would offer their name as candidates. We would be placing an obstacle in the path of an individual trying to take part in politics. We certainly need new blood in politics, and I think this is evident tonight.

Mr. FISHER: Hear, hear.

The CHAIRMAN: Gentlemen, the motion is that the amount of the deposit be raised from \$200 to \$500. Those in favour of the motion please raise their right hands? Those against the motion please raise their right hands.

I declare the motion carried.

Motion agreed to.

Mr. HOWARD: Mr. Chairman, I should like to state that I am very interested in this subject.

Mr. RIDEOUT: Mr. Chairman, the motion has been passed and is not now debatable.

Mr. HOWARD: You may speak as long as you like on this subject and I doubt very much whether it will make any more sense than what you have said tonight.

Mr. FISHER: Nothing you have said tonight has made any sense.

Mr. RIDEOUT: The motion has been passed and I do not think there should be any more debate.

The CHAIRMAN: Mr. Rideout, Mr. Howard may not be referring to the motion.

Mr. HOWARD: Mr. Chairman, I feel sure that when this resolution is presented to the House of Commons it will create more debate in the house than any other portion of the elections act.

Mr. WOOLLIAMS: Is that a threat?

Mr. PETERS: What do you mean, "is it a threat," it is common sense.

Mr. WOOLLIAMS: It certainly sounded like a threat.

Mr. HOWARD: Mr. Woolliams, you know that I would not do anything like that.

Mr. MORE: Mr. Chairman, I should like to ask for a recorded vote at this point.

The CHAIRMAN: Do you wish the names called and the vote recorded?

Mr. MORE: Yes.

The CHAIRMAN: It is the usual practice in a committee to have a vote by a show of hands. I do not recall a recorded vote being taken in a committee.

Mr. MORE: Mr. Chairman, I should like to know what the rule in this regard states, and whether it is permissible to have a recorded vote.

The CHAIRMAN: I do not think there is anything in the rules to prevent a committee having a recorded vote.

Mr. MORE: Mr. Chairman, I am asking for a recorded vote.

Mr. PAUL: It might be wise at this point to consult the authorities and ascertain the rule in respect of a recorded vote in a committee.

The CHAIRMAN: I do not believe there is anything in the rules to prevent a recorded vote.

Mr. DROUIN (*Interpretation*): Mr. Chairman, I suggest that the committee should vote on a motion that we have a record made of the names for and against the original motion. If we have a motion for a recorded vote, let us put that motion to a vote. Let this committee decide its own procedure.

(Text)

The CHAIRMAN: Would you put your motion in writing, Mr. More?

The motion is that the Chairman have the names of the yeas and nays recorded in respect of the previous motion. Is there a seconder for this motion?

Mr. CASHIN: I second the motion, Mr. Chairman.

Mr. WOOLLIAMS: Are you going to put that motion first?

The CHAIRMAN: I shall put this motion to the committee. Those in favour of a recorded vote will please raise their hands?

The CLERK: There are ten in favour.

The CHAIRMAN: Those against the motion to have a recorded vote will please raise their hands.

The CLERK: There are nine against.

The CHAIRMAN: We will then have a recorded vote.

Mr. PETERS: Do you wish us to stand?

Mr. RIDEOUT: I think you should have put that motion in French.

The CHAIRMAN: I can put the motion in French or English. You have simultaneous translation.

Mr. RIDEOUT: The translation system may not be working.

Mr. PAUL (*Interpretation*): Mr. Chairman, Mr. Chretien did not understand the motion.

The CHAIRMAN (*Interpretation*): Mr. Chretien do you understand the motion?

Mr. Chretien does understand the motion.

Mr. CHRETIEN (*Interpretation*): Yes, Mr. Chairman, I understand the motion.

The CHAIRMAN (*Interpretation*): Do you understand that we are going to have the vote recorded?

Mr. CHRETIEN (*Interpretation*): Yes, I understand the situation.

The CHAIRMAN (*Interpretation*): Mr. Chretien does understand the situation. I do not want it for the record. I am not afraid of that.

Yeas, 10; nays, 10.

(Text)

Mr. FISHER: Well, Mr. Chairman—

Mr. WOOLLIAMS: There was one member of the committee who said he was not voting and then changed his mind when we had the recorded vote.

The CHAIRMAN: In any event it is 10 and 10. I vote against the motion. It remains at \$200.

Mr. DROUIN (*Interpretation*): Mr. Chairman, because of the result of that vote I would like to move that the number of electors who have to sign the ballot be raised from 25 to 100 for the same purpose explained by the mover of the motion.

The CHAIRMAN: This matter was settled some time ago.

(Text)

Miss JEWETT: Is it not possible to revert to the number of signatures on the nomination paper?

The CHAIRMAN: If the committee unanimously wants to revert to that, I am willing.

Mr. MOREAU: I would like to make a motion that it remain at \$200.

The CHAIRMAN: It is \$200 as it is.

Mr. MOREAU: If we are going to be faced with a number of motions to have it \$200, \$300 or \$350, it will never end.

The CHAIRMAN: The motion being defeated, it stands at \$200 as it was. We are on subclause (3) now.

Mr. DROUIN (*Interpretation*): Mr. Chairman, I ask permission to revert to the preceding clause with regard to the number of signatures on the ballot.

The CHAIRMAN: With unanimous consent we can come back to the clause.  
Some hon. MEMBERS: No, no.

The CHAIRMAN: There is not unanimous consent, so we cannot go back.

Mr. CASTONGUAY: Mr. Chairman, in subclause (a) of subclause (3) I have the words "may include a nickname". The present provisions of the Canada Elections Act permit a nickname to be put on the ballot paper. It is permissible. I do not know whether or not the committee wishes these nicknames to continue to be included. I have put that in there because it is permissible now.

An hon. MEMBER: What is the definition of a nickname?

Mr. CASTONGUAY: Red Kelly. There have been all kinds of nicknames. Whatever name the candidate shows in the heading of the nomination paper, in so far as his Christian name is concerned, is what has to appear on the ballot paper. Sometimes if they are druggists they might use the nickname "Doc". I have had Al, Andy, Bing, Bill, Bucko MacDonald, Dan, Del, Ed, Hank, Jake, Joe, Mac, Mel, Pete, Red, Rod, Scotty, Ted, Tabby, Val, Wilf, and so on.

Mr. MOREAU: Would you be eliminating, for instance, the title professional engineer, because this also is a descriptive title as to a profession?

Mr. CASTONGUAY: A candidate can put down his occupation if he wishes; but I am speaking purely of a nickname.

Mr. MOREAU: The name of the candidate may not include any title, degree, or other prefix. The reason I raise this is that a professional engineer certainly would come under the definition of a title, and still it is a description of a profession or an occupation. I think it raises quite a point here and there may be some dispute. May a man put "professional engineer" on a ballot?

Mr. CASTONGUAY: It is not permissible now to put the prefix on a ballot paper. If the committee wishes to throw it wide open, fine; you can have military decorations and all these degrees if you allow all that. Now, however, the act does not permit any prefix or suffix being put on.

Mr. MOREAU: I had an opponent who used the term "professional engineer".

Mr. CASTONGUAY: As his occupation?

Mr. MOREAU: Yes.

Mr. CASTONGUAY: He can put whatever occupation he wishes on the nomination paper.

Mr. RIDEOUT: I think it would be most helpful if a nickname were used in certain circumstances; for instance, in the situation in Cape Breton where there were three MacInnises who ran; but outside of that I cannot see any point in it.

Mr. WEBB: I do not think in most ridings they are voting only for a party or a party leader; they are voting for the candidate they know in their own riding. I think if he goes by a nickname it should be allowed—the way he is known by his own people.

Mr. CASTONGUAY: I merely wanted to point this out and that is why I included it.

Mr. MOREAU: Would it be your opinion that a candidate who is a professional engineer would be prohibited from including the initials P. eng. after his name but that he would be allowed to use this under the definition of occupation?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: If there is no objection; carried.

Next is (b), which reads:

The occupation of a candidate shall be stated briefly and shall correspond to the occupation by which the candidate is known in the place of his ordinary residence.

Is there any objection to that?

Mr. FISHER: I do have one suggestion, that perhaps it should be a requirement of sitting members to list their occupations as politicians now that we are being paid.

Mr. CASTONGUAY: There is one problem I want to raise under this particular section in respect of the address; one candidate at the last election included the name of his electoral district in addition to his address. If it is undesirable I do not know how it can be eliminated. For instance, if he lives in Lanark, if you eliminate the name of the electoral district, then there is a town of Lanark. But, there were complaints received by the opponents. This was not permissible but it is now. So, as I say, this candidate included the name of his electoral district which was in a large metropolitan centre.

Now, I do not know whether or not the committee wants to deal with this, but I merely bring it to your attention.

Mr. FISHER: Could you give us a couple more examples?

Mr. CASTONGUAY: I could give lots but this is the only time I have known the candidate to put in the name of his electoral district with his address.

Mr. WOOLLIAMS: What difference does it make?

Mr. CASTONGUAY: If it is in a large metropolitan area it might indicate he is a resident of that district.

Mr. DROUIN (*Interpretation*): Mr. Chairman, in connection with the subject we have been discussing, can a candidate not describe himself as a member for so and so.

(*At this point translation ceased.*)

Mr. CASTONGUAY: No, he ceases to be.

Mr. DROUIN (*Interpretation*): How is it then that he gets a salary from the time he is elected?

Mr. CASTONGUAY: He is no longer a member; he ceases to receive a salary when the house is dissolved.

(*Text*)

The CHAIRMAN: If there is no objection, carried.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: The next is item (5), which reads:

Where a nomination paper is signed by more than 25 persons the nomination paper is not invalid by reason only of the fact that one or more of the said persons are not qualified electors as provided in subsection (1), if at least 25 of the persons who so signed are duly qualified electors as provided in subsection (1).

Is there any objection to this?

Some hon. MEMBERS: Agreed.

Miss JEWETT: I suppose it would pose a difficult problem if one moved an amendment to change the "twenty-five" to "one hundred"?

The CHAIRMAN: Yes, because it is not exactly what they mean. They mean if 25 are really electors in the sense of the law the papers can be accepted even if there are more than 25.

Miss JEWETT: I just wondered if it would be in order to change the number here.

The CHAIRMAN: No, unless you had unanimous consent, and it would not be given.

The next section is (6), which reads as follows:

The returning officer shall not refuse to accept any nomination paper for filing by reason of the ineligibility of the candidate nominated, unless the ineligibility appears on the nomination paper.

Mr. CASTONGUAY: Subsection 6 which I am proposing and subsection 7 are new sections. I have proposed this because it is awfully difficult for a returning officer, if an objection is raised that a candidate is ineligible for any of the reasons set out in section 20 of the act, to rule on this paper. I have always dreaded that some returning officer may reject a nomination paper on the grounds that a candidate is ineligible, for instance if he is alleged to be a civil servant and, therefore, not qualified as a candidate.

Now, there is no time at ten minutes to two or between one o'clock and two o'clock to assess this, nor have I any chance to do it. I have prepared this amendment and I would like the committee to give consideration to it because they may not approve this particular provision. However, I feel that returning officers would welcome it, and I am sure I would.

The CHAIRMAN: If there are no objections, this section will carry.

The next section is (7), which reads as follows:

A nomination paper that the returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, and the new or corrected nomination paper may be filed with the returning officer not later than the time for the close of nominations.

Mr. CASTONGUAY: In (7) reference is made to candidates who file nomination papers long before nomination day, and if the nomination papers should be incorrectly filed, then they can withdraw it and submit a new one, or correct it, provided it is done before 2 p.m. at the close of nomination day.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Section (8) reads as follows:

The returning officer shall not accept any deposit, until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor, which is conclusive evidence that the candidate has been duly and regularly nominated.

Mr. CASTONGUAY: All the others are the same as were in the act previously.

The CHAIRMAN: Sections (8), (9), (10), (11), (12), and (13) are the same as before. They are put in there just for ready reference.

Mr. PENNELL: In respect of section (6), you could be nominated although really one of the persons signing your paper is not eligible.

Mr. CASTONGUAY: This has to do only with the ineligibility of the candidate. We are referring to the ineligibility of the candidate.

Mr. PENNELL: But, he would be ineligible if his papers were not in order; for instance, if there were fewer than 25 of the persons who so signed qualified electors. I have had two cases of that type and the candidate was ruled out of the contest.

Mr. DROUIN (*Interpretation*): Since there has been no proposal to adopt in toto section 21 (a) I move that in sub-paragraph (1) "twenty-five" be amended to read "one hundred electors" and in paragraph (5) "one hundred electors" instead of "twenty-five". There has been no motion to this effect.

At least, I heard no such motion. There should be a proposal and this should be adopted unanimously or on division. But, there has been no proposal. Therefore, I move an amendment to section 21 (a) (1), and I will write it down if you will wait for a minutes.

(Text)

Miss JEWETT: I second the motion.

Mr. WOOLLIAMS: Mr. Chairman, there do seem to be two or three meetings going on. Will you shed some light on what you are doing now?

The CHAIRMAN: I am not doing anything. Mr. Pennell and Mr. Castonguay are discussing the clause.

Mr. PENNELL: I am waiting for the motion to be written out, and while waiting I am having a private conversation with Mr. Castonguay.

The CHAIRMAN: We are waiting for the amendment by Mr. Drouin.

Mr. MOREAU: On a point of order, Mr. Chairman, before approving the whole section it is in order, is it not, to move amendments on it?

The CHAIRMAN: It is moved by Mr. Drouin that clause 21A be amended by substituting the figure 100 for the figure 25. It is moved by Mr. Drouin, and it is seconded.

Mr. MORE: I would like to ask if you consider this in order.

The CHAIRMAN: Yes, because we have adopted it part by part and we have to adopt the whole of 21A. This is in order.

Mr. WOOLLIAMS: Have we not been taking it clause by clause? You happen to have some on a slip and some in a book. If you are going to do this, then we can go back on anything that we have done today. It seems to me we have been reversing ourselves on several occasions this evening.

The CHAIRMAN: Mr. Drouin has the right to ask that the article be accepted as whole, with a change. He moves that we adopt the whole article but substitute "100" for "25".

Are you ready to vote?

Mr. MORE: I want to speak before the vote is taken. I think the steering committee of this committee should meet and decide what are the rules of procedure. We were told in the first place that we were dealing with this section by section, and if they were approved that would be the end of it. We have dealt with several sections and there has previously been no motion to adopt the whole section at all. This was considered to be the procedure of this committee. I was at the first meeting. Procedure here seems to be lacking. We do not know what it is all about. First of all we adopted these parts and now you are going back to accept a motion to amend. This is the situation, regardless of what you may say.

This procedure has not been adopted before, and I ask that the steering committee meet to decide what the procedure is to be.

The CHAIRMAN: You might be right when you ask the committee to accept it article by article. We have to accept 21A, however, as a whole and I think Mr. Drouin has a right to ask us to adopt it. The only thing we have to do is vote on it.

Mr. MORE: Mr. Drouin is not asking us to adopt it; he is amending what we have done. It is not a motion to adopt it as a whole but to amend what we have already done. The procedure should be clarified.

Mr. WOOLLIAMS: We have already approved that we should have 25 signatures. Now we have an amendment to change that to 100 signatures. Previously, as Mr. More said, you stated that we could not make the changes or

go back to make an amendment unless we had the unanimous consent of the committee. You rule one way at one time and another way at another time. We need the chairman to be fair and square.

The CHAIRMAN: We were discussing this item by item, and I thought we had no right to come back to it before we came to the end.

Mr. CHRETIEN (*Interpretation*): A clause such as this 21A has a number of sub-items; there are divisions. For instance, under (h) in paragraph 2 we have studied the increase of the deposit from \$200 to \$500. I am looking now at a means of eliminating frivolous candidates. I thought then this was the best method; this was not the opinion of the committee.

The increase from 25 to 100 is designed for the same purpose. Before carrying out the intention of a clause we can look to every way to amend the clause in order to carry out what we have in mind. I am not reversing that position. I think we are entitled to go back over the whole clause to find solutions to the problem. Everyone here agrees that we must do something to prevent frivolous candidates, and this is one way in which to achieve that.

(Text)

Mr. FISHER: I would like to speak against this motion. I do not feel strongly about this but I think a candidate should be able to obtain 100 people. However, I think the section, as Mr. Chretien has suggested, is tied in with the deposit. I would feel that if we increase this we should consider reducing the deposit, or wiping it out.

One of the questions I would like to put to a couple of the members of the committee—perhaps Miss Jewett or Mr. Greene, is with regard to the Liberal party policy, as announced, to introduce changes somewhat after the fashion of what has developed in the Quebec electoral system so that the expenses for the campaigns will be provided from the general revenue or by the government. I would like to know whether the deposit is one of the features which falls into this plan. That would influence my vote on this particular topic.

Mr. RIDEOUT: In which way would it influence your vote?

Mr. FISHER: If the deposit is to be included in this plan, I certainly think we should have more names on the list.

Mr. MOREAU: I do not think we are to decide this question of providing election expenses under this revision. I do not think anyone here, Mr. Fisher, will be able to give you any sort of commitment as to how this can be done. I think you would be better to act on some other premise.

Mr. HOWARD: You were waving your program around the other day.

Mr. MOREAU: Do not misunderstand me. I am all for that, but I do not think we get it under this revision.

Mr. PENNELL: If we amend 21A, if this is permissible, we can amend anything; and someone can bring forward a motion to amend anything at all now.

Mr. WOOLLIAMS: I am so happy to see you agree with me, Mr. Pennell. That is why I was objecting to your motion.

Mr. PENNELL: I have made no motion.

Mr. MORE: Mr. Chairman, I want to register my strong opposition to this whole procedure. When I came to the first meeting of this committee the procedure was outlined to us. At no time were we told that after dealing with a section a motion to adopt a section as amended was required. You said we would deal with it clause by clause. We are departing from this procedure and it makes a farce of all the time we are putting in. I will say that before we meet again the steering committee should meet and clarify the position.

Mr. CHRETIEN (*Interpretation*): Mr. Chairman I appeal your ruling. You declared my motion in order.

The CHAIRMAN (*Interpretation*): Mr. Cashin spoke on one section and we can come back to any section in our discussion. I believe it was my error and I admit it. I think I agree with what Mr. Pennell said a while ago that when I start to call article 21(1) we can then go on and start the whole discussion again on the whole matter. I think I made a mistake and I admit it.

Mr. WOOLLIAMS: I told you so.

The CHAIRMAN: Yes, I made a mistake. I decided we have no right to come back to the matter.

Mr. CHRETIEN (*Interpretation*): You cannot revoke your decision.

The CHAIRMAN: My decision has been appealed by Mr. Drouin. Those in favour of my decision please raise their hands. My decision was that we cannot come back to this matter.

(Text)

Mr. HOWARD: You ruled the amendment out of order?

The CHAIRMAN: Yes.

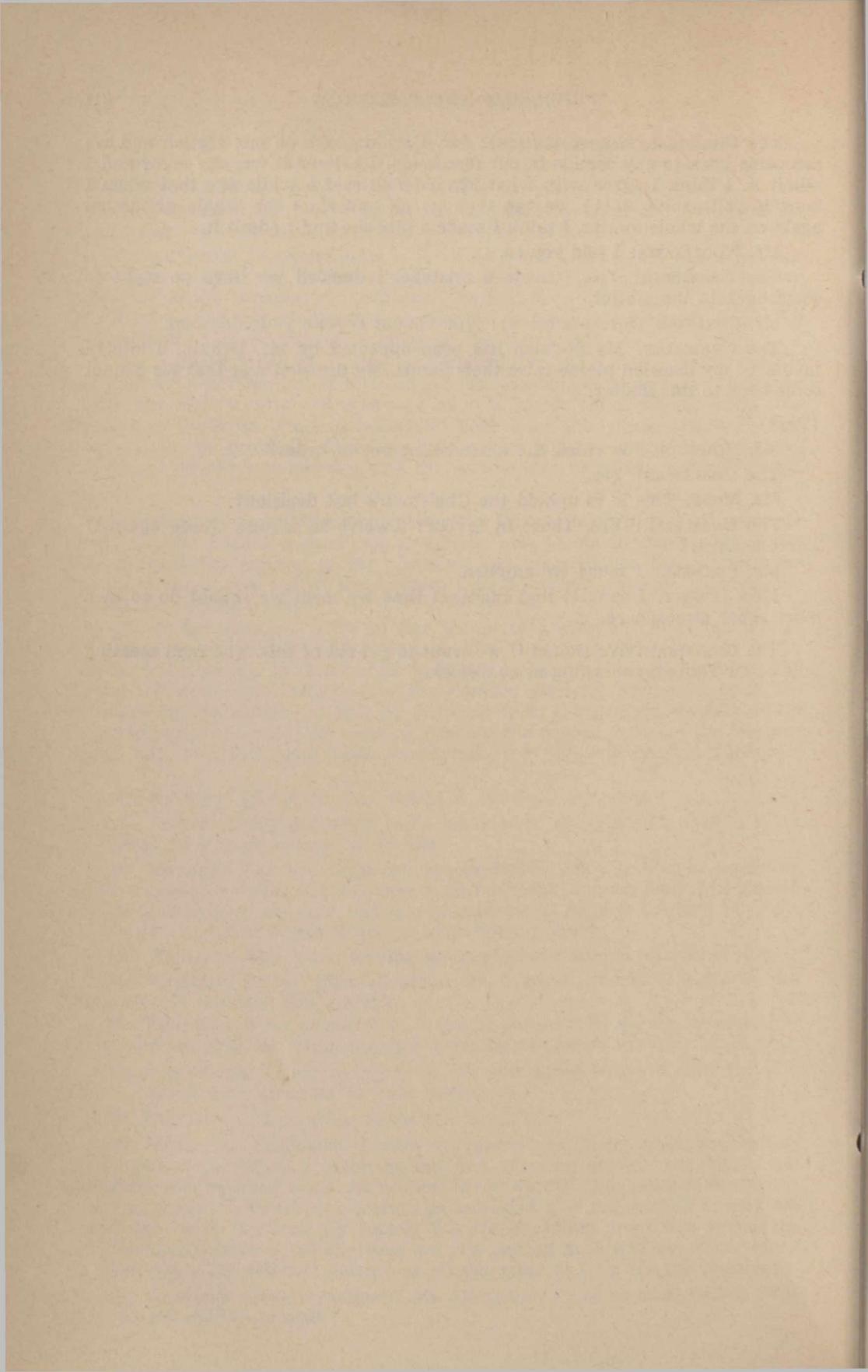
Mr. MORE: This is to uphold the Chairman's last decision?

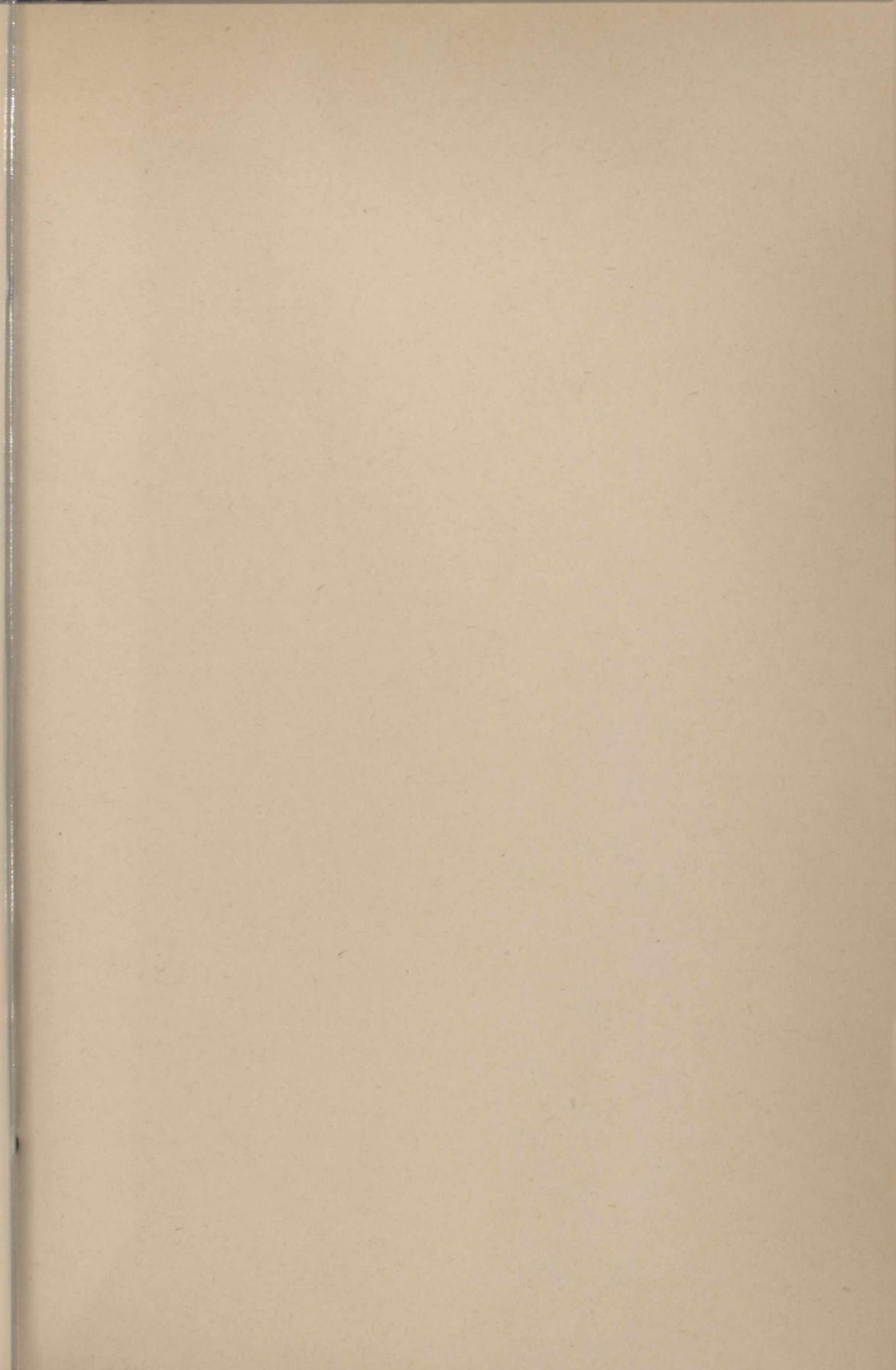
The CHAIRMAN: Yes. Those in favour? Twelve in favour. Those against? Three against.

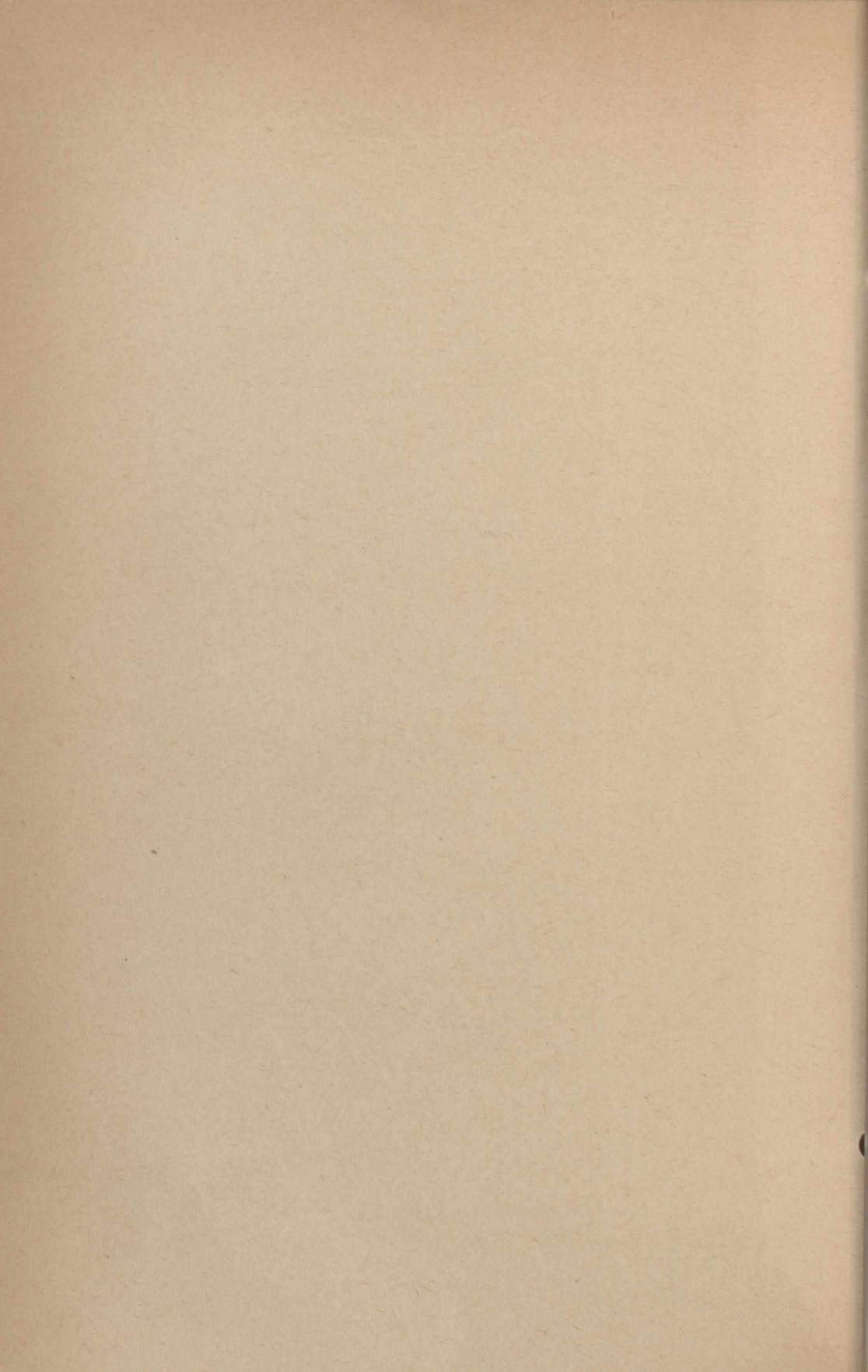
Mr. PENNELL: I move we adjourn.

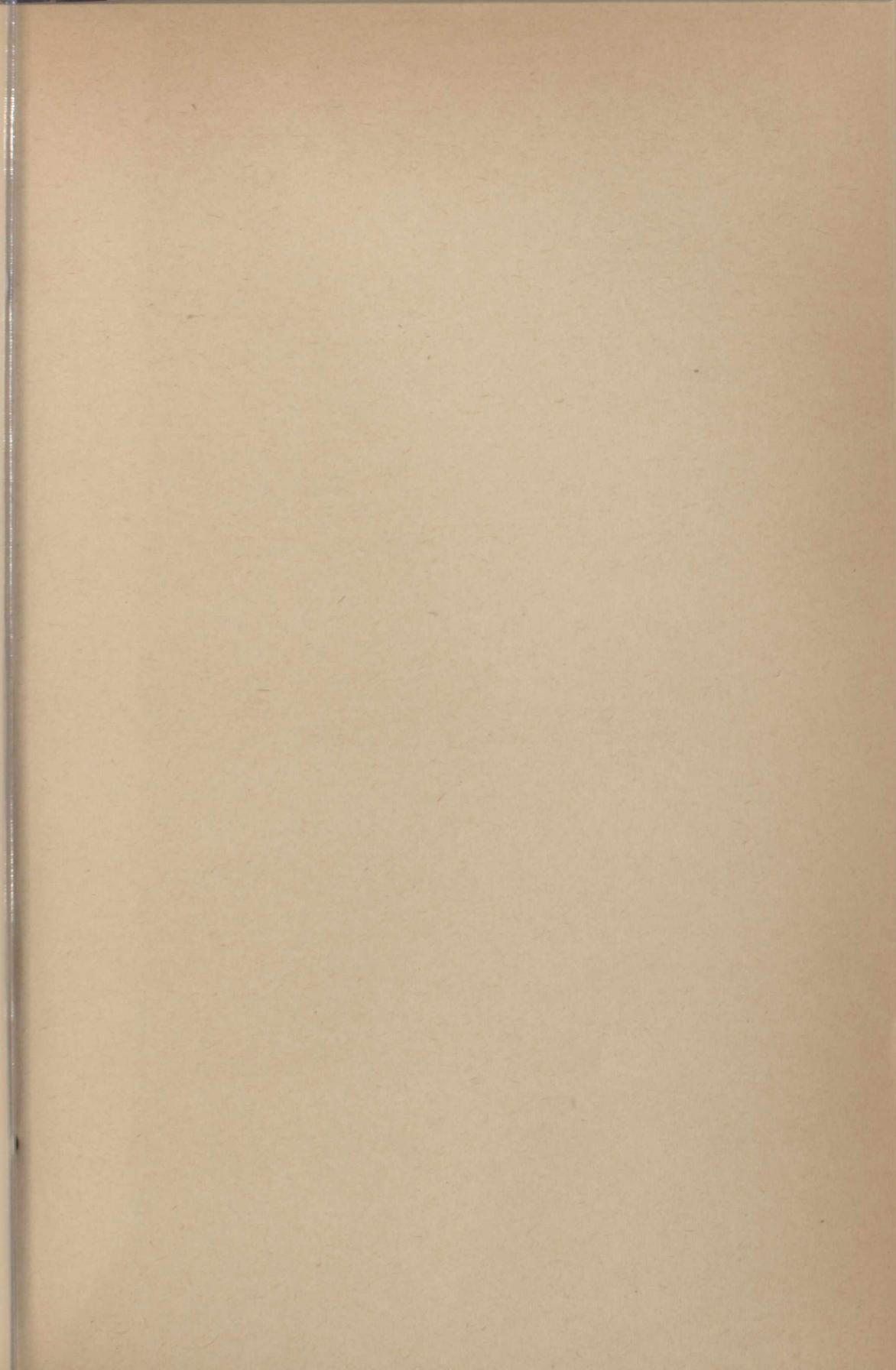
Miss JEWETT: I suggest that the next time we meet we should do so in a more sober atmosphere.

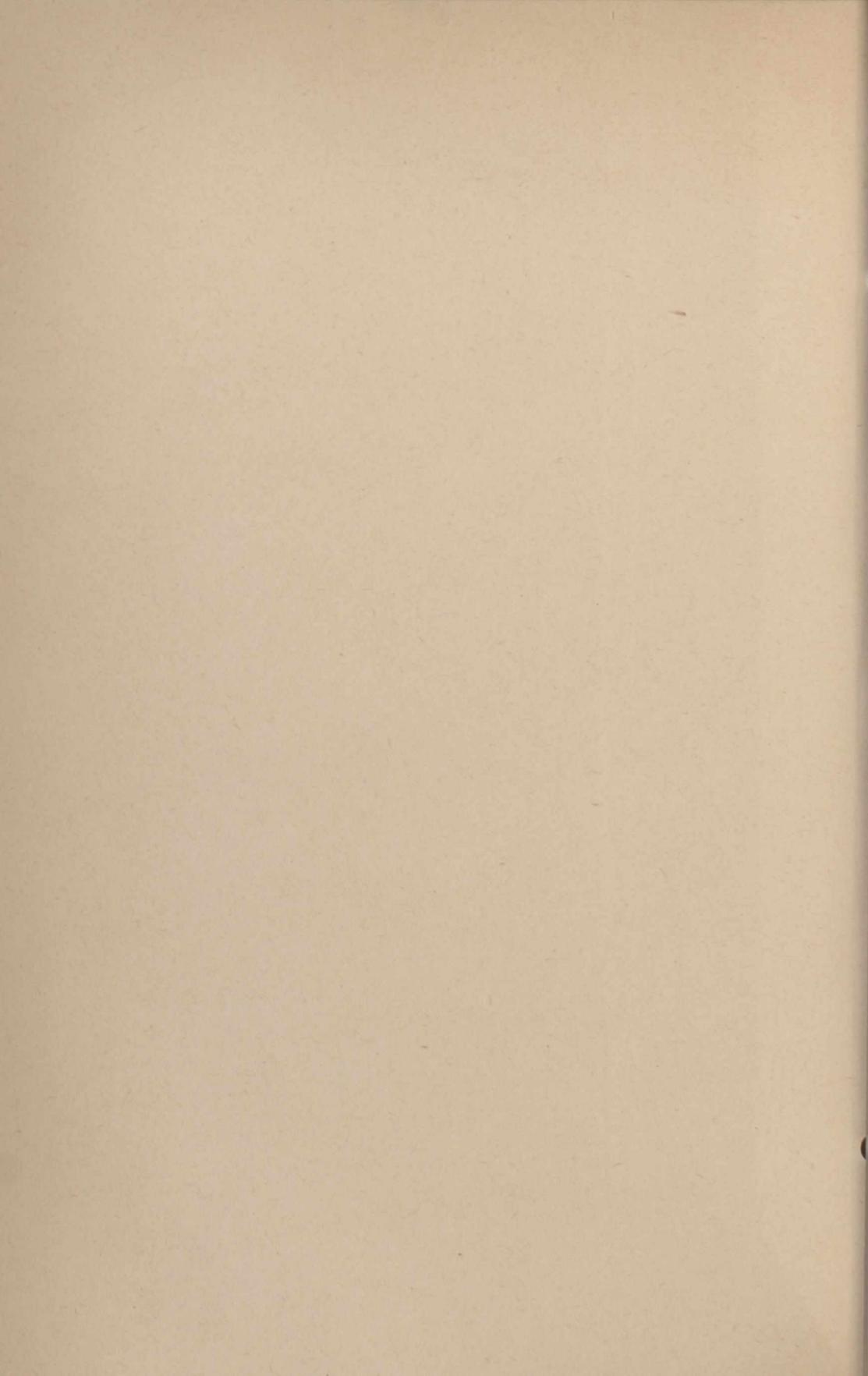
The CHAIRMAN: We should if we want to get rid of this. The next meeting will be on Thursday morning at 10 o'clock.



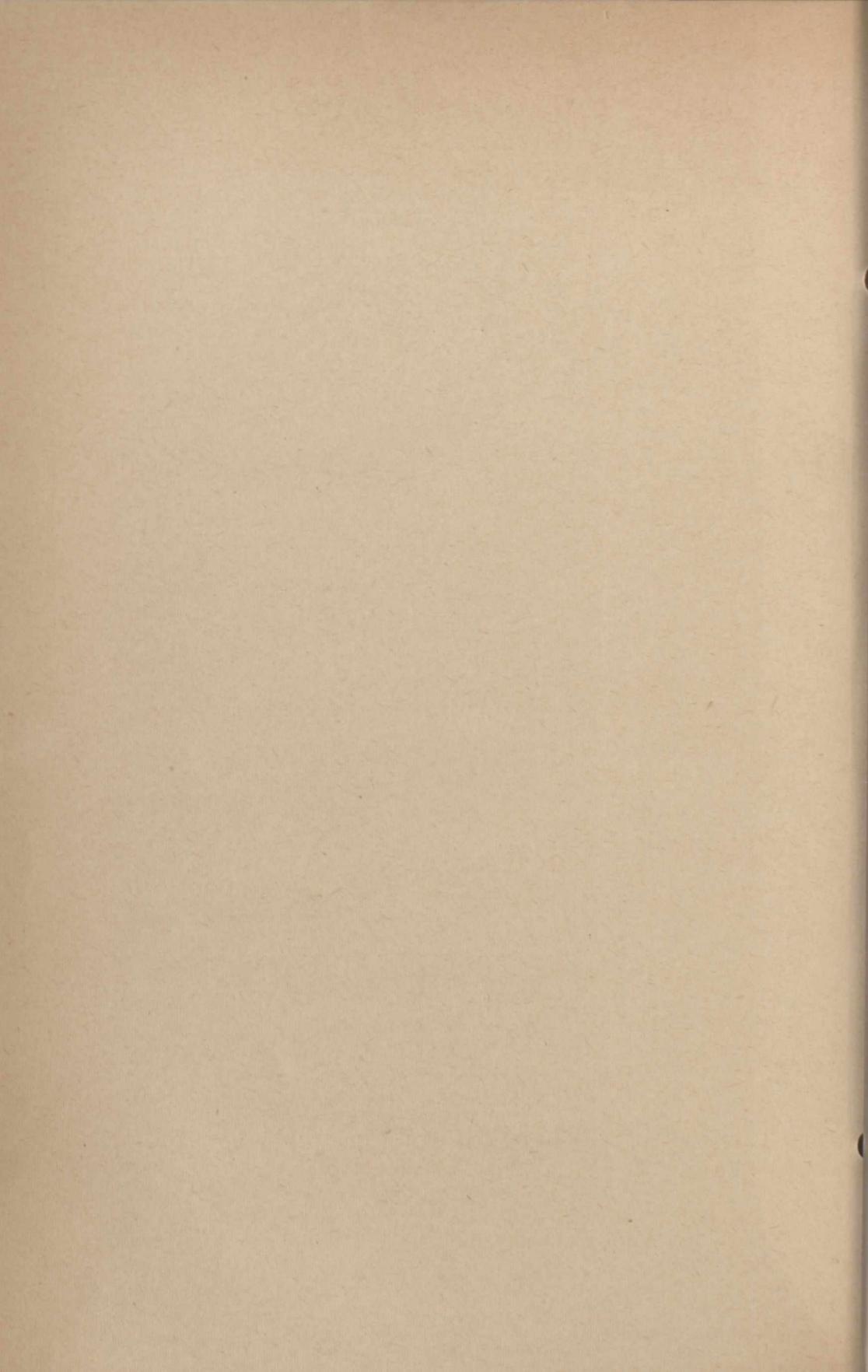












HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**PRIVILEGES AND ELECTIONS**

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 7

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THURSDAY, NOVEMBER 21, 1963

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

Blouin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Doucett,  
Drouin,  
Francis,<sup>1</sup>  
Greene,  
Howard,

Jewett (Miss),  
Leboe,  
Macquarrie,  
Martineau,  
Millar,  
Monteith,  
More,  
Moreau,  
Nielsen,

Olson,  
Paul,  
Richard,  
Rochon,  
Rondeau,<sup>2</sup>  
Scott,<sup>3</sup>  
Turner,  
Webb,  
Woolliams—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

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<sup>1</sup> Replaced Mr. Rideout on November 21, 1963.

<sup>2</sup> Replaced Mr. Grégoire on November 21, 1963.

<sup>3</sup> Replaced Mr. Fisher on November 21, 1963.

ORDER OF REFERENCE

HOUSE OF COMMONS  
THURSDAY, November 21, 1963.

*Ordered*,—That the names of Messrs. Francis, Rondeau, and Scott be substituted for those of Messrs. Rideout, Grégoire, and Fisher respectively on the Standing Committee on Privileges and Elections.

Attest.

LEON-J. RAYMOND,  
*The Clerk of the House.*

REPORT ON RESEARCH

## MINUTES OF PROCEEDINGS

THURSDAY, November 21, 1963.

(14)

The Standing Committee on Privileges and Elections met at 10.16 o'clock a.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Cashin, Caron, Chrétien, Doucett, Drouin, Fisher, Greene, Howard, Millar, More, Moreau, Nielsen, Paul, Pennell, Richard, Rideout, Webb.—(18).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office. Also, an Interpreter and interpreting.

The Committee resumed its consideration of the Canada Elections Act and reverted to Section 17.

### *On Section 17.*

Mr. Castonguay tabled and distributed the following amendment:

*Rule (29).* At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) any application made, by a personal appearance before the revising officer, by an elector whose name was omitted from the preliminary list;
- (b) sworn applications made by agents on Forms Nos. 17 and 18, or by revising agents on Forms Nos. 70 and 71, on behalf of persons claiming the right to have their names included in the official list of electors, pursuant to Rule (35) or Rule (36);
- (c) any verbal application for the correction of the name or particulars of an elector appearing on the preliminary list;
- (d) any application made, by a personal appearance before the revising officer, by a person to have his name struck off the preliminary list; and
- (e) any request made by the returning officer to correct an error in the name, occupation or address appearing on the printed preliminary list of electors in accordance with the correction made by the returning officer on the list and certified by him;

The above amendment was adopted.

Section 17 was adopted, as amended.

Resuming its consideration of the Canada Elections Act from Tuesday, November 19th, the Committee proceeded to Section 22.

### *On Section 22.*

Subsections (1), (2) and (3) were adopted.

The following amendment was allowed to stand:

False statement of withdrawal of candidate.

Subsection (4) of section 22 of the said Act is repealed and the following substituted therefor:

(4) Everyone is guilty of an illegal practice and of an offence against this Act who, before or during an election, for the purpose of procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at the election.

*On Section 23.*

Adopted.

*On Section 24.*

Adopted.

*On Section 25.*

The following amendment was adopted:

Section 25 of the said Act is repealed and the following substituted therefor:

Granting of a poll.

25. (1) If more candidates than the number required to be elected for the electoral district are officially nominated in the manner required by this Act the returning officer shall, forthwith after the close of nominations, grant a poll for taking the votes of the electors.

Returning officer to mail copies of lists to candidates and Chief Electoral Officer.

(2) Where a poll is granted the returning officer shall, on the day following nomination day, send by registered mail to each candidate officially nominated in his electoral district one copy and to the Chief Electoral Officer two copies of the following:

- (a) a typewritten list, certified by the returning officer to be accurate and complete, of the name, address and occupation of each officially nominated candidate in that electoral district, as stated in the nomination papers,
- (b) a typewritten list, certified by the returning officer to be accurate and complete, of the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers, and
- (c) a typewritten list, certified by the returning officer to be accurate and complete, of the name, if any, the boundaries and the number of each of the polling divisions, and the address of each of the polling stations in that electoral district.

Returning officer to mail copies of notice to postmasters and Chief Electoral Officer.

(3) Where a poll is granted the returning officer shall, on the day following nomination day, send by registered mail to each postmaster of a post office situated in a rural area of the returning officer's electoral district one copy and to the Chief Electoral Officer

two copies of a printed notice in the form prescribed by the Chief Electoral Officer containing the following:

- (a) the name, if any, and the number of each of the rural polling divisions and the address of each of the rural polling stations in that electoral district,
- (b) the name, address and occupation of each officially nominated candidate in that electoral district, as stated in the nomination papers, and
- (c) the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers.

Notice to be in English and French languages.

(4) The notice referred to in subsection (3) shall be in the English and French languages in every electoral district in the Provinces of Quebec, Manitoba and New Brunswick and in every electoral district where it should be in the English and French languages in the opinion of the Chief Electoral Officer, and in all the other electoral districts it shall be in the English language only.

Postmasters to post notice.

(5) Every postmaster shall, forthwith after receipt of the notice referred to in subsection (3) post up the notice in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the closing of the poll has passed and for the purpose of this provision such postmaster shall be deemed to be an election officer."

*On Section 26.*

Mr. Fisher, seconded by Miss Jewett, moved the following amendment:

*That the selection of DRO's and Poll Clerks be on a basis similar to that for the selections of urban enumerators with a satisfactory time limit after which, failing suggestions for the respective parties or candidates, the Returning Officer shall make the selection.*

And debate arising thereon, Mr. Nielsen, seconded by Mr. Fisher, moved in sub-amendment to the above amendment:

*That  $\frac{1}{2}$  the DRO's be selected by the candidate with the largest number of votes in the last election and that the other  $\frac{1}{2}$  be selected by the candidate with the second largest number of votes at the last election and that the same formula be applied to the election poll clerks.*

Thereupon, Mr. Castonguay tabled and distributed the following amendment:

Deputy Returning Officers.

(1) A person who is an elector in the electoral district shall be designated by the Leader of the Government to nominate, at the latest on the second day after nomination day in such electoral district, a fit and proper person for appointment as deputy returning officer for every polling station comprised in such electoral district, and except as provided in subsection (2) the returning officer shall, as directed in subsection (1) of section 26A, appoint such person to be a deputy returning officer for the polling station for which he has been nominated.

(2) If the returning officer deems there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating

person, who may within forty-eight hours thereafter nominate a substitute; if no substitute is nominated as aforesaid or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall himself select and appoint to any necessary extent.

(3) If on the third day after nomination day in the electoral district, the person entitled to nominate deputy returning officers has failed to nominate a fit and proper person for appointment as deputy returning officer for any polling station comprised in such electoral district, the returning officer shall himself select and appoint to any necessary extent.

(4) As soon as possible after an election has been ordered in the electoral district, but not later than the forty-sixth day before polling day in the case of a general election, and the thirty-second day before polling day in the case of a by-election, the Leader of the Government shall communicate to the Chief Electoral Officer the name and address of the person referred to in subsection (1) to nominate deputy returning officers in such electoral district; the Chief Electoral Officer shall immediately advise the returning officer of such person's name and address.

26A. (1) As soon as convenient after the second day following nomination day, the returning officer shall, by writing in Form No. 31 executed under his hand, appoint one deputy returning officer for each polling station established in his electoral district; every deputy returning officer shall before acting as such take and subscribe to an oath in Form No. 32.

(2) At least three days before polling day, the returning officer shall furnish to each candidate or his agent, and shall post up in his office, a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district, with the numbers of their respective polling stations, and shall permit free access to, and afford to interested persons at any reasonable time full opportunity for the inspection of, the list posted up in his office.

(3) The returning officer may, at any time, relieve any deputy returning officer of his duties who is not a fit and proper person and select and appoint another to perform the same, and any deputy returning officer so relieved, and any deputy returning officer who refuses or is unable to act, shall forthwith, upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver to the returning officer or to such person as the returning officer may select and appoint, the ballot box and all ballot papers, list of electors and other papers in his possession as such deputy returning officer; on default, he is guilty of an offence punishable on summary conviction as in this Act provided.

(4) Whenever before polling day a deputy returning officer dies or for any reason is not available to act, the returning officer may select and appoint another person in his stead as deputy returning officer; and if no such appointment is made the poll clerk, without taking and subscribing to another oath of office, shall act as deputy returning officer.

#### Poll Clerks.

26B. (1) The Leader of any political group, other than the political group led by the Leader of the Government, having a membership in the House of Commons of . . . . ., whose candidate at the last preceding

election in the electoral district received the highest number of votes among the candidates of such political groups, may designate a person who is an elector in the electoral district to nominate, at the latest on the second day after nomination day in such electoral district, a fit and proper person for appointment as poll clerk for every polling station comprised in such electoral district, and except as provided in subsection (3) the returning officer shall, as directed in subsection (1) of section 26C, appoint such person to be a poll clerk for the polling station for which he has been nominated.

(2) In an electoral district returning two members and in an electoral district the boundaries of which have been altered since the last preceding election, and in an electoral district where there was no candidate as mentioned in subsection (1), the returning officer shall, with the concurrence of the Chief Electoral Officer, determine who is entitled to nominate poll clerks, and shall then proceed with the appointment of such poll clerks as directed in subsection (1) of section 26C.

(3) If the returning officer deems there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating person, who may within forty-eight hours thereafter nominate a substitute; if no substitute is nominated as aforesaid or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall himself select and appoint to any necessary extent.

(4) If on the third day after nomination day in the electoral district, the person entitled to nominate poll clerks has failed to nominate a fit and proper person for appointment as poll clerk for any polling station comprised in such electoral district, the returning officer shall himself select and appoint to any necessary extent.

(5) As soon as possible after an election has been ordered in the electoral district, but not later than the forty-sixth day before polling day in the case of a general election, and the thirty-second day before polling day in the case of a by-election, the Leader of the political group referred to in subsection (1) shall communicate to the Chief Electoral Officer the name and address of the person referred to in the said subsection to nominate poll clerks in the said electoral district; the Chief Electoral Officer shall immediately advise the returning officer of such person's name and address.

26C. (1) As soon as convenient after the second day following nomination day, the returning officer shall, by writing in Form No. 33 executed under his hand, appoint a poll clerk for each polling station established in his electoral district; every poll clerk shall before acting as such take and subscribe to an oath in Form No. 33.

(2) Whenever on polling day the poll clerk is not available, or through sickness or for any other reason is unable to act, the deputy returning officer shall, by a commission in Form No. 34, which shall be printed in the poll book, appoint a substitute poll clerk; such poll clerk shall before acting as such take and subscribe to the oath printed on the said Form No. 34.

(3) Whenever on polling day the deputy returning officer is not available, or through sickness or for any other reason is unable to act, the poll clerk without taking another oath of office shall act as deputy returning officer.

(4) Whenever the poll clerk acts as deputy returning officer, he shall, by a commission in Form No. 34, which shall be printed in the poll book, appoint a poll clerk to act in his stead, who shall take and subscribe to the oath printed on the said Form No. 34.

(5) Whenever the nomination of an election officer is to be made by a person designated by the Leader of the Government or by the Leader of any political group having a membership in the House of Commons of. . . , any such leader may appoint in writing a person to act in his place and stead and shall communicate to the Chief Electoral Officer the name and address of such appointee.

Consequential changes will be required to Forms Nos. 33 and 34.

And the examination of the witness continuing, at 11.55 o'clock a.m., the Committee adjourned until this afternoon at 3.00 o'clock.

#### AFTERNOON SITTING

THURSDAY, November 21st, 1963.

(15).

The Standing Committee on Privileges and Elections met at 3.50 o'clock p.m. this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Blouin, Cameron (*High Park*), Cashin, Caron, Chrétien, Doucett, Drouin, Francis, Greene, Howard, Miller, More, Moreau, Nielsen, Paul, Pennell, Richard, Rochon, Scott, Webb, Williams.—(22).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also, an Interpreter and interpreting.

The Committee resumed from this morning its consideration of the Canada Elections Act.

*On Section 26.*

The proposed amendment on 26 (1) by the witness was allowed to stand until this evening's meeting.

Mr. Howard, seconded by Mr. Scott, moved,

*That the Committee do not sit this evening. Adopted.*

Mr. Howard, seconded by Mr. Chrétien, then moved,

*That the Subcommittee on Agenda and Procedure meet and decide on a time schedule for future meetings of the Committee. Adopted.*

The amendment moved at the morning sitting by Mr. Howard, seconded by Miss Jewett, and the subamendment thereto by Mr. Nielsen, seconded by Mr. Fisher, were allowed to stand until next Tuesday.

Thereupon, consideration of the Canada Elections Act was resumed and the Chief Electoral Officer tabled a letter received from the Department of Justice in connection with Section 26 of the Act.

Mr. Drouin, seconded by Mr. Chrétien, moved that the above-mentioned letter be added as an Appendix to today's Proceedings. *Adopted.* (See Appendix "A" to today's Proceedings).

*On Section 27.*

*Adopted.*

*On Section 28.*

*Adopted.*

*On Section 29.*

Allowed to stand until Section 33 is considered.

*On Section 30.*

*Adopted.*

*On Section 31.*

Subsections (6) and (7) were adopted.

By unanimous consent, Mr. Nielsen was allowed to revert to subsection (5).

A debate arising thereon, at 4.25 o'clock p.m., the Chairman having to leave, the Vice-Chairman, Mr. Pennell, took the chair.

*Subsection 8.*

Mr. Woolliams, seconded by Mr. Doucett, moved,

*That* subsection (8) of Section 31 be referred back to the drafting officers of the Act and amendments in question to determine whether the legislation is within the powers of Federal jurisdiction.

Thereupon, Miss Jewett, seconded by Mr. Moreau, moved,

*That* subsection (8) of Section 31 be amended by adding the words "or other suitable public building".

The witness then read a letter received from the Department of Public Education of the province of Quebec, in relation thereto.

And the question being put on Miss Jewett's amendment, it was adopted. Yeas, 15; Nays, 0.

The question being put on Mr. Woolliams motion, it was negatived. Yeas, 6; Nays, 11.

Thereupon, Mr. Nielsen, seconded by Mr. Paul, moved,

*That* consideration of subsection (5) of Section 31 be deferred. *Adopted.*

Mr. Moreau, seconded by Mr. Scott, moved that the next meeting of the Committee be held at 1.30 o'clock p.m., on Monday, November 25, instead of 9.30 a.m., of that same day.—*Adopted.*

Mr. Howard, seconded by Mr. Cashin, moved,

*That* the Committee adjourn at 5.00 o'clock p.m. today.

It being 5.00 o'clock, and the examination of Mr. Castonguay continuing, the Committee adjourned until Monday, November 25, at 1.30 o'clock p.m.

M. Roussin,  
Clerk of the Committee.



## EVIDENCE

THURSDAY, November 21, 1963.

The CHAIRMAN: Gentlemen, we have a quorum and might proceed.

We have asked Mr. Castonguay to bring in a draft amendment which covers clause 13.

Mr. N. J. CASTONGUAY, (*Chief, Electoral Office*): The amendment I was asked to prepare was for the purpose of modifying clause 13 which is printed at page 12 of the draft bill.

November 21, 1963.

Discussion Draft

### Canada Elections Act

Rule (29) of Schedule A to section 17 of the said act is repealed and the following substituted therefor:

Rule (29). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) any application made, by a personal appearance before the revising officer, by an elector whose name was omitted from the preliminary list;
- (b) sworn applications made by agents on Forms Nos. 17 and 18, or by revising agents on Forms Nos. 70 and 71, on behalf of persons claiming the right to have their names included in the official list of electors, pursuant to Rule (35) or Rule (36);
- (c) any verbal application for the correction of the name or particulars of an elector appearing on the preliminary list;
- (d) any application made, by a personal appearance before the revising officer, by a person to have his name struck off the preliminary list; and
- (e) any request made by the returning officer to correct an error in the name, occupation or address appearing on the printed preliminary list of electors in accordance with the correction made by the returning officer on the list and certified by him;

The members of the committee asked me to be more specific or more explicit in respect to clauses (d) and (e) of Rule 29. I believe this amendment perhaps is along the line the committee wished.

The CHAIRMAN: Is this amendment approved?

Amendment agreed to.

The CHAIRMAN: We are now on section 22 of the act. There is a proposed draft amendment to this section in item 15 on page 17 of the amendments.

Subsection (4) of section 22 of the said act is repealed and the following substituted therefor:

False statement of withdrawal of candidate.

“(4) Everyone is guilty of an illegal practice and of an offence against this act who, before or during an election, for the purpose of procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at the election.”

Mr. CASTONGUAY: This comes in under the general review. It is to stand until we deal with clause 33. It comes in under the general review of offences and penalties section. I believe the committee agreed we would consider all the problems in this regard when we study clause 33. I think this should stand until that time.

Mr. DOUCETT: What page are we on?

The CHAIRMAN: Page 17. It is at the bottom of the page. Does this item stand until we reach section 33?

Some hon. MEMBERS: Stand.

The CHAIRMAN: Now we are on page 18, item 16.

Mr. HOWARD: Would it not be more appropriate if you went through the act section by section and not just exclusively in respect of the draft amendments proposed by Mr. Castonguay?

The CHAIRMAN: We are on page 199 in the act; it is section 23 (1): Postponement of nomination day on death of a candidate.

Mr. CASTONGUAY: I have no recommendation in respect of this section.

The CHAIRMAN: Subsection 2 of section 23, notice and proclamation of new nomination and polling days.

Section agreed to.

The CHAIRMAN: Section 24 (1). Return when no more candidates than number of members required.

Subsection (1) of section 24 agreed to.

The CHAIRMAN: Subsection (2) of section 24. Report with return.

Section 24 (2) agreed to.

The CHAIRMAN: Section 25. Granting of a poll.

Mr. CASTONGUAY: Mr. Chairman, at page 18 of the draft bill I have an amendment which I am recommending to the committee.

We have also had a revised version of this. May I pass it around to members of the Committee.

This is an improvement in the draft.

#### Discussion Draft

#### Canada Elections Act

Section 25 of the said act is repealed and the following substituted therefor:

Granting of a poll.

25. (1) If more candidates than the number required to be elected for the electoral district are officially nominated in the manner required by this act the returning officer shall, forthwith after the close of nominations, grant a poll for taking the votes of the electors.

Returning officer to mail copies of lists to candidates and Chief Electoral Officer.

(2) Where a poll is granted the returning officer shall, on the day following nomination day, send by registered mail to each candidate officially nominated in his electoral district one copy and to the chief electoral officer two copies of the following:

(a) a typewritten list, certified by the returning officer to be accurate and complete, of the name, address and occupation of each officially nominated candidate in that electoral district, as stated in the nomination papers;

- (b) a typewritten list, certified by the returning officer to be accurate and complete, of the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers, and
- (c) a typewritten list, certified by the returning officer to be accurate and complete, of the name, if any, the boundaries and the number of each of the polling divisions, and the address of each of the polling stations in that electoral district.

Returning officer to mail copies of notice to postmasters and Chief Electoral Officer.

(3) Where a poll is granted the returning officer shall, on the day following nomination day, send by registered mail to each postmaster of a post office situated in a rural area of the returning officer's electoral district one copy and to the chief electoral officer two copies of a printed notice in the form prescribed by the chief electoral officer containing the following:

- (a) the name, if any, and the number of each of the rural polling divisions and the address of each of the rural polling stations in that electoral district,
- (b) the name, address and occupation of each officially nominated candidate in that electoral district, as stated in the nomination papers, and
- (c) the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers.

Notice to be in English and French languages.

(4) The notice referred to in subsection (3) shall be in the English and French languages in every electoral district in the provinces of Quebec, Manitoba and New Brunswick and in every electoral district where it should be in the English and French languages in the opinion of the chief electoral officer, and in all the other electoral districts it shall be in the English language only.

Postmasters to post notice.

(5) Every postmaster shall, forthwith after receipt of the notice referred to in subsection (3) post up the notice in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the closing of the poll has passed and for the purpose of this provision such postmaster shall be deemed to be an election officer.

Basically what I am recommending in this section is that we dispense with the printing of the notice of granting of a poll. This is a document which costs \$116,000 to print. Five copies of this are given to each candidate; one copy is put in the ballot box to be posted at the polling station. This is posted on nomination day. In my draft amendment I am proposing that the candidates maintain their rights; nothing is being taken away from them; they will still get a typewritten copy of the description of the polling division, and description of the polling station with the names and addresses of the official candidates.

In the rural areas I think this should be maintained. If the committee agrees with my suggestion, I estimate there will be a saving of \$75,000.

Mr. FRANCIS: This is the document which is the official communication for the candidate in respect of the polls and ballots?

Mr. CASTONGUAY: Yes.

Mr. FRANCIS: Part of the difficulty is that it is not always a formalized arrangement. Sometimes the electoral officer is not as precise about these things as we might like.

Mr. CASTONGUAY: I think you are referring to the typewritten list of the polling divisions prior to an election?

Mr. FRANCIS: Yes; this is the basic problem. This document does not solve the problem. The mere printing and distribution of this document does not solve the problem. There is a very serious problem in many instances in respect of the accuracy of the descriptions. What is your recommendation in regard to this?

Mr. CASTONGUAY: The recommendation which will be most effective is that the governor in council make the recommendations within 30 days after a vacancy. There is another recommendation that if any returning officer does not complete his revision of polling divisions it will result in his being dismissed. I will recommend that any returning officer who does not do this be dismissed from office. We did not have that power before.

Mr. FRANCIS: There should be an assurance that all parties are consulted.

Mr. CASTONGUAY: That appears in my instructions.

Mr. FRANCIS: What happens when it is violated?

Mr. CASTONGUAY: There is a question of complication; but you must remember that if four of us sit in a room trying to provide electoral districts and descriptions of a polling division, we would not arrive at the same description.

Mr. FRANCIS: What happens when the descriptions are simply not accurate and it was alleged there had been prior consultation?

Mr. CASTONGUAY: Under the present provisions I have ample facilities to make sure that the returning officer complies with this. All a political organization would have to do is bring it to my attention that the returning officer has not supplied the descriptions. Before I had nothing; now it is a cause for dismissal from office if he does not complete his revision within the time I have ordered.

Mr. FRANCIS: That is a great improvement.

The CHAIRMAN: This has been adopted before.

Mr. FRANCIS: Personally, I feel there is a great evil in this regard; that the document we are talking about is the official description of the polling division and the descriptions in many instances are completely meaningless. In my own riding the errors are so gross it is quite impossible to describe some of the polls from the written descriptions. I am anxious to see a procedure adopted whereby this will not happen again. I believe that ample authority should be given to Mr. Castonguay in this regard.

Mr. CASTONGUAY: I feel I have the authority with the recommendation the committee has approved now. It is stated in my printed instructions that there must be consultation with the political parties, and if there has not been this consultation, all the political organization would have to do is to inform me there has not been this consultation and you can rest assured there will be.

Mr. FRANCIS: I feel very strongly on this aspect of the matter.

Mr. CASTONGUAY: This is why I recommended these things. I was not too happy about it and the political organizations and the candidates were not too happy about it.

Mr. NIELSEN: Why does Mr. Castonguay make a distinction between rural and urban polls with regard to the continuance of the notice.

Mr. CASTONGUAY: In the urban poll there may be only four post offices where this is put up. It is put up on polling day outside each station. There are considerably more rural stations. This is in order to help them. I am trying to maintain this in the rural areas for the electors who do not have the same means of communication, or who do not have the information as readily available as it is in the city. In the city each returning officer is readily available; but in the country there are not many post offices and I think it should be continued there.

Mr. NIELSEN: In urban polls these notices are placed in places other than a post office. If this form is discontinued, is the only way an elector can determine the location of a poll by telephoning the returning officer?

Mr. CASTONGUAY: No. In the urban poll we mail a copy of the list of electors in that polling division to each dwelling. So, the elector receives that notice. The rural elector does not receive that notice. In the urban area I am fairly certain that about 80 per cent of the public are reached by this mail. This information is right in each person's dwelling. In the rural area there is no mailing. That is why I would like to continue this.

Mr. NIELSEN: I can follow the advisability of continuing it in the rural areas, but I am not completely satisfied about the discontinuance in the urban area. Does the form of the notice or draft also contain information in respect of where the revising officer will sit.

Mr. CASTONGUAY: No. It is purely a description of the polling districts, location of the polling station, plus the names and occupations of the candidates and their official agent. This is all that appears on the document. I have had suggestions that this is absolutely useless and a waste of public funds in urban areas.

Mr. NIELSEN: The information contained on the notice of the granting of a poll in an urban poll is duplicated by personal mail to each individual?

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: With the names of candidates?

Mr. CASTONGUAY: On the electoral list, names of candidates are not there. On the list of electors you have a notice advising electors where to go to have their names added to the list, or have corrections made. There is another notice advising them where to go to object; another notice telling them where the location of the polling station is; another notice telling them where the advance polling station is. The names of the candidates and official agents do not appear on the list of electors, either urban or rural. In the urban area, generally speaking, there are only three or four post offices to which this goes.

Mr. NIELSEN: Would it not be advisable to include the information in respect of the candidates and their official agents in your mailing to the electors, if you are going to dispose of this form.

Mr. CASTONGUAY: You do not have that because the lists are printed 42 days before polling day. This mailing has to be completed by the time we have the official information as to the names of the candidates and their official agents.

Mr. NIELSEN: Are there no mailings to an elector on the list after nomination day?

Mr. CASTONGUAY: The mailing takes place immediately after the twenty-sixth day before polling day in the urban area.

Mr. NIELSEN: I suppose the idea is to leave it to the political parties themselves to convey the information to electors as to who is running or who is the official agent. Suppose an elector wants to complain or get in touch with an official agent; how does he do this?

Mr. MOREAU: Telephone the returning officer.

Mr. NIELSEN: Is this the only way?

Mr. CASTONGUAY: The distribution of this in an urban area is at the most in three, four or five post offices. Perhaps members of the committee may have a different point of view as candidates, but my own view is that this information here, other than the location of the polling stations and the description of the polling divisions, is being provided under my amendment in any event to candidates and the political organization, and they will get it much sooner than through this notice. If the only information which is valuable from the point of view of the public is the name of the candidate and his official agent, I would imagine that they would know who to contact.

Mr. MOREAU: In large urban areas we have one post office which may be serving five ridings. The idea of posting notices in post offices is completely antiquated. It does not mean anything any more. Surely we have discussed this at previous meetings and could get on.

Mr. FRANCIS: I agree with the suggestion that there be some economy through eliminating a lot of these documents for urban areas, if it will serve any purpose and if the information can be conveyed through other means; I agree with that.

Mr. NIELSEN: I want to be perfectly satisfied that the proposal is a good one. I can see the reason for publishing and posting the description of the polling divisions in the urban poll. Can you tell us, as a matter of history, why the information as to the candidate and his official agent also was included on this form?

Mr. CASTONGUAY: I think this has been a requirement for at least 40 years. The means of communication and news media were not as extensive then. This is not posted in each poll and on posts and telegraph poles. This is only put in the post offices, and on polling day it is tacked up in the polling station. I have been informed that nobody looks at this. My information from returning officers is that in urban areas this is absolutely useless and a waste of public funds. I cannot think of any valid reason for this in urban areas.

Mr. NIELSEN: As you know this is the first time I have had an urban poll in my constituency, and this was made extensive use of by the deputy returning officers in instructing voters who found their way to the wrong poll. He would look at this notice and say: "You do not vote here, you vote at another poll".

Mr. HOWARD: They have that now?

Mr. CASTONGUAY: No; they do not have that in the poll. They would have it now with this; but if we dispense with this in the urban polls, they would not have it there.

Mr. HOWARD: Is it the intention to supply deputy returning officers with a list?

Mr. CASTONGUAY: This can be done very easily. I would suggest we attempt this the way it is, and if we find there are difficulties, we can provide very quickly the descriptions of where the locations of the polls are.

Mr. MORE: If you want that, then this would be meaningless.

Mr. CASTONGUAY: No. The only effective way to do this would be to supply each deputy returning officer with a map of the polling division in the immediate surrounding area. This is the only effective way. If a person who resides in one area goes to another poll, it would be another poll in the immediate area somewhere; so it would only need be a map of the general area covering the adjacent polling division. This could be done easily and cheaply. I can incorporate that in my instructions.

Mr. MORE: It seems to me that this granting of a poll notice has always identified the polling place. What would identify the polling place if you dispense with it?

Mr. CASTONGUAY: I propose to have a uniform file which is very cheap, because I order them in large quantities. This is a problem of printing for the returning officer. He must have this published within 24 hours after nomination day. There is no evidence that it is put to any effective use.

Mr. MILLAR: Where else is this information concerning the description of the polls available to the candidates?

Mr. CASTONGUAY: When I order a general revision of the polling division in the constituency, my instructions require the returning officer to consult the local political organizations to see what suggestions they may have, and what objections they may have to the former plan. After he has completed his revision, my instructions are that he make a copy of the revised description available to each political organization in the electoral district. This amendment provides the same information to candidates which you had with this notice of granting of a poll. If you look at subsection (2) in the mimeographed form you will see that you will be supplied on nomination day with an up to date list of the polling divisions. Everything that a political organization or a candidate gets now on nomination day he will get, but not in a printed form.

The CHAIRMAN: Is there any objection, gentlemen?

Mr. DOUCETT: Who will make the typewritten list?

Mr. CASTONGUAY: The returning officer, and he is compelled to do it immediately.

Mr. NIELSEN: Does the chief election officer now have power under the act to have published the map which you suggested a moment ago be supplied to the deputy returning officers?

Mr. CASTONGUAY: Yes; I have all the power to order that.

Mr. NIELSEN: Is it your intention to have that done?

Mr. CASTONGUAY: My instruction to all returning officers in an urban area is to provide each deputy returning officer with a map of the adjacent polling divisions.

Mr. FRANCIS: My own experience is that maps do not exist for many of the suburban areas. We could not get a good map for the area outside the city of Ottawa. The descriptions were really misleading in many cases, so misleading as to be deceptive. Does the chief election officer believe he will be able to get good maps, especially of suburban areas adjacent to large cities where rapid growth is taking place, and where within a 12-month period you may have six new polls appear?

Mr. CASTONGUAY: If maps are available, we will provide them.

Mr. FRANCIS: It is my opinion that this is where the difficulty comes in. In the city of Ottawa, for example, usually we are provided with a good map of the polls, but in the suburban areas adjacent to the city it is so chaotic that you just could not describe it.

Mr. MORE: We had the same problem in Regina city. There was a new subdivision in Douglas park and Regent park. We went to the city engineer to get the maps and there were no maps available.

Mr. CASTONGUAY: I do not know of any city or town now in this country where we can get an up to date map. We can give a diagram which is much better than the descriptions.

The CHAIRMAN: Does the amendment carry?

Amendment agreed to.

The CHAIRMAN: Section 26, deputy returning officers and poll clerks.

Mr. CASTONGUAY: I have no amendment to that.

The CHAIRMAN: Subsection (2) of section 26, list of deputies to candidates.

Mr. FRANCIS: I wonder if three days before polling day is adequate. I cannot help but feel that it would be useful if it were at least five days, or something like that, before polling day.

Mr. CASTONGUAY: There is one main reason why it is three days. The lists are given out three days before polling day and there are some electoral districts in this country where once the lists are given to the deputy returning officers, they start a campaign of reaching the deputy returning officers. We have had occasions of people going to the deputy returning officer's house on Sunday night alleging they represent somebody to count the ballots. We have had occasions of deputy returning officers having tried to be reached in these three days.

Mr. FRANCIS: Is it the suggestion that there is improper influence brought to bear on the deputy returning officer?

Mr. CASTONGUAY: I want to leave it to your own imagination on this. We have a great deal of difficulty. I must say that this applies to only a very few electoral districts. You can count them on one hand. But, if you give the list of deputy returning officers in the electoral districts five or six days before, a great deal of this kind of thing can be accomplished in that period.

Mr. FRANCIS: It is possible to have incompetent deputy returning officers named; but part of the concern of any well organized party is to see they have good deputy returning officers, and that the organization is going smoothly. When anyone knows that some persons are being named who are not competent—possibly because of age—or show partiality, then the other party has the means to protect himself. The closer the gap between the supplying of the list and election day, the greater the possibility of abuse, so far as I am concerned.

Mr. CASTONGUAY: I am only pointing out one difficulty. There is absolutely no administrative difficulty in having the returning officers give out these lists five or six days before. I am just pointing out one danger. I have no firm view on this at all. If the committee wants the list in five days, it is administratively possible.

Mr. NIELSEN: I wonder if you would enlarge on what you mean by the term "reached".

Mr. CASTONGUAY: Frankly I do not know what is meant by that. Can you tell me what it means when on a Sunday night some people arrive at a deputy returning officer's house and ask him to count the ballots?

Mr. NIELSEN: No ballots have been passed on Sunday.

Mr. CASTONGUAY: But they want to look at them and count them. Some officers have resigned on Monday morning, and we have had to replace them. We asked for an investigation to see why they were resigning. I have no facts to give you; I am only assuming. I am only assuming something transpired in this three days which compelled the deputy returning officers to resign.

Mr. NIELSEN: Would five days make any difference?

Mr. CASTONGUAY: No. In these five days they may be able to reach a lot more. I can only think of five constituencies in the whole country where these things have happened in the past.

Mr. MOREAU: In some of the urban ridings, very large ones, the whole election is very compressed, particularly after the enumeration; there never seems to be time for the returning officer to get any of these things done. I think that by moving it ahead five days we might solve some of the other problems.

Mr. CASTONGUAY: I think this would just be complicating the whole matter. Naturally, you would have more amended lists if it were five days. People would drop out, not for the reasons I stated, but because of illness, or something which transpired. However, there is no objection from the administrative point of view.

Mr. MORE: I am bothered by the remarks of Mr. Francis and the suggestions he made. I hope I have not misinterpreted him, but it seems to me that he thinks a political party should be able to make its judgment known to the returning officer in respect of the appointment of deputy returning officers.

Mr. FRANCIS: No. These are public officials who act. I think in any situation the way in which deputy returning officers are chosen now is that they are named at the discretion of the returning officer.

Mr. CASTONGUAY: The returning officer has exclusive power to select and appoint.

Mr. FRANCIS: In the interests of a fair democratic election, I think that every party interested in that election has a right to know who are going to be the public officials conducting the election, and if there is any suspicion that some might be less competent than others—and I think it is only human nature that some people do their jobs better than others—I think a political party would be interested in making sure they lined up good scrutineers. They would be able to take proper measures. This is all I had in mind, and nothing more than that. I think it is a fair observation.

Mr. FISHER: I agree with Mr. Francis on this point. This is what we use this for. Usually we have a meeting at which we go through all the deputy returning officers.

The CHAIRMAN: There is one thing which would help; if the nomination of the returning officer was to be made by the party in power, then the secretary of the polls could be nominated by the party having the most number of votes in the last election.

Mr. FISHER: I would go for that, but the fact is that most of the deputy returning officers in our riding seem to be provided by the party in power.

The CHAIRMAN: But the secretary would be nominated by the party which had the most votes in the last election. There would be people from two sides in the poll.

Mr. NIELSEN: May we have Mr. Castonguay's views on this ?

Mr. CASTONGUAY: The only view I have is that if the committee is considering this in principle, I wish you would give thought to the fact that in 21 electoral districts there would be a large number of persons appointed. I do not know whether or not, for instance, Mr. Nielsen knows of the person selected in every polling division in the Yukon electoral district; but would the returning officer nominating the poll clerks have that same knowledge? Do you think the candidate in Yellowknife knows the returning officer at Alert? In the electoral district of Saguenay we have to charter an aircraft and a helicopter to reach all these settlements; sometimes when the returning officer takes off he does not know who up there will be competent to be selected. In other areas you have missionaries and federal civil servants who are the only persons competent to act as deputy returning officers and poll clerks. I wonder, if these persons had to be sponsored by the candidate, whether they would serve. These are the administrative problems. I do not want the committee to interpret this to mean that I am against or for the suggestion. These are the administrative problems. It is quite conceivable, in these 21 electoral districts, that all candidates would be on an equal footing in selecting competent deputy returning officers and poll clerks. If the committee is considering this, I think there should

be some sort of a target date early in the election, so that if a candidate finds somebody in these remote areas, then at least the returning officer has the discretion. The only province which has legislation of this type is the province of Quebec.

Mr. FISHER: That sounds very good the way you put it. I would like to see this system on the same basis as urban enumerators. I think it is immensely practicable in most ridings and polls, but not in the ones you mentioned. They still do not have anybody to look after some polls in my riding.

Mr. NIELSEN: I would like to express the view that the system should remain as it is, because now at least you have the deputy returning officer and the poll clerk, in my constituency at any rate, free from any form of political interference. In so far as the selection of enumerators is concerned, I think it is evident that the principle of the selection of enumerators applied to the appointment of deputy returning officers and poll clerks would be bringing partisan politics right into the poll which, I think, would be extremely undesirable. Mr. Fisher said that deputy returning officers are selected by the party in power.

The CHAIRMAN: They are.

Mr. NIELSEN: Maybe in the province of Quebec, but in my constituency this is not the case. The returning officer selects his deputy returning officers and he does it without any political influence whatsoever. It is a very wholesome state of affairs up there now. I think that to introduce political selection into the appointment of deputy returning officers and poll clerks would result in the bringing of politics into what should be a completely impartial situation.

The CHAIRMAN: If the deputy returning officer is a Conservative, he will put his friends in there, and if he is a Liberal, he will put his friends in. We do not say we are better than others; but everybody will look for his friends.

Mr. MORE: I agree with the observations of Mr. Nielsen with regard to this being continued as it is. I have had experience with returning officers appointed by other than the Conservative party, and I would like to say that one of the best returning officers I have worked under was a man 73 years of age.

Mr. FRANCIS: Age is not always a factor.

Mr. MORE: You mentioned age. This person was very intelligent and completely honest. In my experience, three days before an election is proper, because returning officers have a heck of a time getting officials capable of doing the work who can take the time off. I think we should leave this section as it is.

Mr. FISHER: I think it is an excellent idea, but the difficulty really is that it puts an added responsibility on the party organization. I think we have to be realistic; in most cases the nominations really come from men provided by the party in power. At least this is the reality where I live. I feel that by having it matched, one party against the other, in many cases it would enable the parties to worry less about scrutineers. I know we go through the lists given to us of the deputy returning officers and poll clerks, and go to the trouble of phoning and checking with neighbours in an effort to find out what the party line of these persons is. If we find there are two Liberals or two Conservatives, we make darn sure we have a couple of scrutineers there all the time; but if we know there is one Liberal and one Conservative, we know they will be watching each other.

Mr. MILLAR: Each political party does not like to admit they do not have enough intelligent supporters in their own organization to fill these jobs.

Mr. FISHER: I would like to move that the selection of deputy returning officers and poll clerks be on a basis similar to that for the selection of urban

enumerators with a set time limit after which, failing the suggestions from the respective parties or candidates, the returning officer shall make the selection.

Mr. DOUCETT: Are you not really putting that right into the hands of the two political groups? As it is now a deputy returning officer selects his poll clerk. He would be obliged to take some person who probably would not be suitable to him. I do not think the man should be forced to take a poll clerk who would not meet with his approval.

Mr. FISHER: We have the motion and I would like Mr. Castonguay's opinion on the point raised.

Miss JEWETT: Under what section is this motion?

The CHAIRMAN: We are on subsection (5) of section 26 now, I believe.

Mr. CASTONGUAY: Mr. Fisher, this is a practical matter, it does not affect me. It affects the candidates. I would commend to the committee a study of the legislation in Quebec. If the committee approves of this in principle, I think it is a more practical solution, with adaptations to suit the federal situation; I am not suggesting the Quebec legislation is suitable here. However, I think the principle is more in line with what I believe you are trying to achieve.

Miss JEWETT: What is the principle?

Mr. CASTONGUAY: That the leader of the government will designate a person in the electoral district to nominate the deputy returning officer and the Leader of the Opposition will nominate a person in the electoral district to designate a person in the electoral district to nominate the poll clerk. I know this would not be suitable, but an adaptation could be made to that which would be suitable somewhere along the lines of the enumeration method. I do not want you to get the idea that I am suggesting that.

The CHAIRMAN: It is moved by Mr. Fisher that the selection of the deputy returning officers and poll clerks be on a basis similar to that for the selection of urban enumerators with a set time limit, after which, failing suggestions from the respective parties or candidates, the returning officer shall make the selection.

Mr. NIELSEN: May I speak to the motion?

The CHAIRMAN: Is the motion seconded?

Miss JEWETT: I second the motion.

Mr. NIELSEN: I think the adoption of this would be doing precisely what some of the committee members feel is the wrong thing to do. Apparently in many ridings the deputy returning officer is always appointed by the political party in power at the time. Surely, by the adoption of this motion you are ensuring that this state of affairs will exist. Every deputy returning officer in the country is going to be a sympathizer of the views of the political party in power. I think this is an absolutely dreadful situation. If you have some method of a division or equal split of deputy returning officers, it would be fine; but to have it on a lop-sided basis, I think is very wrong. You are introducing a political situation right into the heart of the polling machinery which should be impartial. The root of the cure lies in the selection of an impartial returning officer, which is what we have in our riding now. He exercises no political thoughts whatsoever when appointing his personnel. If it is the wish of the committee to adopt the federal system to the Quebec system, I think we would be going downhill instead of making any improvement at all. From what I hear about Quebec elections there is a very sorry state of affairs there.

The CHAIRMAN: I do not think I would admit that, because lately they had an election and they were satisfied with the way it went.

Mr. NIELSEN: I am very strongly opposed to Mr. Fisher's motion. What you would be doing if it is adopted is to introduce politics right into the very heart of the polling station.

Mr. DOUCETT: May I ask Mr. Castonguay whether he has had many problems in respect of this system in the last elections?

Mr. CASTONGUAY: I have had no problems, but the returning officers have had problems in 1958 and 1962.

Mr. DOUCETT: In what regard?

Mr. CASTONGUAY: In the 1958 election we had approximately 220 returning officers who had been appointed by the previous administration. The problem arose primarily in 1958. I need not spell out the problem. A solution was arrived at in some constituencies which seemed to be satisfactory. In some of the electoral districts all parties agreed and resolved the problem by all even numbered polling districts having a deputy returning officer nominated by one party, and in the odd numbered ones the poll clerks would be designated by the other party. They arrived at some satisfactory solution. I am not suggesting this is nation-wide. However, the returning officers had a great deal of problems in respect of this in 1958.

Mr. DOUCETT: Under the act the returning officer has the right to appoint the deputy returning officer.

Mr. CASTONGUAY: But you are asking about the practical problems.

Mr. DOUCETT: Yes.

Mr. CASTONGUAY: I have had no problems, but the returning officers have had problems in respect of this.

Mr. NIELSEN: Another solution which might be of help to members of the committee would be to select a member of the N.D.P. party as returning officer.

Miss JEWETT: Does Mr. Nielsen feel that the way enumerators now are chosen introduces too much of a political element into the problem?

Mr. NIELSEN: I do not think so. What we are suggesting is that the deputy returning officer be appointed by the political party in power; so, the situation you would have, regardless of which party is in power, is that every deputy returning officer at every polling station would be a sympathizer with that political party. If we have men of integrity, we have no worry; but I think in certain areas elections have shown that this does not happen.

Mr. HOWARD: I think Mr. Nielsen has a misunderstanding of what the motion seeks to do. It is not to put into effect the system which exists in Quebec in which the leader of the Government designates who the deputy returning officer shall be and the opposition designates who the poll clerk shall be. It is to put into effect the system prevailing now in respect of the selection of urban enumerators; that is, that the candidate who won the election selects one, and a person from a different political party who had the second highest number of votes selects the other person.

The CHAIRMAN: If we at first admit that we are trying to get control of the poll, I have no objection. Everyone is. That is an admission we cannot make; but if we were alone together we could admit that.

Mr. NIELSEN: Exclude me from that.

The CHAIRMAN: I would exclude you and the Saguenay region, because in those areas they do not know anybody; but we try to get control of the polls. That is a fact nobody should deny.

Mr. FISHER: I would like to point out to Mr. Nielsen that I think the Chairman has put his finger on the practice in most places. We always seem to

shy away from talking about this in terms of it being a contest between political parties, but this is what it is. Knowing the realities of the situation, I would feel better knowing that there is a Liberal and a Conservative in the poll; the one will watch the other and vice versa, and that is a kind of a situation I like to see in a poll.

Mr. NIELSEN: But surely the official in the poll should not be selected by a political party.

Mr. FRANCIS: I agree with Mr. Nielsen's objective. We do not want politics in the poll. But the fact is that is the way the elections are conducted. In some of the ridings where there is a combination, a quarter or a third of the deputy returning officers would be turned over to the opposition party. In my riding this was not observed. In my riding all the deputy returning officers and poll clerks were named by one political party.

Mr. CHRETIEN: As in mine.

Mr. FRANCIS: I am asking that we take notice of the fact that this is not the healthiest state of affairs and is not the manner in which we should conduct an election. Personally I think the principle of having the deputy returning officer and poll clerk chosen in the way the urban enumerator is chosen is the best possible way of having integrity of which I know.

Mr. NIELSEN: If a particular constituency has 100 vacancies for deputy returning officers, you may say "all right, one party will select 50 and another will select 50, and then we will apply the same principle to the poll clerks"; but I can see no merit in the suggestion that the political party in power will select every single returning officer. That is what this boils down to regardless of whether the leader of the party in power does it.

Mr. FRANCIS: The way things are done now, the returning officer selects the deputy returning officers. The returning officer has a certain amount of security in his position. He will not be changed overnight. When the act was repealed a while ago, there were a large number of returning officers named at one time. However, the fact is that the law does give some security to the returning officers, and it seems to me that if we do not do something we will guarantee the continuance of a practice which ensures political partisanship in the great majority of the ridings in Canada.

Miss JEWETT: What Mr. Nielsen does not realize is that this would make the selection more equitable.

Mr. HOWARD: I was going to say practically the same thing in different words. What you intimated earlier, Mr. Chairman, is the practice; that is, if a deputy returning officer happens to be partial to any particular party, it automatically follows that when the deputy returning officer selects poll clerks he is likely to select poll clerks with the same political partialities. I know it happens.

Miss JEWETT: If it is objectionable that all the deputy returning officers be selected by the party or candidate which won in that riding in the last election, then would it be practicable to have a system such as Mr. Castonguay outlined where there was an agreement in one riding that they alternate it with the even and odd numbers of the polling divisions. At this juncture, may I ask if all the polling divisions in Canada are numerical, and whether all have numbers starting with one and proceeding upward?

Mr. CASTONGUAY: It is not that simple. You have some which are 1A, 1B, or 2, or 2C. So, the numerical formula would not work.

Mr. HOWARD: Because of the number of polling divisions?

Mr. CASTONGUAY: No, because when an election is called and it is found that there are in No. 8, 700 electors, the returning officer has a chance to divide

the polling division and make three polling divisions out of the original. Then No. 8 is divided into four called, 8a, 8b, 8c and so on. So you see, No. 8 can have four polling divisions.

Mr. HOWARD: Would it be possible to reverse the words of the act to take this into account?

Mr. CASTONGUAY: It is possible.

The CHAIRMAN: We are all well informed. I think it is time for us to take a vote on the matter.

Mr. NIELSEN: I would like to say something, Mr. Chairman.

The CHAIRMAN: You have said a lot already. If we want to get through we should move along faster.

Mr. MORE: Mr. Nielsen has a perfect right to complete any remarks he wishes to make on the matter. We are to meet three times today anyway. You are trying to force everything down.

Mr. HOWARD: With great respect to yourself, I do not think you are conducting the meetings in a fair manner, perhaps not by design, but through the pressure of chairmanship. I think you should attempt to give the floor to those people who have not spoken before rather than to allow people to speak three or four times in a row. I know Mr. Nielsen has great concern about this matter, but he has spoken two or three different times. Mr. Richard has been trying to get the floor and has not been able. If you approach it that way, we may get along more easily.

Mr. RICHARD: I have a few remarks on this matter. In discussing the problem at present we are assuming there have not been very many abuses by the deputy returning officers with respect to poll clerks. My experience in the past, except in very rare instances which have been corrected on election day, has been that there is no problem in the polls. I would like Mr. Castonguay to tell us if he has evidence that there has been an abuse of powers by the deputy returning officers in the polls? Otherwise I am satisfied that up to the present the deputy returning officers do a fairly good job in opening polling divisions. The returning officer should have the power to appoint people who have no real allegiance for any party. It is those people who make the best poll clerks. The deputy returning officer, by the way, appoints people who have no sworn allegiance to political parties. I know that in my city the best people we have are those who had worked in civic and other elections, and have been recommended to the returning officer. They may say: "I was a civil servant and I never was interested in politics." But they do a good job and they are interested just as social workers. They are not interested in politics but they are interested to see that it is done properly.

Mr. PAUL: Mr. Richard's observations can be applied to a region like Ottawa very well. But in small centres it is not possible to find people who have had as much experience in social activities as he mentioned. A returning officer cannot find people so easily to act as poll clerks. I would like to ask if it would not be possible to have a provision made that the political party in power, with the candidate who has been elected, recommend to the returning officer the district returning officer, and that the candidate who was second in line recommend to the returning officer the poll clerk, and the same thing be done in the ordinary centres, because otherwise it could be that during the next election the deputy returning officers would be pressurized by the Liberal candidates who had been defeated, and then the deputy returning officer might be placed in a very difficult situation. But if it were done by the candidate who has been elected and by his defeated rival it would be better, than by following the recommendation of the member of parliament or otherwise. Would it be possible to have an amendment made along the suggestion of Mr. Fisher's motion?

Mr. CASTONGUAY: For urban centres, yes, but with certain restrictions like Skeena, the Northwest territories, the Yukon, and so on, because in such circumstances it is very difficult, for the reasons which I gave at the beginning.

Mr. MORE: I would like to back up Mr. Richard's observation. In my constituency at least where we require 424 officers, the returning officer does not have an easy time to get them. In the main they are generally people who worked in municipal elections and have had experience in them. I do not know of any complaints except those coming from people who are not put on in the following election and who had worked, and who checked with the returning officer and were told that they had not been good at the job. I believe the present system has worked, in my experience.

The CHAIRMAN: Are we ready for the question?

Miss JEWETT: I have one question to ask. From the technical point of view, would there be any difficulty in making this motion work?

Mr. CASTONGUAY: There would not be any difficulty except in the electoral districts which I mentioned. But from the point of view of the candidate there might be difficulty. There are problems now under this section concerning enumerators. You must remember that by nomination day there may be a different candidate nominated, when the official candidate may find that he was runner-up at the preceding election. A candidate who at the preceding election, let us say, polled the highest number of votes may be the runner-up and would still insist upon his right to nominate the district returning officer and the poll clerks. So where are you going to go? The candidates at the next election may be different as I have said, but the old candidate would not relinquish his right.

Mr. MOREAU: I think we have to realize that in the case where a candidate is not running again, it is due in many cases to the fact that he lost the nomination to a new adversary, and therefore there may be considerable friction, and he may even set out to destroy his opponent, so to speak. But I just wondered. I would like to ask a question: under this provision, do you think it is obvious, when you indicate what would happen in a riding such as Skeena, Churchill, and so on that you would exclude those ridings? You would have to exclude them in any case, would you not?

Mr. CASTONGUAY: I do not think that members of the committee would like to exclude them, because they are areas which the members are very conversant with. But I think if the committee approved the motion, this could be done by means of a cut-off date and forcing the candidates in that area to get the names in by a certain time, and if they have not got them in by a certain time, then the returning officer must do it himself. To exclude these ridings would not be a very good principle to follow, and it would not be too just, because there are many areas where the candidates are very familiar. The ones I speak of are remote areas where one has to charter an aircraft to get into them. I am thinking of settlements on the Labrador coast, around James bay, or Hudson bay, Keewatin, and the Franklin districts. I am not speaking of your own city now. But in fairness to the candidate, you might have the right to nominate. He may not have the connection that the member has who lives in the district.

You may wonder at some of these points raised about enumerators, and why the provisions with regard to district returning officers and poll clerks should not apply to enumerators. But you must remember that the candidate at the preceding election may not have supplied these names to the returning officer before the enumeration commences, so that we would have a problem, I anticipate, because very few candidates are officially nominated. In fact they cannot be nominated before the writ is issued. Therefore this problem does

not exist for them with respect to enumerators, but following nomination day this problem would exist, and I will bring it to the attention of the committee from the point of view of your stake in this thing.

Mr. HOWARD: I think that was implicit in the words of the motion which said "after some time limit" or something of that sort. Mr. Castonguay can decide on the words, if there is a time limit put in, and he could take this into account, that perhaps nomination day in the riding is a proper cut-off date.

Mr. CASTONGUAY: It would not be, because it is too late.

Mr. PENNELL: I suggest that we have a recorded vote to start with. I do not think we should have two votes. So let us make it our intention to have one vote, and that is it. Let us clear it up now.

Miss JEWETT: If before the next election there was registration and the constituency changed, we then could not presumably receive this advice.

Mr. CASTONGUAY: There is a provision in here, about urban enumerators, if you will look at rule (3).

Mr. MOREAU: You would not have the statistics available?

Mr. CASTONGUAY: Page 174, I am talking about rule (3) clause (a), and this takes care of where there has been no change.

Miss JEWETT: What is that?

Mr. CASTONGUAY: No. I should have said clause (b) takes care of the situation where there has been a revision. This is the procedure spelled out now. The procedures are set out in clause (b). Whether this is acceptable to the committee or not, I do not know. This is on page 174, rule (3), clause (b), which provides the procedure whereby the boundaries of an electoral district have been altered. Whether this procedure would be acceptable to the committee for the district returning officer to compile the list, I do not know.

Mr. MORE: I think there would be the devil of a job for the candidate and his organization. I am sure we will have supporters coming to us to say that you have the right to appoint, and I want to be a poll clerk. And then I would have to say that I have no right, and you must go to my opponent if you want to be a poll clerk.

Mr. NIELSEN: May I recapitulate here and say that I do not understand what Mr. Fisher's motion proposes. It seems to me that what in essence is being proposed is that a member of parliament now sitting will have the authority to direct the returning officer to appoint the deputy returning officers in his riding, and that the poll clerk shall be appointed from the other political side, or by the candidate with the second largest number of votes in the last election. To me that principle is very, very wrong. It would perpetuate unfairness rather than to make the system fair. It seems to me to be the feeling of the members of the committee that this change is going to come about. If you are going to go into a principle like that, it seems to me that the least that could be done in order to make it as impartial as possible is not to make it an iniquitous sort of motion like this. The least that could be done would be to give authority to the sitting member to select only half of the district returning officers, and permit the candidate gaining the second largest number of votes to select the other half, and the same principle to apply to poll clerks. At least that would give some appearance of fairness to an otherwise extremely loaded unfair principle which is embodied in Mr. Fisher's resolution. Therefore I propose a subamendment to Mr. Fisher's motion and would move that one-half of the district returning officers be selected. If there is no one, other than the odd one to be selected, it should be done by the candidate who got the largest

number of votes in the last election, and that the other half of the district returning officers be selected by the candidate who got the second largest number in the same manner, and also the poll clerks.

Mr. FISHER: I would accept the subamendment. I am willing to see the idea incorporated in the motion.

The CHAIRMAN: Would you write out your subamendment, please?

Mr. MOREAU: Would this not raise the whole problem of arousing people all over again, and complicating the whole business further?

The CHAIRMAN: It comes to the same thing.

Mr. FRANCIS: I think very few of us would disagree with the intent of the motion. But I wonder if Mr. Castonguay might be left to take a general direction if it is accepted? Frankly, there would be mechanical difficulties in trying to get together in the steering committee to decide on which particular polls. One candidate might have some in this poll, and the other candidate in the other, and they would not go in every part of the riding. I could see that in practice there would be difficulty about it. I wonder if Mr. Castonguay would like to think about it and come back with some general wording to the effect that the returning officer shall consult with the candidate with the largest number, and consult with the candidate who had the second largest number and invite them each to give him a list, from which he would try to name his enumerators in terms which would give a reasonable balance to the different political parties, or some general direction? It may be that this might become the most effective way.

Mr. FISHER: You are asking Mr. Nielsen and me to allow our motions to stand before the committee to have them considered at another time?

Mr. FRANCIS: That is what I am suggesting in effect.

Mr. PENNELL: I interpret Mr. Francis' motion to be that the motion be passed in principle to adopt a certain procedure, and that Mr. Castonguay might work out the mechanics.

Mr. FISHER: I am willing to let it stand if the committee is agreeable, and to have Mr. Castonguay bring in some possible wording.

Mr. PENNELL: Why put him to the work of doing it if we do not adopt it? It should be adopted or rejected.

Mr. FISHER: It seems to me that we could get a majority vote for the principle. It may be that some of the votes would change when we have the information. However, I am agreeable.

Mr. CHRETIEN: Mr. Chairman, I would like to ask Mr. Castonguay about the effect in the province of Quebec of the system for nominating district returning officers and poll clerks? I would like to know if in the province of Quebec it is done by political power, by the party in power, or by the candidate elected, by the district returning officers, or by the political power in opposition or the second candidate in line? I do not believe that it is a question of candidates in the province of Quebec, but rather a question of the political party. I think the principle is an excellent one.

Mr. CASTONGUAY: It is done by the head of the government. It is not done by the candidate. It is done by the head of the government and by the head of the opposition.

Mr. CHRETIEN: I believe this is very interesting. A few minutes ago we were talking about candidates defeated in the last election, but not recognized in the next election. There is a conflict as to who will appoint the returning officer. This is a very delicate situation. We should have somebody to designate the deputy returning officer and somebody else to designate the poll clerk, in order to see to it that the deputy returning officer and the poll clerk are not of the

same political party. They have a certain set-up. I would prefer to have the head of the government and the head of the opposition do it, so that we might have a safeguard over the situation. What would happen when a third party, let us say, the Social Credit or possibly the N.D.P. is changing? Would they just have to keep on having the same personnel, and have no opportunity to recommend anyone else where there is a member of parliament of a third party being elected? You have spoken about the system in the province of Quebec being excellent. I do not understand how you would appear to forget about third parties?

Mr. FISHER: On the point raised, Mr. Chretien took an area in a federal election like British Columbia where the Social Credit party usually appears as the largest, and the N.D.P. as the second, yet in many of these constituencies there is a substantial Liberal or Conservative vote. You can imagine what the reaction would be there.

Mr. CHRETIEN: I agree, but we have a certain difficulty which might arise with the candidate with the greatest number of votes before the election if he is not named to be the official candidate of his party. That would be another party then.

Mr. FISHER: Suppose we have instead of the party, the candidate?

Mr. CHRETIEN: What would happen in the province of Quebec with the Social Credit and the Ralliement des Creditistes? Who would be the head of the party? He should have the right.

Mr. FISHER: Do I understand that the motion is to stand to allow Mr. Castonguay to bring in something?

The CHAIRMAN: If that is the desire of the meeting the motion will stand until Mr. Castonguay brings in an amendment.

Mr. CASTONGUAY: There are at least three different plans before the committee. I would like to have some direction on the method you would like me to follow. There have been at least three or four heard here. The candidate one, Mr. Fisher says, presents no problem. But I cannot settle this. The candidate from the preceding election has the right to revise, and that right as such has embarrassed parties before. I know this has happened. As far as I am concerned it is not a problem, but from your point of view the candidates themselves suffer that danger.

Mr. NIELSEN: Is there any problem with a candidate?

Mr. CASTONGUAY: It is the same thing, because what you recommend is that the procedure to nominate the district returning officer should be followed in respect of poll clerks in the same way. But this does not solve the problem. A man may be unduly concerned, but this is none of my business. It is your business to enforce the implications of the candidate. We have had problems before, but frankly I am really in a little quandary as to the direction you want me to take and as to the amendment I am to prepare, because there are at least four ideas before the committee and I do not know which one to take.

Mr. RIDEOUT: What Mr. Fisher seeks is to let the last party appoint the whole number and they will have to police the poll, and this would leave him free to go about his election.

Mr. CASTONGUAY: I anticipated this problem.

Mr. FRANCIS: Personally speaking I think the way to do it is to ask the electoral officer to consult with the different parties making up his list, to see that there is a reasonable balance of the different interests observed. I think a general direction to the returning officer should be to make sure that he is not leaning excessively on one political group as his source of district returning officers.

Mr. CASTONGUAY: Speaking of returning officers, I do not know of anyone who would like a general direction; he would much prefer to have specific direction. But I anticipate the problem. I have a draft amendment prepared. I know it would not go along with a lot of people who described one system or the other. However, at least I prepared an adaptation of the Quebec law; you may adapt it to the federal house. It may be very improper for me to suggest what should be done by the committee, but you can look at this amendment and have some clear picture of the technical problems. I should like to impress upon the members of this committee this is the only one I have adapted. I do not want to recommend that the committee should necessarily follow it. You can perhaps look at this to see the problems which are technical and you may not like my suggestion, but at least you will have something on which to work.

Mr. RICHARD: Mr. Chairman, I should like to make one observation before we decide that this should be considered at a later date. I should like to remind hon. members of public feeling in respect of any action we may take in designating a polling room as a political camp.

Mr. NIELSEN: I agree with your suggestion wholeheartedly.

Mr. MOREAU: Mr. Chairman, I find Mr. Nielsen's subamendment very difficult to understand. It seems to me that in his prior remarks he made exactly the same point Mr. Richard was making and then seemed to reverse his position.

Mr. RICHARD: I did not reverse the position.

Mr. MOREAU: It seems to me that he then accepted the principle as long as it was split.

Mr. NIELSEN: Mr. Chairman, I think I should have the opportunity of replying. When I looked around this committee table I realized that Mr. Fisher's motion was going to be supported. I think the principle in his motion is reprehensible. The principle in my motion is also reprehensible, but it is the lesser of two evils.

Mr. HOWARD: Mr. Chairman, if this is reprehensible I should like to direct Mr. Nielsen's attention to that which his government did when it was in office in an attempt to interfere with polling. If you are going to cast aspersions, you should start looking at that which happened at home.

Mr. NIELSEN: I am not casting any aspersions.

The CHAIRMAN: Is it agreed that we let Mr. Castonguay bring in an amendment and defer our discussion at this time.

Some hon. MEMBERS: Agreed.

An hon. MEMBER: I move we adjourn.

The CHAIRMAN: If you wish, Mr. Castonguay, we will give you the minutes so that you can refer to them, and we will discuss this this afternoon.

The meeting adjourned.

#### AFTERNOON SITTING

THURSDAY, November 21, 1963.

The CHAIRMAN: We have a quorum and we will proceed.  
Have the members of the committee taken time to look at the amendment presented.

Mr. NIELSEN: What amendment is that?

The CHAIRMAN: That is the one that was suggested by the chief electoral officer on section 26.

Mr. NIELSEN: I did not receive a copy of that amendment.

The CHAIRMAN: Were you not given one?

Miss JEWETT: It concerned deputy returning officers.

Mr. HOWARD: It was distributed to us just as we adjourned this morning.

Mr. Chairman, is it in order for us to proceed now?

The CHAIRMAN: Yes.

Mr. HOWARD: In respect of the draft which Mr. Castonguay gave to us earlier, I spoke with Mr. Fisher, who moved the original motion. Mr. Fisher is in agreement with the contents of the draft submitted by Mr. Castonguay with the exceptions, if I can list them for you, of the reference on page 2 under part 26 (b), the third line, which reads as follows:

having a membership in the House of Commons of . . .  
and then there is a blank.

Then, there is the reference on page 3. I do not know what clause this is.

Mr. CASTONGUAY: Subsection (5).

Mr. HOWARD: Yes, where the same words appear:

having a membership in the House of Commons of . . .  
and then there is a blank.

To put something before the committee, could I move endorsement of the proposed new section 26, 26 (a), 26 (b), 26 (c) as amended by removing the words:

having a membership in the House of Commons of . . .  
and then the blank space that appears in 26 (b), and the same words:

having a membership in the House of Commons of . . .  
with a blank space, as it appears in the last subsection.

Mr. NIELSEN: Mr. Chairman, is there not a motion and an amendment on the floor which has to be disposed of before we can deal with anything else?

The CHAIRMAN: We decided this morning we would leave it to Mr. Castonguay to bring an amendment and then we would decide after the amendment was brought in. This is the amendment that was brought in by Mr. Castonguay.

Mr. NIELSEN: Mr. Chairman, I was under the impression we were going to stand it until we had an opportunity to study the lengthy proposals made by Mr. Castonguay. As you are quite aware, we cannot do this in five or ten minutes.

The CHAIRMAN: Well, that is what we are doing. The other ones are over here and we are studying these.

Mr. NIELSEN: In my view, it is impossible to study an intricate thing like this in five or ten minutes.

The CHAIRMAN: It looks more intricate than it is. There are a lot of repetitious matters to clarify it.

Mr. HOWARD: Mr. Chairman, I only had a few moments to look over it and perhaps other members of the committee have not had that opportunity. It might be better to stand this over for the convenience of Mr. Nielsen and any others who are interested.

The CHAIRMAN: Would you rather stand it over until tonight in order that you may have an opportunity to study it?

Some hon. MEMBERS: Yes.

Miss JEWETT: I cannot be here tonight.

Mr. NIELSEN: Mr. Chairman, I want to make it clear I was not under the impression I was withdrawing my motion, which was seconded by Mr. Fisher. This concerned the 50-50 proposal and, at first flush, this proposal does not seem to meet the case.

Mr. CASTONGUAY: Are you saying this proposal does not meet your wishes?

Mr. NEILSEN: No.

Mr. HOWARD: Perhaps it would be better to let it stand.

I am in the same position as Miss Jewett and I would like to raise this question about the meeting at 8 o'clock tonight. I am not able to be here because of other commitments.

Could I be informed of the time when the decision was made for the committee to meet at 8 o'clock in the evenings.

The CHAIRMAN: I am under the impression it was made last week and it was decided then that we would meet three times a day. However, if it is the wish of the committee not to meet three times a day I am open to hear your comments in that connection.

Mr. HOWARD: I thought it was more vaguely put.

Miss JEWETT: I think mention was made of two or three times a day. My understanding was we would meet two or three times a day and I just assumed the three meetings were essential.

The CHAIRMAN: We could stand that until next week and, in the meantime, we could go ahead with the other sections.

Mr. FRANCIS: In my opinion, it should be stood as it is a very important change.

The CHAIRMAN: We will stand everything over then until next week and we will proceed with these others at this time.

Mr. PENNELL: Is it the intention of the committee to sit tonight?

The CHAIRMAN: Is it your intention to sit tonight?

Mr. HOWARD: Could I move that we do not sit this evening.

Mr. SCOTT: I second the motion.

The CHAIRMAN: It has been moved by Mr. Howard and seconded by Mr. Scott that we do not sit this evening. Is that agreed?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: What about next Tuesday and Thursday; are you willing to sit at night?

Mr. ROCHON: Next Tuesday?

The CHAIRMAN: Tuesday and Thursday, three times, morning, afternoon and night.

Mr. RICHARD: Let us take one day at a time.

The CHAIRMAN: Well, we might as well decide it now.

Mr. CASHIN: Something might come up.

The CHAIRMAN: As you know, the secretary has to know ahead of time in order to get a place to sit. We cannot sit next week in this room or in 307 because the interprovincial conference is using it. We will have to sit in room 112 or somewhere else.

Mr. BLOUIN: Did you say the interprovincial conference is sitting here?

The CHAIRMAN: Yes.

Mr. WOOLLIAMS: Mr. Chairman, I do not think we should have more than two meetings a day, in view of all the other responsibilities we have to take care of. That was the question I wanted to raise in the house. I am not criticizing you, Mr. Chairman, but we have been meeting three times a day and it is impossible at times for all of us to attend. If you will recall, Mr. Chairman, this matter was raised by your party when in opposition. Please believe me when I say I am not trying to cause any difficulty; it is just impossible for us to be in attendance here all the time when we have duties elsewhere.

Mr. MOREAU: As Mr. Woolliams raised the matter that was discussed in the house, I think perhaps he has misinterpreted our intentions. I think we were acting with some haste on the amendments at the request of the chief electoral officer.

Mr. WOOLLIAMS: Who is running the committee?

Mr. MOREAU: If you recall, this came out in our discussion. I am not trying to put words in Mr. Castonguay's mouth, but the view was, I think, that certain printing and so on is normally done ahead of time in case there should be an election for one reason or another. This was not at the insistence of the government or anything like that but it was the view that we should get these recommendations through and back to the house before the end of the session.

Mr. MILLAR: Suppose there was an election called tomorrow would we call it off because the work is not done? This is ridiculous.

Mr. RICHARD: It was my feeling, Mr. Chairman, that our first business was to dispose of this question in respect of the permanent lists and absentee voting. We should have gone through the amendments suggested by Mr. Castonguay, leaving these broad questions which have given rise to a great deal of discussion and disunion. As I say, we should have left these particular matters until after we made our report on Mr. Castonguay's amendments. The way we are going, we will be here until well after Christmas.

The CHAIRMAN: This matter was discussed at the beginning; Mr. Howard suggested that we proceed through these amendments article by article, and this was accepted by the majority who were present at the time.

Mr. NIELSEN: But we should not do that in a hasty manner when it concerns such an important piece of legislation.

The CHAIRMAN: But a lot of the changes are not too important.

Mr. HOWARD: Mr. Chairman, what is before us now?

The CHAIRMAN: At the moment, we are on article 27.

Mr. HOWARD: Is there no motion before us?

The CHAIRMAN: We put that particular matter over until next week.

Mr. HOWARD: Was there not a motion that we do not sit this evening?

The CHAIRMAN: Yes, and it was adopted.

Mr. HOWARD: And you have no motion concerning future sittings?

The CHAIRMAN: No.

Mr. MORE: Mr. Chairman, I rise on a matter of privilege.

As you know, at times I have attended this committee diligently. These meetings were called after the orders of the day, and yet when I came in here the committee already was in session. The orders of the day were still on in the house when, in fact, you already had proceeded with this committee. I think this is an insult to a member of this committee.

The CHAIRMAN: I think the committee was called for three o'clock.

Mr. MORE: For three o'clock or after orders of the day if orders of the day were not finished at three o'clock.

As I say, this committee always has been set for three o'clock or after orders of the day, and I object very strongly to this procedure.

Mr. WOOLLIAMS: Mr. Chairman, I came here on two occasions when you called this meeting at three o'clock and there was no one here because orders of the day were still going on, and I understood you to say that it was called for three o'clock or when the orders of the day were completed.

The CHAIRMAN: I said after orders of the day or three o'clock, if we had a sufficient number to start.

Mr. WOOLLIAMS: Are you saying you would proceed without members of the committee if you had a quorum and orders of the day were still in progress, which would require the attendance of members there? Is that your ruling?

The CHAIRMAN: I think I said if we had a quorum we should start.

Mr. CASHIN: My understanding was whenever we got a quorum we started.

The CHAIRMAN: We had 11 members and we started.

Miss JEWETT: There was never a statement made in this committee that it would be at three o'clock or when orders of the day were over; it was for three o'clock or as near after three o'clock as a quorum could be made up.

Mr. MORE: The meetings were called for three o'clock or after orders of the day.

Mr. PENNELL: All right, it will be after orders of the day in the future or a set time.

The only business brought up to date has been the question whether we should sit tonight and whether we should stand motions by Mr. Fisher and Mr. Nielsen, and also stand the present suggestion that was drafted by Mr. Castonguay.

Mr. MORE: Do you not think as a member of a committee I have a right to sit in?

Mr. PENNELL: Yes. I have gone back and recapitulated what has taken place. No votes have been taken except the one not to sit tonight.

Mr. MORE: Bless you; I am in full agreement with that.

Mr. PENNELL: I knew you would be. The only other things which were discussed was the standing of the motion and the amendment by Mr. Nielsen to stand the other.

Mr. MORE: I want to put my cards on the table; I came here before orders of the day were completed because I noticed a Liberal member leave the house before the orders of the day had been completed. I came in and found you already in session.

As I said, the understanding was we would meet with a quorum when orders of the day were completed, and I want to emphasize that.

Mr. HOWARD: Mr. Chairman, I would like to move that the steering committee meet and work out a schedule of meetings which are reasonable and which would meet the convenience of the members of this committee.

Mr. SCOTT: I second the motion.

Mr. MILLAR: I have one suggestion to make, with your approval. We are in the position now where we have the veterans affairs committee meeting at the same time as elections and privileges. One cannot be at two meetings at the same time. However, if this committee is going to meet three times a day it seems to me you should give some consideration to not sitting when the other committees are sitting.

Mr. HOWARD: That is what I meant when I moved a motion that the steering committee should work out a schedule of meetings which are reasonable and which would meet the convenience of all members concerned. However, we will still have conflicts. I think this has all come about as a result of the steering committee or someone not working out a schedule which fitted in with the other meetings.

The CHAIRMAN: With the rooms available it is very difficult to work it out.

Mr. WOOLLIAMS: As was suggested, I think the steering committee should meet and decide upon this matter.

Mr. HOWARD: I have moved that the steering committee meet and work this all out.

Mr. WOOLLIAMS: I second it.

The CHAIRMAN: It has been moved and seconded that the steering committee should meet and decide on the hours of our sittings. Are there any objections to this?

Some hon. MEMBERS: No.

Mr. MORE: Would you include in that motion in order to clarify it when we sit in the afternoon.

Mr. HOWARD: That is the reason I made my motion vague.

Mr. WOOLLIAMS: We do not like meetings held in camera.

The CHAIRMAN: They are not.

Mr. WOOLLIAMS: When one is excluded because of time it is held in camera.

The CHAIRMAN: There were some Conservatives here.

Mr. HOWARD: On a point of order, Mr. Chairman, Mr. Woolliams is beating this to death. We are trying to work this out in a reasonable way. I do not like the idea of beating a dead horse to death.

Mr. SCOTT: How do you do that?

Mr. HOWARD: We are trying to solve this matter, and then Mr. Woolliams starts all over again making counter charges.

Mr. WEBB: Mr. Chairman, I think some consideration should be given to the holding of our meetings in the evening and, in that way, we would not be interfering.

Mr. PENNELL: I have been lost in the cross fire which is going on here.

Mr. HOWARD: I made a motion and a quorum accepted it; I am sure I got three seconders.

Mr. PENNELL: Was that agreed upon and passed?

The CHAIRMAN: That was agreed upon.

Mr. PENNELL: I am referring to a prior one. There was some mention about standing these other motions.

Mr. HOWARD: I did not move a motion; I just suggested it.

Mr. MORE: Was not the agreement before we adjourned this morning that these motions would be stood? I am of the opinion both these motions were stood, and that this was agreeable to the movers and seconders of the motions.

The CHAIRMAN: We have decided now they will be put over until Tuesday, at which time we will return to them.

We are on article 27.

Mr. CASTONGUAY: Before we proceed with this, Mr. Chairman, may I have the indulgence of the committee for a few minutes.

We obtained from the Department of Justice at the request of this committee yesterday, an opinion as to the civil code of Quebec, requested by Mr. Drouin, and I would suggest that perhaps the committee would wish this printed as an appendix to the minutes of this committee in order that they may have this before them when they consider section 19, having to do with lowering the age of candidates. If you wish, I can read it. However, it is pretty lengthy and, if the committee agrees, we could put it in as an appendix.

Mr. DROUIN: I so move.

Mr. CHRETIEN: I second the motion.

The CHAIRMAN: It has been moved by Mr. Drouin and seconded by Mr. Chretien that this should be added as an appendix.

We will now move to clause 27, ballot boxes and paper.

*Ballot Boxes and Ballot Papers.*

Ballot boxes.

27. (1) The chief electoral officer may cause to be made for each electoral district such ballot boxes as are required; or he may give to the returning officer such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape.

Construction.

(2) Each ballot box shall be made of some durable material with a slit or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the ballot box is unsealed and opened; each ballot box shall be provided with a sealing plate, permanently attached, to affix the special metal seals prescribed by the chief electoral officer for the use of returning officers and deputy returning officers.

Furnished by custodian.

(3) The officer in charge of a building owned or occupied by the government of Canada, the postmaster, the sheriff, the registrar of deeds, other person designated by the chief electoral officer, into whose custody, after the preceding election, the ballot boxes were deposited pursuant to section 53, shall deliver such ballot boxes to the appropriate returning officer whenever an election has been ordered in this electoral district.

When not furnished.

(4) Whenever the returning officer fails to furnish the ballot box to the deputy returning officer for any polling station within the time prescribed by this act, such deputy returning officer shall otherwise procure it or cause it to be made.

Mr. CASTONGUAY: In this connection I made a drastic change in the last election—at least some people thought it was; I changed the colour of the ballot paper. It had been sort of a green, and it was sort of a yellow during the preceding election.

Mr. GREENE: As long as you do not have it blue it is all right.

Mr. MOREAU: Is this section 27?

The CHAIRMAN: Yes.

Mr. DOUCETT: Is this in the regular act?

The CHAIRMAN: It is at page 202; there is nothing in the amendments.

Mr. CASTONGUAY: There is the colour of the last one and I propose to change it for the next election also. Does the committee agree to do this? I do not need any amendment for this; I can use my own discretion.

Mr. NIELSEN: Why do you want to change it?

Mr. CASTONGUAY: There are many factors involved in this. The main reason is that it is rather difficult to have a good audit of our ballot paper and as this ballot before has been used for 60 years I think it would be a good security to introduce a new ballot paper at each election. To have a proper audit one needs a staff of 30 people for a period of six months in order to account for every ballot you used, and I think for security reasons we should change these each election.

Mr. NIELSEN: You mean the colour?

Mr. CASTONGUAY: Yes.

Mr. MILLAR: Have you a sample for the next election?

Mr. BLOUIN: This is going to be a blue one.

Mr. CASTONGUAY: If there are any objections to my proceeding in this way then I will continue with the same colour.

Mr. MILLAR: Agreed.

The CHAIRMAN: There is no amendment to 27.

Mr. CASTONGUAY: No.

The CHAIRMAN: 28 is next.

Ballot papers and their form.

28. (1) All ballots shall be of the same description and as nearly alike as possible; the ballot of each elector shall be a printed paper, in this act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as such names, addresses and occupations are set out in the heading of the nomination papers; each ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot paper and the counterfoil between the counterfoil and the stub, the whole as in form No. 35.

Arrangement of names thereon.

(2) Where two members are to be elected for the electoral district and there are more than two candidates, the candidates may, within one hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged accordingly on the ballot paper.

Correction of name.

(3) Any candidate may, within one hour after the close of nominations, supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in the heading of his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.

Quality and weight of paper.

(4) The ballot papers shall be printed upon paper which shall be furnished to the returning officer by the chief electoral officer at the time of or as soon as possible after the transmission of the writ of election; such ballot paper shall be of a weight not less than a basis of fifty-six pounds per thousand sheets of seventeen inches by twenty-two inches in size.

Numbering of ballot papers.

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil; each ballot paper shall bear on the back thereof an impression of the stereotype block supplied by the chief electoral officer pursuant to subsection (2) of section 13; the ballot papers shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots, as may be most suitable for supplying the polling stations proportionately to the number of votes in each.

Printer's name and affidavit.

(6) The ballot papers shall bear the name of the printer and such printer shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, in Form No. 36, setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to such returning officer, and the fact that no other ballot papers have been supplied by him to any other person.

Property in Her Majesty.

(7) The property in the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in Her Majesty.

Mr. HOWARD: In reference to this section I would like some guidance on a procedural matter. I am enamoured with this idea in connection with the name of the political party.

Under section 28 we talk about the ballot and the description of it; also what it will contain, such as names, addresses, occupation, and so on. My concern is to have the name of the party included on the ballot as well.

Mr. DOUCETT: De we not vote on that and thereby settle it?

Mr. WOOLLIAMS: On a point of order, Mr. Chairman.

Mr. HOWARD: Mr. Chairman, may I keep the floor for a minute without so much interference?

Mr. WOOLLIAMS: On a point of order, Mr. Chairman—

Mr. HOWARD: If certain members of this committee would pay attention there would be no need for a point of order.

I was asking specifically for some guidance in this matter and when I get the guidance we will be able to proceed further. I am trying to find out procedurally whether it is possible to do this. Could I move such a motion under this section?

The CHAIRMAN: Well, I thought we had decided on the principle of it and that we would not put the name on the ballot. We had two votes on that. I do think it was decided in principle.

Mr. HOWARD: And, I cannot move an amendment?

The CHAIRMAN: No.

Mr. HOWARD: You see, Eldon, everything goes along smoothly, if you will will just wait.

Mr. WOOLLIAMS: I know how smooth you can be at times.

The CHAIRMAN: I believe there is an amendment under section 29.

29. Every one who

Forgery or destruction of ballots.

- (a) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;

Illegal supply.

- (b) without authority supplies a ballot paper to any person;

Unlawful possession.

- (c) not being a person entitled under this act to be in possession of official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession;

Fraudulent putting of paper in ballot box.

- (d) fraudulently puts or causes to be put into a ballot box a paper other than the ballot paper which is authorized by this act;

Taking out of polling station.

- (e) fraudulently takes a ballot paper out of the polling station;

Destroying or opening box or packet.

- (f) without due authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election;

Illegally initialling bogus ballot papers.

- (g) being a deputy returning officer fraudulently puts, otherwise than as authorized by this act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;

Illegally printing ballot papers.

- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

Printing more ballot papers than required.

- (i) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;

Marking ballot papers.

- (j) being a deputy returning officer, places upon any ballot paper, except as authorized by this act, any writing, number or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby;

Making, importing or having ballot boxes with secret devices.

- (k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling may be secretly diverted, misplaced, affected or manipulated; or

Attempts. Penalty.

- (l) attempts to commit any offence specified in this section; is disqualified from voting at any election for a term of seven years thereafter and guilty of an indictable offence and liable, if he is returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour.

Mr. CASTONGUAY: There is in clause 17 of my draft bill, page 19, but again these clauses should stand until we deal with the main principle in clause 33.

Mr. NIELSEN: Does section 29 stand?

The CHAIRMAN: It stands until we deal with 33.

The next section deals with the supply of election materials to deputy returning officers.

*Supply of Election Materials to Deputy Returning Officer.*

Materials to be furnished to D.R.O.

30. (1) The returning officer shall furnish to each deputy returning officer, at least two days before polling day

- (a) a sufficient number of ballot papers for at least the number of electors on the official list of electors of such deputy's polling station;

- (b) a statement showing the number of ballot papers so supplied, with their serial numbers;
- (c) the necessary materials for electors to mark their ballots;
- (d) at least ten copies of printed directions in Form No. 37 or 38 for the guidance of electors in voting;
- (e) copy of the instructions prescribed by the chief electoral officer, referred to in paragraph (a) of subsection (1) of section 13;
- (f) the official list of electors for use at his polling station;
- (g) a ballot box;
- (h) a blank poll book;
- (i) the several forms of oaths to be administered to electors printed together on a card; and
- (j) the necessary envelopes and such other forms and supplies as may be authorized or furnished by the chief electoral officer.

Safekeeping of ballot papers, etc.

(2) Until the opening of the poll the deputy returning officer shall keep the blank poll book, list of electors, forms of oaths, envelopes, ballot papers and other election supplies, carefully locked up in the ballot box, and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.

The CHAIRMAN: Is there any change to be made in that section?

Mr. CASTONGUAY: No recommendations.

The CHAIRMAN: In connection with section 31 there is an amendment. It concerns clause 18.

18. Subsections (6) and (7) of section 31 of the said Act are repealed and the following substituted therefor:

Central polling place.

(6) The returning officer may, where he deems such necessary, establish a central polling place where the polling stations of all or any of the polling divisions of any locality may be centralized, but no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and the chief electoral officer has given his prior permission, and upon the establishment of a central polling place under this subsection all provisions of this act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

Polling station in adjacent polling division.

(7) Whenever the returning officer is unable to secure suitable premises to be used as a polling station within a polling division he may establish such polling station in an adjacent polling division, and upon the establishment of such polling station all provisions of this Act apply as if such polling station were within the polling division to which it appertains.

Polling station in school.

(8) Whenever possible a returning officer shall locate a polling station in a school.

Mr. CASTONGUAY: At the present time any returning officer who wants to establish five or six polling stations in a school house or town hall has to obtain my permission to do this.

Mr. DOUCETT: That is a good idea.

Mr. CASTONGUAY: I am only acting as a rubber stamp because I act on the recommendation of the returning officer. I am in no position to judge this properly. I think the returning officers are responsible and they should be left with that discretion without coming to me here in Ottawa to get permission to put five or six polling stations in a central place. I never have refused the request of a returning officer to establish a central polling station. He has not the authority to do this when it involves more than ten, but anything under ten is left to his discretion. In the case of anything over ten he has to come to me.

Mr. FRANCIS: Supposing that the facilities are simply inadequate in connection with polling stations in one spot; I have in mind the overcrowding situation; it can be so serious as to jeopardize the secrecy of the ballot. This did happen once, in my recollection. Would you advise what the procedures are to correct this?

Mr. CASTONGUAY: It is easy to object to this problem, but the candidate has a responsibility to find suitable premises which are not available to us at all times. For instance, we cannot commandeer a school or town hall and I think in these instances most returning officers are reasonable and they will listen to reason.

I have had another problem in connection with this particular matter. Everyone has the idea it is easy to find adequate facilities for polling stations; if you have this impression, you are under a delusion.

Mr. FRANCIS: If a candidate were to say that in his opinion there were too many polls in a proposed place and if you were able to offer an alternative accommodation equivalent in facilities could this be brought to the attention of the chief electoral officer?

Mr. CASTONGUAY: Yes. There is another amendment which will achieve this purpose in the same section. I think for a returning officer to come to me for my permission to centralize four or five polling stations in a town hall is ridiculous.

Mr. FRANCIS: I agree.

Mr. SCOTT: Under subsection (8) it seems to be pretty well mandatory to locate these polling stations in schools.

Mr. CASTONGUAY: No; whenever possible. If we could approve subsection (7), then I will give you my views on subsection (8).

Mr. SCOTT: I wish to discuss other subsections. I hope it is not assumed we have passed everything up to subsection (7). I would like to discuss subsection (5).

The CHAIRMAN: We can deal with this and then come back to the other. Do you approve of subsection (6), central polling places?

Subsection agreed to.

Mr. CASTONGUAY: Subsection (8) deals with schools. This is a new thing I am recommending to the committee.

What has happened is that in the past, for instance in the province of Saskatchewan, they have placed schools at the disposal of the federal and provincial returning officers. School boards across the country are most co-operative. In the last election two weeks before polling day, the province of Quebec placed the schools at the disposal of the returning officers. However, it was too late to avail ourselves of the offer. It is my own view, which I am sure may be challenged by some members of parliament, that where we have trouble is in respect of the private homes which are very difficult to obtain; those which are available I do not think you would let a dog sleep in. I would hope the committee may approve of new subsection (8) so that the

emphasis would be on returning officers selecting schools wherever possible, because at the schools they have wonderful facilities and we could get rid of the third and fourth class accommodation for voting facilities.

In this subsection the emphasis will be that wherever possible schools be used for polling stations instead of homes.

Mr. SCOTT: I would take exception to the statement that dogs might not sleep in the house.

Mr. CASTONGUAY: I said some of them.

Mr. GREENE: Could Mr. Castonguay tell us whether consideration was given to have this presented to the dominion-provincial conference? Probably at that time all the provinces could agree that they would co-operate through the departments of education.

Mr. CASTONGUAY: I do not think it is necessary. We have splendid co-operation now from the school boards in all the provinces.

Mr. SCOTT: We have been told in Ontario by the school board that the department of education would not approve of this. At least the local board certainly has that impression.

Mr. DOUCETT: I quite agree with Mr. Castonguay that some of the schools are more convenient, but I believe I understood him to say that the returning officers has no right to commandeer schools.

Mr. CASTONGUAY: No.

Mr. DOUCETT: I find in Ontario in many places the school board rather resents, in some instances, having the schools used because they lose part of their grant. While they receive a fee on the over-all, the children lose a day of school and they lose a day's grant figured out on the days' attendance. Because of that they are not too fussy about it. However, I must agree that generally the boards co-operate.

Mr. NIELSEN: Is it the suggestion that the children get a day off school on election day?

Mr. MILLAR: If you use a school which has one room, then it has to be one or the other. The situation I find is that in many places we have 20 polls and no schools.

Mr. NIELSEN: I am afraid I read the subsection wrongly. I thought the intent was that what whenever possible meant was when the school was not otherwise used for educational purposes it would be possible for the returning officer to locate his poll in the school.

Mr. CASTONGUAY: What I imply is that, whenever it is possible, the school be placed at the disposal of the returning officers. The experience has been that the school boards do co-operate. We never have any difficulty in obtaining schools, but there are other pressures brought in an effort to keep them in some of these private homes. It is not a question of the school boards not co-operating, but rather a question of the returning officers, because of a practice of years, putting them in homes. However, they now are finding the homes less available. The people who normally had them in their homes are not interested. Many of them would not be interested even if you paid them \$50. I am sorry for my unfortunate phrase about some of these homes not being fit for a dog to sleep in.

Mr. MILLAR: You are quite justified in using that expression.

Mr. CASTONGUAY: In this section here the emphasis will be on the schools. It is left completely to the decision of the returning officer, without any direction as to where he should put the poll. If Mr. Francis, for instance, wants to complain because of inadequate facilities, he can tell the returning officer that this provision is there, and if the returning officer does not go along with

the recommendation of Mr. Francis, or any member of the committee, then I have something concrete to tell the returning officer. I can tell him there are schools available and that he should get the school.

Mr. NIELSEN: I think the recommendation is a good one so long as it is consistent with the wishes of the various boards of education. In respect of the federal-provincial conference, that may be a good suggestion, but it will not help in the territories. We have territorial departments of education which should be consulted.

Mr. CASTONGUAY: In Saskatchewan the school boards do not lose their per diem if the schools are closed; nor do they in Quebec. The educational bodies pay for that.

Mr. HOWARD: The principle here is fine; but in rural areas I think it would be advantageous if you would include in here school or community hall in the smaller communities where community halls are used. I would not like to do this in a formal way by making a motion, but I would like to throw out the thought that the words "or community hall" be contained in there.

Mr. NIELSEN: Then perhaps you would have church halls?

Mr. MILLAR: I do not think this needs to be spelled out. I go along with the recommendation in respect of the schools.

Mr. WOOLLIAMS: In respect of locating the polling station in a school, I know what the chief electoral officer is trying to do, but with the greatest respect I really think it is a rather nebulous thing. I do not really think we can enact it. Legislation for the control of the schools is the right of the provinces. I do not think this is something we can enact by means of this resolution. I would ask that this be referred back to the drafting officials for a legal opinion in this regard.

The VICE-CHAIRMAN: Are you making that a motion, Mr. Woolliams?

Mr. WOOLLIAMS: Yes.

Mr. MILLAR: Is it not a fact that the polling place is supposed to be located within the boundaries of the poll?

Mr. CASTONGUAY: Wherever possible and when the premises are available.

Mr. MILLAR: Are you suggesting you would allow two or three adjoining polls in a school; would you go for that?

Mr. CASTONGUAY: It is in the act as it stands now without any amendment. The power of selecting polling stations is exclusively with the returning officer and there is no direction as to the type of premises to be used. I will not interfere with the returning officer's power and tell him how he should exercise his judgment in selecting polling stations. This amendment, however, was prepared with the assistance of the Department of Justice, Mr. Woolliams. We had the same doubt the members of the committee have when we prepared this. My own view is I do not think this forces the schools to give us space; it is wherever schools are available.

Mr. WOOLLIAMS: We have seen legislation before brought forward by the draftsmen of the Department of Justice which has been ultra vires, and which the courts have declared to be ultra vires; this is nothing new. I am just suggesting that it should be referred back for further consideration and study.

Mr. SCOTT: With a combination of subsection (8) and subsection (6), would that permit a returning officer, for example in an urban area, to place ten polls in a school?

Mr. CASTONGUAY: Yes, without consulting me; anything under ten. Over ten he would have to have my permission.

Mr. SCOTT: Anything up to ten.

Mr. CASTONGUAY: He can do it on his own if you approve my amendment; before he had to come to me.

Mr. NIELSEN: I was interested in what Mr. Castonguay just said. He knows of the recently declared urban poll in my constituency, and he knows the school situation there. Theoretically, under a combination of these two amendments, every single polling station in the city of Whitehorse would be in one school. Surely the whole purpose behind polling stations is to place them in convenient places throughout the city so that the electors will not have to line up outside of one particular building. That was the dreadful situation which existed before. With that observation, may I support what Mr. Woolliams has said. I think the idea of using schools is an admirable one, where they are available; but I do think there is a good deal of substance in the suggestion that this section may be open to serious question since the provincial legislatures and territorial legislatures have exclusive jurisdiction in matters concerning education. Most schools in the country belong to the various provincial governments and to the territorial governments. It seems to me it may be, if we pass this section, what we would be doing is interfering with the particular section of the B.N.A. Act, the Yukon Act and the Northwest Territories Act which reserve the exclusive right to the provinces and territories to legislate in respect of schools and their use.

I would like to second Mr. Woolliams' motion.

The VICE-CHAIRMAN: Mr. Doucett already has seconded it.

Mr. WEBB: In an election what would be the amount paid out for rental of polling stations?

Mr. CASTONGUAY: We have approximately 50,000 polling stations and pay a rent of \$24.

Mr. WEBB: About \$1 million?

Mr. CASTONGUAY: Yes.

Mr. WEBB: Would you have any thought in mind that probably there would be a saving of \$1 million by restricting these polling stations to schools?

Mr. CASTONGUAY: No. We pay the school boards.

Mr. WEBB: The other thought I had in mind is Mr. Scott mentioned some of the places where polling stations were held and Mr. Howard mentioned the municipal halls. In our area I know it has always been our feeling that this was more or less a fund for a family who needed it, and at a time of election it was given to homes that could use the money. The money also might be of use to the town halls. The schools all have large grants. Were it a saving of \$1 million I think I would look at it a little differently, but otherwise I think it is not too bad the way it is.

Mr. PAUL: (*Interpretation*) There is a rather peculiar problem existing in Quebec. Since we have central schools, the schools may be three or four miles apart. In certain cases it would not be practical for the returning officer to use the school.

Mr. CASTONGUAY: This amendment gives him discretion. He can establish the voting places where he wishes; but where it is possible he should establish the voting places in schools. However, it does not obligate him to have the voting place in a school. He has the same discretion he had before to place the voting station in a private home. At least now if there are schools available which are convenient, he can establish his voting station there.

(Text)

Mr. GREENE: Could we satisfy the end Mr. Castonguay has in mind and at the same time the desires of Mr. Howard and allay the constitutional sensibilities of Mr. Woolliams and Mr. Nielsen by substituting the words "public building" for school in the amendment to subsection (8).

The VICE-CHAIRMAN: Are you making an amendment to the amendment now proposed?

Mr. GREENE: I would like—

The VICE-CHAIRMAN: If you are suggesting it as a subamendment to the motion of Mr. Woolliams you will have to put it in writing, I suggest respectfully.

Miss JEWETT: I was going to speak on the point raised by Mr. Greene, except that I would suggest an amendment adding the words "or other public building".

The VICE-CHAIRMAN: Do you and Mr. Greene wish to collaborate on this in order to expedite matters.

Miss JEWETT: May I say a word about that. It seems to me this would help overcome the feeling that we are in a sense interfering in any way with education. What we are proposing here is that municipal buildings would be most desirable for the location of polling stations. By adding the words "or other public building" we might allay the feeling that we are in some way interfering with education per se.

In addition, on Mr. Webb's point, I would like to say there is a lot of validity in the suggestion that you could help someone out by the payment of \$24. On the other hand, it does create a good deal of hard feelings, and so on, because there are so many people in the non-welfare state we live in who need assistance. I find it creates more hardship than help.

The VICE-CHAIRMAN: As I see it the amendment would not be amending Mr. Woolliams' motion but would be amending proposed subsection (8). In other words, it is another motion altogether, I will put Mr. Woolliams' motion, and if it does not carry, you may put your motion to amend the proposed subsection (8).

Mr. PAUL: (*Interpretation*) There remains this matter of the constitutional difficulty. The returning officer might wonder whether it is constitutional to use a school on voting day. I believe Mr. Woolliams' amendment should be considered. I am not speaking of the use of public buildings, but of a school or institution of learning.

Mr. FRANCIS: I like the proposal of Mr. Castonguay. I do not think the wording the way it is creates any constitutional problem. Personally, I like the idea of using schools, I think they are to be preferred to other types of public buildings. Schools have wide appeal. Of course, in the smaller rural schools there are problems, but I am thinking of the type of community in which we have had great problems; these are increased growth, high density suburban communities. Personally I think the amendment is simple and makes a lot of sense. I am going to stick to Mr. Castonguay's suggestion. I can think of one area in which 15 polls were created in something like 18 months, and on election day it was chaos trying to sort people out and tell them where to go to vote. Had we been able to direct them simply to the schools, it would have saved a lot of trouble.

Mr. CASHIN: I agree very much with the sentiment expressed here. I am not so sure it is necessary to include it in an act. The chief electoral officer may be more familiar with that and since he has included it, I can only assume it is more necessary than I think it is. I am not quite as sensitive constitutionally as are some other members of the committee. I feel confident there is no constitutional problem here. I do not think we are interfering with education if we urge somebody to use a school. However, in order to remove any sensitivity which may exist, I wonder whether changing it to read "public facilities" would solve the difficulty.

Mr. NIELSEN: I would like immediately to clear up any misunderstanding my remarks may have left. My doubt in respect of the constitutionality of the subsection does not have to do with education, but rather with the property in the schools and the use of schools which is a matter of provincial or territorial jurisdiction. I understand the problem which exists in ridings like Mr. Francis'. In cities like Ottawa and other large centres, there are many, many schools which can be designated as polling stations. However, Mr. Castonguay knows the particular circumstances which exist in the Yukon, in the Northwest Territories and probably other large ridings which take in a great deal of square mileage. If the combination of subsections (6) and (8) means what he says it means, then it would not have accomplished anything to have declared Whitehorse, for instance, an urban polling division, because here we have a situation with one school in the largest part of the city with some ten to 14 polling divisions in it. If all the polling stations were located in the school, we would be right back to the very situation which played a large part in bringing about the controversial election in my riding where all sorts of confusion resulted.

Mr. CASTONGUAY: The returning officer still has the right—I am not changing any of that—to select whatever premises he wants for a polling station.

Mr. NIELSEN: It says "whenever possible a returning officer shall".

Mr. CASTONGUAY: "Whenever possible". You must go back to the first section which gives him a right. All I am suggesting with this amendment is to have a little more emphasis on schools as adequate facilities if they are available.

Mr. NIELSEN: I agree with the principle that schools should be used as much as possible, if there is a school available; but this subsection says it shall be used as a polling station. That really is what it says.

Mr. CASTONGUAY: If you go to page 205 of my book and look at section 31(1), you will see:

The poll shall be held in one or more polling stations established in each polling division in premises of convenient access. . . .

This is the predominant section. I am not changing that; I am not even recommending it be changed. The returning officer selects his own polling stations. The amendment in respect of the schools is "whenever schools are available". The returning officer cannot force his way into a school under this provision and say "I want the school; the polling station will be here". The school board and the province will have to give authority for the school to be used. If that authority is there, if the school board and the province are willing for the school to be used, then it is available to the returning officer. I do not think this legislation in any way gives the returning officer power to walk in and say "I am going to use the school on Monday for polling purposes".

Mr. NIELSEN: Thank you for clearing that up. I think there is some doubt about the last part of your remarks because I believe the subsection if passed would purport to give the power to the returning officer to designate a school.

Mr. CASTONGUAY: Perhaps it could be spelled out to meet the wishes of the committee. I might be able to draft something which would meet the wishes of the committee. I have heard the discussions. If the committee is agreeable, I would still like to have the word "school" in this type of draft.

Mr. DROUIN (*Interpretation*): Mr. Cashin really has said a good deal of what I was going to say. I think it is ridiculous to read into this amendment any infringement of provincial autonomy in respect of education. Over the years we have been using schools for political meetings. Never, so far as I know, has any school board received an ultimatum from anyone that the schools would be used. As I say, I see nothing against the constitution or

against the autonomy of the province in respect of education. We would only be using the school once in four years, or perhaps a little more often. I believe that it would be proper to add public buildings. I am in favour of seconding this motion of Miss Jewett's when it comes before the committee.

Mr. PAUL (*Interpretation*): Mr. Chairman, when I raised that question it did not concern too much the free use of the buildings but the precautions which should be taken in respect of the use of school buildings. Mr. Castonguay has cleared up the matter now. What we were afraid of was that he would have the absolute right to impose upon the school board the use of these premises. However, Mr. Castonguay has clarified this and it removes in my mind any doubt I had as to the constitutionality of it.

Mr. CASTONGUAY: I received the following letter from department de l'instruction publique, Quebec, dated March 22, 1963. This letter was addressed to all school boards in the province of Quebec and reads as follows:

On the occasion of the forthcoming national election of April 8, the school trustees are authorized to permit the establishment of polls in the schools. Wherever it will be deemed fit, the students of the institution concerned can take a holiday.

This letter is signed by Omer-Jules Desaulniers, superintendent.

We do this only when we receive permission.

Mr. RICHARD: I was going to suggest something along the lines of the letter which Mr. Castonguay has just read. I was thinking of suggesting the words at the end of this section "has been duly authorized."

Mr. CASTONGUAY: Perhaps I could prepare an amendment which would be more acceptable to the members of this committee.

(Text)

Mr. WOOLLIAMS: Mr. Chairman, if I may review the arguments in this connection, I may say this is not a case of sensitivity on my part. I think the import of it has been missed, and I move that it be referred back for consideration in order that we may look into the constitutionality of this to ascertain whether or not it is within federal jurisdiction.

I am sure most of us in this committee are of the opinion that schools make the best polling divisions. It has been suggested that whenever possible a returning officer should locate a polling in a school, and it would seem to me once the school board has approved, then the returning officer by this legislation, shall go there even if there is another place. It says: "shall" and that is directive. That is substantive law, Mr. Chairman and, in my opinion, there may be some question as to its constitutionality.

You will note that I have not produced any authority or have said you are legislating against the exclusive jurisdiction of education in the province; I said that in my opinion it should be referred back. As you know, we do that often. If the Department of Justice comes back and says that in their opinion there is nothing unconstitutional about subsection (8) of section 18 then we can look at it in a different light. It is a question now whether we adopt it in principle. But, I do not think it is principle about which we are arguing.

In speaking of schools I might say that the homes and schools in Bow River are good, no matter which they use, in the new areas of Thorncliffe and Forest Lawn. These places are such that anyone would be proud to go there and cast his vote.

Mr. MOREAU: I do not know whether Mr. Woolliams said Bow River or blou river in connection with the last point he mentioned.

On the point Mr. Nielsen raised, Mr. Chairman, I can understand his objections in respect of localizing all the polls in one school in a city like Whitehorse, but, we have after all a preceding section which says:

Polling station in adjacent polling division.

(7) Whenever the returning officer is unable to secure suitable premises to be used as a polling station within a polling division he may establish such polling station in an adjacent polling division, and upon the establishment of such polling station all provisions of this act apply as if such polling station were within the polling division to which it appertains.

It seems to me that we have now had considerable discussion on the whole situation and we should put the question. I am sure that you are aware that I am not trying to limit the debate in any way but it seems to me we have had ample opportunity to discuss this matter.

The VICE-CHAIRMAN: If I have the permission of the committee I propose to put the amendment put by Miss Jewett, in view of the explanation given by Mr. Woolliams, and if it carried I would put Mr. Woolliams' motion to refer it back and, if that carried and it was ruled unconstitutional we would not have to discuss it further. Would that meet the wishes of this committee? Suppose we put the motion and then refer it back? Then, we would have to wait to obtain that opinion, and then return.

Mr. NIELSEN: The only comment I have to make on that is the addition of the word "suggested" which is an admirable addition, as far as I am concerned, but it still does not cure the problem which Mr. Woolliams has raised.

Mr. WOOLLIAMS: Let us refer it back.

Mr. MOREAU: Would it not be better to refer it as amended?

Mr. PENNELL: That was my point, to see if the amendment carried, and then refer it back.

I now propose to put the motion, moved by Miss Jewett and seconded by Mr. Moreau that clause 18, subsection (8) in the draft bill be amended by adding the words "or other suitable public buildings".

Mr. HOWARD: Question!

The VICE-CHAIRMAN: All in favour of the amendment? Contrary? I declare the amendment carried.

I will now put the motion by Mr. Woolliams, seconded by Mr. Doucett, that section 18, subsection (8) be referred back to the drafting officials—that is, the act and amendments in question, to determine whether the proposed legislation is within federal jurisdiction. All those in favour? Contrary? I declare the motion lost.

Motion negatived.

Inadvertently we passed over subsection (5), which Mr. Nielsen wished to discuss. To preserve his right I will go back now to subsection (5).

Mr. NIELSEN: I would like the committee's indulgence in standing this subsection. Mr. Rheame is going to become a member of this committee, so he can explain in a much more able fashion than I can, since he is more familiar with his own riding, difficulties he encounters in the hours of polling and so on. His riding is unique in that there are four different time zones in his riding. I think the situation now is that the polls are opening at different times in each one of these time zones.

I know Mr. Rheame wants to make representations to the committee in this regard and wishes to suggest an amendment to subsection (5) so that there may be some orderly arrangement made in respect of the opening of the polls in the Northwest Territories.

I know the chief electoral officer already has given an opinion on the matter, that the time for the opening of polls means they all have to open at the same time, but that happens to be six o'clock in Inuvik and 10 o'clock in the

morning in the eastern Arctic. I think the situation should be corrected up there so that we could have staggered polls for that one riding. It is the only one affected and I think the committee might be induced to make an exception there.

Mr. Chairman, I am requesting that the section be stood until Mr. Rheume can place his case. I so move.

Mr. PAUL: I second the motion.

The VICE-CHAIRMAN: It has been moved by Mr. Nielsen and seconded by Mr. Paul that subsection (5) of section 31 be stood for further discussion.

We are reaching the stage in the day when members keep drifting away from the committee. I am not taking exception but I would like to ask if you want to state a time for adjournment because in that way members may see fit to stay for a further five or ten minutes. May I have a motion as to the length of the sitting?

Mr. HOWARD: I move we adjourn at 5 o'clock.

Mr. SCOTT: I second the motion.

The VICE-CHAIRMAN: It has been moved by Mr. Howard and seconded by Mr. Scott that we adjourn at 5 o'clock. All those in favour? All those against? I declare the motion carried.

Motion agreed to.

On further question; when do you want to have your next sitting and at what hour?

Miss JEWETT: The steering committee is going to meet and perhaps they could look into that matter.

The VICE-CHAIRMAN: But, in the meantime, when all the members are present we could set a time which, in our opinions, we think might be suitable. Surely we could agree on a time when we sit again.

Mr. MOREAU: Ten o'clock on Tuesday, and I so move.

Mr. HOWARD: I think the committee previously was scheduled to meet on Monday, November 25 to discuss this other matter which is before us.

Mr. MOREAU: I am sorry but I forgot about that.

Mr. PENNELL: And I was impetuous in that.

Mr. HOWARD: I do not think we set a time.

Mr. MORE: We set the 25th.

Mr. MOREAU: May we make it later on Monday morning? As you know, there is some difficulty experienced in members getting here. I was thinking of taking the 11 o'clock plane from Toronto.

The VICE-CHAIRMAN: If you set a time I will entertain a motion.

Mr. MOREAU: I suggest we sit at 1.30 p.m.

Mr. SCOTT: I will second that motion, since I am on the same plane.

Mr. MILLAR: Are you going to ignore the house, when it is sitting?

Mr. MOREAU: Well, we could start and if we had to continue we could come back after orders of the day.

The VICE-CHAIRMAN: I understand both Mr. Rodgers and the press gallery anticipated a morning sitting. I should also tell you there is a possibility that Mr. Rodgers will not be able to be here. He may have to go to Chicago in respect of this unfortunate event he has been anticipating. But, if you wish, Mr. Castonguay would make himself available so that the committee could carry on if we were unable to proceed with the other matter.

Miss JEWETT: I agree.

The VICE-CHAIRMAN: What are your wishes in respect of the hour?

Mr. PAUL: One o'clock.

Mr. DOUCETT: One-thirty.

Mr. MOREAU: One-thirty, Mr. Chairman.

The VICE-CHAIRMAN: It has been moved by Mr. Moreau that the time will be 1.30; is there a seconder?

Mr. DROUIN: I second the motion.

The VICE-CHAIRMAN: Are there any other amendments to the motion? If not, all in favour? Contrary, if any?

Amendment agreed to.

Mr. SCOTT: May we call it 5 o'clock?

## APPENDIX A

## DEPARTMENT OF JUSTICE

November 21, 1963.

200000-1

Re: *Legal Capacity of a Minor*

Dear Mr. Anglin:

This is further to our conversation in which you asked me to let you have a short summary of the legal status of a minor, that is a person under twenty-one years of age, under the Quebec law and at common law, with particular regard to the capacity of a minor in relation to contracts.

I understand that your inquiry arises from the fact that it is the intention of Parliament to lower the voting age for federal elections, and that some interest has been expressed in the position of candidates under twenty-one years of age if such candidates were permitted to run in an election. The question then would relate to the obligations assumed by a candidate under twenty-one years of age and the legal binding effect thereof.

It is not possible to give a short general answer that would accurately reflect the legal position of minors in either the Code Civil or at common law, as the law on the subject in both jurisdictions is complex and distinctions are to be made.

The following general observations may be of some assistance. With respect to the common law it should be noted that the status of an infant would normally be acquired from the common law and the statute law as found in the province of the infant. In the proper case a federal status could give a minor the legal capacity of an adult for the legitimate purposes of federal legislation. Also each province may have affected the common law position by statutory enactment from time to time, or the position may be affected by the state of the law of England as acquired in the province.

*Quebec Law*

The following is a comment on the Quebec law prepared for me by a Quebec lawyer.

"Under the Quebec Law, majority is fixed at the age of 21 years and at that age, a person is capable of performing all civil acts, which of course include contracts (article 324 C.C.).

A person who is not of that age is known in law as a minor and *in principle*, minors are legally incapable of contracting, except in the cases where the law otherwise provides (article 986 C.C.).

E. A. Anglin, Esq., QC.,  
Assistant Chief Electoral Officer,  
Chief Electoral Office,  
39 McArthur Road,  
Eastview, Ontario.

In this respect, it is to be noted that the law provides that there are two classes of minors:

- (a) those who are emancipated;
- (b) those who are not emancipated.

The rights and therefore the legal capacity of an emancipated minor are far greater than those of a non-emancipated minor. The emancipation takes place as a matter of right by marriage. A minor can also be emancipated following a judicial decision to this effect. In passing, this

is rather unusual. The law provides for the compulsory appointment of a curator to every emancipated minor. A curator does not represent the emancipated minor, does not administer his assets and has no control over the person of the minor. It follows, therefore, that except in a few cases, the emancipated minor enjoys the same capacity as that of a person of full age. Thus, article 319 of the Civil Code provides that an emancipated minor may grant leases for terms not exceeding nine (9) years; he may receive his revenue, give receipts therefor, and perform all acts of mere administration. He is not relievable from these acts, except in cases where persons of age would be so. It follows that an emancipated minor may perform all acts of mere administration for in this regard the emancipated minor is deemed to be a person of full age. On the other hand, the minor cannot perform without the assistance of his curator acts exceeding what the law calls "acts of mere administration". For instance, an emancipated minor could not by himself enter into a contract to build a house, to purchase an immovable, to transfer in advance the proceeds of his investments, rent and the like. Moreover, an emancipated minor cannot *borrow* without the assistance of his curator (article 321). However, the jurisprudence is to the effect that an emancipated minor with the assistance of his curator may borrow small sums and those borrowings are legally binding. Article 322 of the Code provides that an emancipated minor can neither sell nor alienate his immovable property, without observing the formalities prescribed in the cases of a non-emancipated minor.

The same article also provides that any obligation which an emancipated minor may have contracted by purchase or otherwise may be reduced if excessive. This is a matter that is left at the discretion of the court that must take into account the fortune of the minor, the good or bad faith of the persons who have contracted with him, and the utility or inutility of the expenditure.

Having regard to the foregoing, I think that it can be said that an emancipated minor, generally speaking, is legally bound by any contract he entered into by himself, in the ordinary course of business, but it must be borne in mind that in case of litigation, the obligation assumed by an emancipated minor could be reduced by the court depending upon the circumstances. In making this statement, I leave aside the question of borrowing and any transaction involving immovable property.

There remains now to examine the case of the minor who is not emancipated. Here again there is no simple answer to the question asked. As a general rule, minors in that category are legally incapable of contracting (article 986). This article must be read in conjunction with article 290 of the Civil Code which provides that "in all civil acts, it is the tutor who represents the minor". The law specifies in detail what are the powers of a tutor, what he can do and what he cannot do. One could summarize the law in this respect in saying this, When all the formalities required by the law have been observed and that a minor is represented by his tutor, the situation is the same as if the contract had been passed between two persons of full age. Of course, if the formalities required by the law have not been observed or if the tutor has exceeded his powers, the act is void.

What is now the contractual capacity of a minor who is without a tutor or who acts without the assistance of his tutor. Generally speaking, a minor acting in those circumstances is legally incapable of contracting. This does not mean that a contract entered into by a minor in those circumstances is necessarily void. It simply means that such a contract may

be avoided, as far as the minor is concerned. Indeed, such a contract is legally binding upon the minor and this as long as the said contract is not declared void by the court. In which case would a court avoid a contract entered into by a minor in the circumstances above mentioned? Such a contract would be declared void each time that it can be said that such a contract represents a loss or a prejudice for the minor. This loss or prejudice in matters of contract is called "a lesion". To illustrate the above by a practical example, let us take the case of a minor who would rent a car for the purpose of making a pleasure trip. Such a contract could be avoided if the contracting party did not have the financial means to make such a trip.

From the above, it follows that a contract entered into by a minor is lawful save in the case of lesion. I could also add that a minor is not relievable from a contract made by him during his minority when he has ratified it since attaining the age of majority.

It is to be noted that a minor who is a banker, trader or mechanic is not relievable for cause of lesion from contracts made for the purpose of his business or trade.

### *Common Law*

Subject to any statutory or other local variations in the common law provinces, the position of an infant at common law is, generally speaking, as follows:

Apart from statute, infancy is that period of life that precedes the completion of the twenty-first year and persons under that age are in law termed "infants". An infant does not possess full legal competency. The law will carefully protect his interest and not permit him to be prejudiced by anything to his disadvantage but at the same time it will treat all the acts of an infant that are for his benefit on the same footing as those of an adult. This position is based on the law regarding the infant as of immature intellect and imperfect discretion.

At common law an infant's contracts are generally voidable at the instance of the infant though binding upon the other party. Exceptions to this rule are contracts for necessities, certain contracts such as contracts of service and apprenticeship if they are clearly for the infant's benefit, which contracts are good and binding upon an infant. Generally speaking, such things as food, clothing and lodging are clearly necessities. Articles that are luxuries as distinguished from luxurious articles of utility are recognized as unnecessary even for an infant in a position in which they are commonly enjoyed.

Contracts that are obviously prejudicial to the infant are void, thus a contract for a loan has been held void. An infant could not at common law be bound as a party to a bill of exchange even for necessities nor could an infant generally at common law give a valid receipt or a valid release of a legal claim.

Even a contract that from its nature would be binding on an infant may be incapable of being enforced against him on account of its particular terms being prejudicial to his interest or onerous to him. In such a case the contract depends for its enforceability against the infant on whether or not the prejudicial stipulations in it do or do not outweigh the general benefit which the contract is regarded as conferring upon him.

A voidable contract can be repudiated by the infant either during infancy or within a reasonable time after he attains full age, or by his personal representative if he dies in infancy or after attaining full age without having actually or impliedly adopted the contract.

Where an adult contracts with an infant the adult is bound by the contract in spite of the non-liability of the infant, if the infant elects to enforce the contract.

I hope that the above may be of some use to you in the consideration of your problem. I am sorry that I cannot do a more complete summary but the time available does not permit of a research into each provincial position.

Yours truly,

J. W. Ryan,  
Senior Advisory Counsel.

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HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

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MONDAY, NOVEMBER 25, 1963  
TUESDAY, NOVEMBER 26, 1963

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Respecting

THE QUESTION OF MR. RAYMOND SPENCER RODGERS' RIGHT  
AND THE CANADA ELECTIONS ACT

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WITNESSES

Mr. Raymond Spencer Rodgers, Mr. Arthur Blakely, Mr. Clément Brown  
and Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell  
and Messrs.

<sup>1</sup> Brewin	Howard	Olsen
Cameron ( <i>High Park</i> )	Jewett (Miss)	Paul
Cashin	Leboe	<sup>4</sup> Rhéaume
Chrétien	<sup>3</sup> Lessard ( <i>St-Henri</i> )	<sup>5</sup> Ricard
<sup>2</sup> Coates	Millar	Richard
Doucett	Monteith	Rideout
Drouin	More	Rochon
Greene	Moreau	Turner
Grégoire	Nielsen	Webb—29.

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

- NOTE: <sup>1</sup>Replaced Mr. Fisher on November 25, 1963  
<sup>2</sup>Replaced Mr. Woolliams on November 25, 1963  
<sup>3</sup>Replaced Mr. Blouin on November 25, 1963  
<sup>4</sup>Replaced Mr. Macquarrie on November 25, 1963  
<sup>5</sup>Replaced Mr. Martineau on November 25, 1963

ORDERS OF REFERENCE

HOUSE OF COMMONS

FRIDAY, November 22, 1963.

*Ordered*,—That the name of Mr. Fisher be substituted for that of Mr. Scott on the Standing Committee on Privileges and Elections.

MONDAY, November 25, 1963.

*Ordered*,—That the names of Messrs. Lessard (Saint-Henri), Ricard, Coates, Rhéaume, and Brewin be substituted for those of Messrs. Blouin, Martineau, Woolliams, Macquarrie, and Fisher respectively on the Standing Committee on Privileges and Elections.

ATTEST.

LÉON-J. RAYMOND,  
*The Clerk of the House.*



## MINUTES OF PROCEEDINGS

MONDAY, November 25, 1963.

(16)

The Standing Committee on Privileges and Elections having been duly called to meet at 1:30 o'clock, p.m. this day, the following members were present: Messrs. Caron, Doucett, Francis, More, Moreau, Nielsen, Olson and Pennell,—(8).

There being no quorum, the Chairman adjourned the meeting until Tuesday morning at 9:00 o'clock.

TUESDAY, November 26, 1963

(17)

The Standing Committee on Privileges and Elections met at 9.17 o'clock a.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Messrs. Caron, Chretien, Doucett, Francis, Howard, Lessard, More, Moreau, Nielsen, Olson, Pennell, Ricard, Richard, Webb.—(14)

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer, E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also a Parliamentary Interpreter and interpreting.

In his opening remarks, the Chairman called the Committee's attention to the suggested schedule of meetings for this week, as recommended by the Subcommittee on Agenda and Procedure:

*Tuesday:* — 9.00 a.m. to 12.00 noon  
8.00 p.m. to 10.00 p.m.

*Thursday:* — 9.00 a.m. to 12.00 noon

*Friday:* — 9.00 a.m. to 11.00 a.m.

On motion of Mr. Howard, seconded by Mr. Pennell,

*Resolved,*—That the decision of the Subcommittee be adopted

In amendment, Mr. Nielsen, seconded by Mr. More, moved,

*That* the Committee have jurisdiction to shorten the hours decided upon by the Subcommittee.

After further debate, the question being put on Mr. Neilsen's amendment, it was resolved on the affirmative: Yeas, 6; Nays, 5.

And the question being put on the main motion, as amended, to read:

*That* the decision of the Subcommittee be adopted and that the Committee have jurisdiction to shorten the hours decided upon by the Subcommittee.

It was resolved in the affirmative, Yeas, 6; Nays, 4.

Thereupon, Mr. Pennell suggested that a decision should be taken by the Committee in connection with hearing the Parliamentary Press Gallery.

Then, Mr. Olson, seconded by Mr. Moreau, moved,

*That* A meeting of the Committee be set for December 12 to hear the Parliamentary Press Gallery. *Adopted.*

Thereupon, the Committee resumed from Thursday, November 21st, its consideration of the Canada Elections Act.

Mr. Castonguay was called and informed the Committee that the Department of Justice had approved of the proposed subamendment to amendment 18 of his list of suggestions.

Hence, the said amendment was read as follows:

(8) Whenever possible a returning officer shall locate a polling station in a school or other suitable public building.

The witness then called the attention of the Committee to two exhibits of polling booths which could be used.

The Committee resumed its consideration of the Act itself.

*On Section 31.*

Allowed to stand.

*On Section 32.*

Adopted.

*On Section 33.*

Adopted.

*On Section 34.*

The witness tabled and distributed to the Committee copies of the form prescribed by the *Chief Electoral Officer*.

And debate arising thereon, subsection (1) of Section 34 was allowed to stand.

Thereupon, Mr. Moreau, seconded by Mr. More, moved,

*That* subsection (2) be adopted and that subsections (3) (4) and (5) be adopted, as amended. *Adopted.*

Subsections (3) and (4) of section 34 of the said Act are repealed and the following substituted therefor:

Agent authorized in writing.

"(3) Any agent bearing a written authorization from the candidate in the form prescribed by the Chief Electoral Officer shall be deemed an agent of such candidate within the meaning of this Act, and shall always be entitled to represent such candidate in preference to, and to the exclusion of, any elector who might otherwise claim the right of representing such candidate.

Appointment of agents.

(4) A candidate may appoint as many agents as he deems necessary for a polling station provided only two of such agents are present in the polling station at any given time.

Agents may absent themselves from poll.

(5) Agents of candidates or electors representing candidates may absent themselves from and return to the polling station at any time before the close of the poll and after any such absence an agent is not required to produce a new written appointment from the candidate to re-enter the polling station nor is he required to take another oath in Form No. 39.

Mr. Nielsen moved, and the Committee agreed,

*That* in subsection (6) (a), after the words *hours of polling*, the words "but at no other time", be deleted. *Adopted.*

Subsection (6) was adopted, as amended.

Examination of poll book and conveying information.

(6) An agent of a candidate may

- (a) during the hours of polling, examine the poll book and take any information therefrom except in the case where an elector is delayed in casting his vote thereby; and
- (b) convey, during the hours of polling, any information obtained by the examination referred to in paragraph (a) to any agent of the candidate who is on duty outside the polling station."

On Section 35.

Allowed to stand.

On Section 36.

Mr. Howard, seconded by Mr. Chretien, moved,

That Section 36(1) be amended by adding thereto the following as Subsection (1-A).

Form 37 and Form 38 shall contain the names, addresses, occupations and political party or political affiliation of the candidates in each electoral district, alphabetically arranged in the order of their surnames; provided that such political party or political affiliation is communicated in writing to the Returning Officer by the person nominated in Form No. 27 at the time that his nomination paper is produced or filed as provided in Section 21, and if any such person fails so to communicate his political party or political affiliation it shall not interfere with the rights as herein enumerated of the other candidates.

After further debate, the question being put on the motion, the vote was as follows: Yeas, 6; Nays, 6. The Chairman having to give his casting vote, voted with the Nays, and the motion was negatived.

And debate arising on Form 37 (*Directions to Electors*) under subsection (1) of Section 36, the Chief Electoral Officer undertook to prepare a draft amendment in connection therewith.

After discussion, Mr. Howard, seconded by Mr. Chretien moved,

That we endorse the principle of proxy voting whereby an elector who is a fisherman, a salesman, a transportation employee or a person confined in a hospital may appoint a wife, husband, parent, brother, sister, or child who is also an elector and qualified to vote to cast his ballot if the said elector anticipates that he will be unable to cast his ballot.

By consent, the motion of Mr. Howard was allowed to stand for further consideration.

Thereupon, the Chief Electoral Officer tabled and explained excerpts of the Final Report of the Royal Commission on Provincial Elections (Nova Scotia, 1961).

On motion of Mr. Neilsen, seconded by Mr. Howard,

*Resolved*,—That those excerpts of the Report submitted by the Chief Electoral Officer be reprinted as Appendices of today's Proceedings.

(Those documents tabled by Mr. Castonguay are reproduced as Appendix "A" of today's Proceedings.)

Subsection (1).

Allowed to stand.

Subsections (2), (3), (4), (5), and (6).

Adopted.

On Section 37

Adopted.

For the information of the Committee, the witness tabled another excerpt from the Final Report of the Royal Commission on Provincial Elections referred to above.

On motion of Mr. Moreau, seconded by Mr. More,

*Resolved*,—That this excerpt from the Final Report on Provincial Elections be printed as Appendices to today's Proceedings.

*(This document is reproduced as Appendix "B" to today's Proceedings).*

*On Section 38*

Allowed to stand.

*On Section 39*

Adopted.

*On Section 40*

Adopted.

*On Section 41*

Adopted.

*On Section 42*

Adopted.

*On Section 43*

After debate, Mr. Neilsen, seconded by Mr. Howard, moved, *That Section 43 be allowed to stand. Adopted.*

Thereupon, on motion of Mr. More, seconded by Mr. Lessard, *Resolved*,—That the Chief Electoral Officer, having heard the opinions of the Committee, prepare an amendment to Subsection (1) of Section 43.

*On Section 44*

Allowed to stand.

*On Section 45*

Allowed to stand.

It being 11.59 o'clock a.m., and the examination of Mr. Castonguay continuing, the Committee adjourned until 8.00 o'clock p.m. this evening.

#### EVENING SITTING

(18)

The Standing Committee on Privileges and Elections met at 8.12 o'clock p.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present*: Miss Jewett and Messrs. Brewin, Cashin, Caron, Doucett, Howard, Miller, More, Moreau, Nielsen, Paul Pennell, Ricard, Richard, Rhéaume, Rochon, Webb. — (17).

*In attendance*: Messrs. N. J. Castonguay, Chief Electoral Officer, E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also a Parliamentary Interpreter and interpreting.

Before proceeding, the Chairman informed the Committee that he had received a communication from Mr. Stephen A. Scott, from Westmount, Quebec, on "The power of the Parliament of Canada to legislate with respect to Privileges of the Senate and the House of Commons of Canada".

The Chairman also referred to a letter from Mr. C. P. Wright, of Ottawa, in connection with the Canada Elections Act.

Thereupon, on motion of Mr. Moreau, seconded by Mr. Howard,

*Resolved*,—That all such correspondence, briefs and so on, be referred to the Subcommittee on Agenda and Procedure for its consideration.

The Committee then resumed its consideration of the Canada Elections Act and the Committee reverted to consideration of Section 31, subsection (5).

And debate arising thereon, the Chief Electoral Officer agreed to meet with Mr. Rheame in order to prepare a draft amendment in connection therewith.

*On Section 45*

Subsections (7), (8) and (9) were adopted, as amended.

(3) Subsections (7), (8) and (9) of section 45 of the said Act are repealed and the following substituted therefor:

Voting procedure when elector unable to mark ballot paper.

“(7) The deputy returning officer on the application of any elector who is blind, unable to read, or incapacitated, from any physical cause, from voting in the manner prescribed by this Act, shall require the elector making such application to make oath in Form No. 47 of his incapacity to vote without assistance, and shall thereafter

- (a) assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot paper in the ballot box; or
- (b) where such elector is accompanied by a friend and the elector so requests, permit the friend to accompany such elector into the voting compartment and mark the elector's ballot paper.

Entry in poll book of friend's name.

- (8) Where a friend has marked the ballot paper of an elector as provided in paragraph (b) of subsection (7), the poll clerk shall, in addition to the other requirements prescribed in this Act, enter the name of the friend of the elector in the remarks column of the poll book, opposite the entry relating to such elector, and no person shall at any election be allowed to act as the friend of more than one such elector.

Oath of friend.

- (9) Any friend who is permitted to mark the ballot of an elector as provided in paragraph (b) of subsection (7) shall first be required to take an oath in Form No. 48 that he will keep secret the name or names of the candidate or candidates for whom the ballot of such elector is marked by him, and that he has not already acted as the friend of an elector for the purpose of marking his ballot paper at the pending election.”

All the other subsections were allowed to stand.

*On Section 46*

Allowed to stand.

*On Section 47*

Allowed to stand.

*On Section 48*

Adopted.

*On Section 49*

Allowed to stand.

*On Section 50*

Subsection (1) allowed to stand

Subsection (2) was adopted, as amended.

Subsection (2) of section 50 of the said Act is amended by deleting the word "or" at the end of paragraph (c) thereof, by adding the word "or" at the end of paragraph (d) thereof and by adding thereto the following paragraph:

"(e) that are not marked with a cross in black lead pencil."

All the other subsections were adopted.

*On Section 51*

Allowed to stand.

*On Section 52*

Subsection (7) allowed to stand.

All the other subsections were adopted.

*On Section 53*

Adopted.

*On Section 54*

And the examination of the witness continuing, at 10.00 o'clock p.m., the Committee adjourned until Thursday, November 28, at 9.00 o'clock a.m.

Marcel Roussin,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, November 26, 1963

The CHAIRMAN: Gentleman, we have a quorum.

I should at the outset like to submit to this committee the steering committee report. Your steering committee composed of Mr. Howard, Mr. Nielsen, Mr. Olson and Mr. Pennell passed a resolution recommending that this committee sit this week on Tuesday from 9 a.m. to 12 a.m. and from 8 p.m. to 10 p.m.; on Thursday from 9 a.m. to 12 a.m., and on Friday from 9 a.m. to 11 a.m. for a total of ten hours.

Mr. Nielsen recorded his abstention from voting on the motion.

Thereupon, Mr. Castonguay suggested that the consideration of the Act should be continued on a section to section basis and he commented on part of an excerpt from the final report, volume I of the Royal Commission on provincial elections which he had distributed to the steering committee.

At four o'clock p.m., the House already being adjourned on account of the death of President Kennedy of the United States of America, Mr. Olson seconded by Mr. Howard, moved that the subcommittee adjourn to the call of the Chair.

Mr. NIELSEN: Mr. Chairman, might I just say a word in explanation? Since I did not have an opportunity of speaking with my colleagues, but was asked to serve as a member of the steering committee meeting in absence of the regular member, Mr. Woolliams, I abstained from voting. I abstained from voting because I did not have an opportunity of discussing the hours with my colleagues before I went to the steering committee, and I already know that Mr. More who was on the committee yesterday feels that the hours are too onerous in view of other committee duties and house duties. Now, how my other colleagues feel I am not certain, but they can express their opinions on the hours.

The CHAIRMAN: Is it the opinion of the committee that we should sit at the hours that have been stated in the report of the steering committee?

Mr. DOUCETT: The hours are pretty long. I have other meetings which I have to miss if I come here. I certainly want to attend them if I possibly can.

Mr. WEBB: Mr. Chairman, our meetings are clashing with the meetings of the veterans affairs committee, and they are bringing in organizations from all over Canada which was prearranged. I think this committee has at least four members who are also serving on the veterans affairs committee. We are most anxious to attend this committee as it is a most important one. I personally think we should sit at the most twice a day.

The CHAIRMAN: There are a couple of meetings on later today.

Mr. RICARD: As a newcomer I should not say very much but I feel this is quite a chore, to start with two meetings every day. I think that as the session progresses the business of the House will be dealt with more expeditiously and this will require more preparation for what is going on there. I would be inclined to limit it to only one meeting a day.

Mr. HOWARD: Mr. Chairman, could I move endorsement of the recommendation of the steering committee?

The CHAIRMAN: It is moved by Mr. Howard and seconded by Mr. Pennell that the decision of the steering committee be endorsed. Those in favour will please raise your right hand.

Mr. PENNELL: Some of the members may come in later. They are not all conversant with the hours and perhaps you could repeat them, Mr. Chairman.

The CLERK OF THE COMMITTEE: The hours suggested by the steering committee at the last meeting are the following: on Tuesday from 9 a.m. to 12 noon and 8 p.m. to 10 p.m.; on Thursday from 9 a.m. to 12 noon; on Friday from 9 a.m. to 11 a.m. That means ten hours for this week. The suggestion is for this week only.

Mr. HOWARD: I want to say a word or two about it. I had originally, on my own, come to the steering committee with some other suggestions about meetings which would have added up to 14 hours during this particular week. It was specifically at Mr. Nielsen's suggestion that we made some other arrangements and that is how we came up with the proposal before us now of 9 a.m. to 12 noon and 8 p.m. to 10 p.m. today; 9 a.m. to 12 noon on Thursday and 9 a.m. to 11 a.m. on Friday; this was done to meet the points made by Mr. Nielsen which are being raised now by members here. So far as I am concerned, I do not particularly care, within reason, what the hours are so long as we get down and try to accomplish something. No matter what hours we decide on we are going to run into conflicts with something. The most disadvantageous kind of day is one such as today because the meeting conflicts with the normal routine which I have tried to approach in my office. However, I thought we bent over backwards to meet a legitimate objection. We have to attempt something or else throw up our hands in resignation and agree not to do anything.

Mr. NIELSEN: By way of explanation, when Mr. Howard's suggestion was put forward in the steering committee, sittings of 14 hours appeared to be too onerous, not in so far as the hours themselves are concerned, but because we would have little time left for any house duties. Most of the meetings fell within the periods during which we should be sitting in the house, particularly Thursday and Friday during the business of estimates. Therefore, I suggested the morning times as the lesser of two evils. Even now, as Mr. Moreau knows, we will conflict with another meeting this afternoon, a meeting of mines forests and waters.

The suggestion does not solve the problem of conflict and it does not solve the problem of house duties. This committee will be sitting in the morning and mines forests and waters will be sitting in the afternoon, and we will be left with very little time in the house itself at a time when, as Mr. Ricard has said, all the business on the order paper is being expedited and much more time is required to give it adequate study.

The CHAIRMAN: May we ask Mr. Castonguay to explain what he told the committee the other day? Is it the wish of the committee that we hear Mr. Castonguay on that question?

Agreed.

Mr. CASTONGUAY: Mr. Chairman, this draft bill is a composite bill of the amendments that I recommended in my report to the speaker in 1962 after the 1962 election, and those recommended after the 1963 election. The problem I face is that I have purposely withheld the ordering of supplies which amount to 500 tons of forms, 165 forms in English and in French. The amendments here and some of the amendments suggested by the committee and approved by the committee will require changes on this point.

I do not want to go into 1964 in the position in which I find myself now. I am like old mother Hubbard—my cupboard is bare. I cannot operate overnight now; it will be 1964 before I can operate.

You have the handbook of instructions to the returning officers in front of you. Because, as you realize, our election period is compressed, we have not time to give adequate personal instructions to returning officers or any officers; they rely on the handbook of instructions.

On December 10, if the committee has reported to the house and there is no chance of any legislation going through, I intend to order the supplies so that I am in a position to hold an election in 1964 should it be necessary. The cost of supplies amounts to approximately \$400,000. Next year I am going to change my plan for an election; I will keep the supplies here in Ottawa rather than ship them to the returning officers.

In order to be able to say "aye, aye" if an election occurs for any reason, I must have instructed all returning officers to revise their polling office arrangements, and the returning officers must have supplies in order to launch their elections. Those supplies amount to 200 tons of material.

In the past I have always ordered this revision but I have not done so this year because I do not know what this committee proposed to do; any change could upset the revision. I did not wish to be put into the position of spending \$400,000 and then have to throw all these things out the window.

I am not asking the committee for support on this; this is my decision.

Next year I propose not to send the supplies because if I do so this committee may again be given the task of studying the Canada Elections Act and reviewing it and legislation may be passed; then by next June or July, say, I would have to recall all this material and then ship out the new. It takes six months after this committee has finished its report and the house has passed its legislation for me to prepare the handbook of instructions and the forms. It takes six months with my staff. It is quite all right to say get more staff, but it is quite difficult to get more staff. I have not got any more trained staff and there is no more available trained staff for this work, outside of my own office. So, the life of a chief electoral officer in the last six years has been rather like sitting on a keg of dynamite with a short fuse.

I have taken a calculated risk this year. In order to have an orderly election I try to get my plans made in a reasonable way. I have indicated that I may be called upon to undertake responsibilities that will keep me away from this committee. That fact may be immaterial to this committee, but next year if I am asked to take this responsibility I do not think any member of this committee could feel that I could be here. My assistant certainly will help the committee in this regard. I am not suggesting that I am essential in this regard. However, if I do undertake these responsibilities I hope the members of this committee will realize that another person will be taking over my responsibilities. There is the position in a nutshell. I will have the supplies and I will have them ready, but I am going to wait until December 10 in this regard. That is the only explanation I can give you.

Mr. OLSON: Mr. Chairman, by way of explanation, the reason this suggestion was made by the steering committee is that if we do not complete an amendment so that these supplies can be ordered in time and the house prorogues before this committee makes its report, all the work we have done so far will have been done for nothing. We thought we could attempt to conclude our deliberations this week. If we cannot do so Mr. Castonguay will have to order the supplies in any event on the basis of the old act.

The CHAIRMAN: Are you ready for the question?

Mr. HOWARD: Before we put the question, Mr. Chairman, I should like to suggest that if the motion passes it should not be concluded that the right of this committee to change the hours of sitting on another day is suspended. If this motion passes we will be sitting on Thursday from 9 a.m. to 12 a.m. However, at that time if there is general feeling, or if one person feels, that

perhaps another hour of sitting will wind up our deliberations the committee will have the right at that time to change the hours as set out by this present motion.

The CHAIRMAN: I suggest any change made in these recommended hours of sitting will have to be made at this time because the motion covers the hours of sitting for the whole week.

Mr. OLSON: The motion may be passed with unanimous consent.

Mr. HOWARD: Mr. Chairman, I think the only course open to me at this time is to move an amendment to the motion. I cannot move such an amendment because I moved the original motion. Perhaps someone feels disposed to move an amendment to the motion upholding the right of the committee to change these proposed hours. I think all members would be agreeable.

Mr. RICARD: Mr. Castonguay, you mentioned that you were sending out supplies. Do you mean you are sending supplies to all returning officers in all ridings, and that you must send instructions, books and other supplies to these individuals?

Mr. CASTONGUAY: Mr. Ricard, what I meant was that I have to give the supplies to these people in order that they may launch an election. The enumerator supplies must be sent, and they represent approximately 200 tons of material of my 500 tons required for an election. We progressively ship this material once an election is ordered, as the revisions occur, as the ballots are required and as balloting stations are required in order that we will be in a position to hold an election. However, I never receive more than 24 hours official or unofficial notice of an election. In order to be in a position to launch an election theoretically I am supposed to be in a position to do so at any given time. In order to be in a position where I can say "Aye, aye, sir; 20-20, away we go", supplies have to be in the hands of the enumerators and the returning officers.

Mr. RICARD: Does that mean that every year you have to send the up-to-date supplies which you have?

Mr. CASTONGUAY: This is an unusual time. This is the first committee that has ever met during a session immediately after a general election. I do not recall, in 30 years, this committee ever having done so before. This committee usually has a meeting during the second session following a general election, and I ship the material during the third year. These returning officers have the supplies in their possession. They are like firemen; they have their fire-trucks ready to go. However, at this time they have not even got pencils.

Mr. NIELSEN: Is it not a fact, Mr. Castonguay, that you can carry out an election under the present act as it now stands?

Mr. CASTONGUAY: Yes, there is no question in that regard. There is only one problem in existence. This committee may like to look at the problem, as I see it, which has reference to paragraph 9 of section 52 of the Canadian forces voting regulations. I do not think the procedure set out in these two paragraphs will be acceptable to at least two parties of the House of Commons. I think the members of this committee will, perhaps, want to look at this situation, as it has always done after elections.

Mr. NIELSEN: Mr. Chairman, I would be pleased to move the amendment which Mr. Howard has suggested to the motion, but in so doing I should like to state that I am going to move it on the basis of shortening rather than lengthening the hours because I think we have a conflict now in respect of other committee sittings, as well as house sittings, and I for one consider it my responsibility to share my time equally between the house and committees. If we lengthen the hours we will have to sit at this committee's meeting to the exclusion of all other work, having regard to background study dealing with the proposed discussions.

I will move an amendment, that the committee be authorized to shorten the hours decided upon by the steering committee, if the committee finds it necessary.

The CHAIRMAN: It has been moved by Mr. Nielsen, seconded by Mr. More that the committee be authorized to shorten the hours if necessary.

Mr. HOWARD: Mr. Nielsen obviously misinterpreted what I said in the first instant. The intent of motion was to reserve the right of this committee to alter the hours suggested, not to confine the committee to shortening them. If the committee desired to shorten the hours it could do so and if it desired to lengthen those hours it could also do so. That was the intent of my original suggestion. Mr. Nielsen is not carrying forward that intention. In any event, I am not disposed to support that amendment in that it gives the committee authority only to shorten the hours of sitting. It is my feeling that the committee should have some elasticity in this regard.

Mr. PENNELL: Mr. Chairman, perhaps I could interject. I feel what Mr. Howard has stated is very pertinent because if a situation develops where, by sitting another hour, this committee can conclude its deliberations, we should have the authority to lengthen the hours of sittings. To limit the committee to a shortening of the hours of the sittings is to make the situation inflexible and I do not think this could be acceptable.

The CHAIRMAN: Are you ready for the question?

Mr. HOWARD: Mr. Chairman, perhaps I could suggest that you rule the amendment out of order on the ground that the committee always has the right to shorten the hours by a motion to adjourn which, if carried, ends the sitting at that time and thereby shortens the hours.

The CHAIRMAN: You are right in that regard.

The CLERK: The amendment as moved by Mr. Nielsen, seconded by Mr. More is, that the committee have authority to shorten the hours decided upon by the subcommittee.

The CHAIRMAN: Those in favour please raise their right hands?

Those against please raise their right hands?

I declare the amendment carried.

Amendment agreed to.

We will now have to vote on the main motion as amended. Those in favour of the motion as amended please raise their right hands.

Mr. HOWARD: I am opposed to it as amended, even though I made the original suggestion in respect of the amendment.

The CHAIRMAN: Those in favour of the main motion please raise their right hands.

Those against the main motion please raise their right hands.

I declare the motion carried.

Motion, as amended agreed to.

The CHAIRMAN: We have an amendment before us.

Mr. PENNELL: Mr. Chairman, I do not want to throw the routine out of order but in fairness to the press gallery and other people concerned we should set a date for the next hearing. I think this point should be dealt with so that the interested parties know where they stand. I am speaking now of the Raymond Rodgers case, to set a date for the hearing.

Mr. OLSON: I would like to support the idea and I think we should set it for a meeting after December 10, so that it will not interfere with our attempt at least to get these amendments ready by that date.

Mr. PENNELL: I am not moving it.

Mr. OLSON: I move that it be the first meeting after December 10.

The CHAIRMAN: It has been moved by Mr. Olson, seconded by Mr. Moreau that we should set back the case of Mr. Rodgers to a meeting after December 10.

Mr. OLSON: That would be the first meeting after December 10.

The CHAIRMAN: Are there no objections?

Mr. NIELSEN: I wonder again in fairness to the press gallery and Mr. Pennell's suggestion whether it would not be better to set a date for it because it is rather indefinite to say "the first meeting after December 10". It may be that we may not meet after we have finished our work. Could we not set a date, Mr. Chairman?

Mr. OLSON: Will we have a meeting on Thursday the tenth, Mr. Chairman?

The CHAIRMAN: We hope we will have a meeting but I do not know.

Mr. FRANCIS: Nine o'clock Thursday the twelfth.

Mr. OLSON: I would so move, that it be at nine a.m. o'clock on Thursday the twelfth.

The CHAIRMAN: Is there any objection to that motion?

Motion agreed to.

We have an amendment submitted to the Department of Justice. It was moved the other day by Miss Jewett that in clause 18 of the draft amendment appearing on page 20, subsection (8), after the word "school" there should be the addition of the words "or other suitable public building". The Department of Justice said they could put it in, so there is no objection from them, unless there is from the committee.

Mr. CASTONGUAY: It has not been objected to by the committee.

Mr. HOWARD: That makes me look askance at it.

Mr. CASTONGUAY: It is a question of drafting suggested by Miss Jewett which was in accordance with the proper drafting form.

Mr. NIELSEN: My understanding was that there was also a question of the constitutionality of including the word "school" within the wording of the suggested amendment which would also be submitted to the Department of Justice. Have they submitted an opinion on that aspect of the matter?

Mr. CASTONGUAY: My impression was that the committee voted on this section and approved it as it was. We were not asked to obtain any information from the Department of Justice because the committee approved of this and Miss Jewett moved an amendment. All we took up with the Department of Justice was whether this was proper drafting.

Mr. NIELSEN: My understanding was we were going to submit to the Department of Justice a proposed amendment with the addition of the suggested wording by Miss Jewett.

Mr. MOREAU: The Department of Justice looked at the original clause when it was drafted.

The CHAIRMAN: Is the amendment satisfactory to the committee? No objection?

Amendment agreed to.

Mr. CASTONGUAY: At this time I would like, if I may, to say the following. At previous general elections I have had many complaints because of a lack of proper facilities for people to vote in the polling stations so that they can vote in secrecy. In 1962 the chief electoral officer in Australia sent a design of a voting compartment which they have in polling stations there. I have had the industrial section of the penitentiary division build 24 of those as a pilot project to see how much they cost. I used them at the 1963 election and I lent

them to the provincial returning officer at the recent Ontario election. In so far as their use in these polls is concerned, we have had very favourable comment and people have seemed to be satisfied with them. The thing that bothers me is the expense. The estimate of the cost of these things is \$25 per compartment. This is made by the industrial section of the penitentiary division.

Another problem that bothers me about this is that this may be all right in Australia because they have their own permanent returning officer and permanent building in each constituency where these things could be stored properly and could be repaired. Here, for instance in the city of Toronto, our ballot boxes are stored in a big basement. To find storage space for 5,000 of those would be impossible. I am also afraid that over a period of years they would warp, and the cost of the cartage would be prohibitive. We have agreements with the cities of Calgary and Edmonton, where they have voting compartments, and they charge us a nominal rental fee of 50 cents per voting compartment but the cartage fee ranges from \$2.50 to \$3. The city takes responsibility for delivering those to polling stations and for picking them up.

Mr. DOUCETT: For municipal elections, I suppose?

Mr. CASTONGUAY: Wherever city authorities have these compartments we enter into contracts with them to use them. We give them those facilities for the elections in those cities, but in large centres such as Vancouver, Toronto and Montreal, we do not have voting compartments. In Toronto they have voting screens which you put up like a curtain. Over the years I have tried to find something that is practical and inexpensive. This appeared to be reasonable, but I do think we would need about 30,000 of those. That would involve an expense of \$600,000. The initial expense is not the main factor; it is the cartage, maintenance and storage of these things afterwards.

Now, during the last elections in three or four electoral districts we have tried another voting compartment. The industrial section of the penitentiary division made this up for us. It cost 64 cents. It offers the same secrecy to the electors, and it is expendable. There is no cost of storage, cartage or anything else. In any place where voting takes place there is a table. I consider this model expendable.

I am not asking that an amendment be made; I am asking the committee for their views to see whether I should go into this field or into the other field. It seems to me that here we would have no cartage or storage problems involved. I consider this a consumable item. To store it and keep it for another two years after it has been used and to ask the deputy returning officers to send it back, to mail it, would cost three times the expense of these things. I can get those for 64 cents.

Mr. FRANCIS: Somebody could find a fine place to keep it.

Mr. NIELSEN: This requires no amendment to the legislation?

Mr. CASTONGUAY: I would like the committee's views on this. This is the best solution I have been able to find. It is economically feasible and if the committee would support me on this I am prepared to go into the field. The committee may prefer the voting compartment, but those are the two possibilities.

Now, that would not be feasible at all in the rural areas.

I myself think this one here is not economically feasible.

Mr. HOWARD: Mr. Castonguay said this voting compartment cost \$25 to produce.

Mr. CASTONGUAY: For material only.

Mr. HOWARD: It cost \$25 to produce in a penitentiary, and therefore there would be no labour cost. Something must be wrong somewhere.

Mr. CASTONGUAY: It is made of the best material.

Mr. HOWARD: I would suggest that B.C. fir be used.

Mr. RICHARD: Did you ever buy any wood? You would not get any wood for \$25.

Mr. HOWARD: Twenty-five dollars for that contraption is ridiculous, no matter what it costs to buy wood.

Mr. RICHARD: The wood is expensive.

Mr. HOWARD: Without interruptions, I am trying to put across the point—

Mr. RICHARD: Do not be too touchy.

Mr. HOWARD: I am trying to put across the point that I am more partial to the expendable type of booth that Mr. Castonguay placed on the table a little while ago.

If Mr. Richard would spend more time at meetings and less time interrupting I would be able to make my point.

Mr. RICHARD: I do attend meetings but I do not spend my time interrupting.

Mr. HOWARD: On a point of order, Mr. Chairman, I was speaking and Mr. Richard came in the door and, in a terrible way, immediately interrupted and continued to interrupt and to mumble in his pipe. I suggest, Mr. Chairman, that you call for order.

The CHAIRMAN: I think you are right. If we wish to have orderly meetings everyone must speak in his turn. I hope this will be forgotten and that in future members will speak in turn.

Mr. RICHARD: I do not want to seem to be interrupting wrongly, but I think I am entitled to interrupt once in a while about quality and the cost of an article that is produced as an exhibit. Of course, I can understand that you would prefer me to speak in my turn and I will be glad to do so providing I can finish my sentence.

Mr. HOWARD: You have difficulty finishing a sentence at any time.

Mr. NIELSEN: May I suggest, Mr. Chairman, that you make a list of members of the committee indicating they wish to speak and call upon them one at a time. That might solve the difficulty that has arisen here.

The CHAIRMAN: That is what I do.

Mr. NIELSEN: The compartment Mr. Castonguay has just produced seems to me to be a rather flimsy device and it seems to me that the propensity would be for the D.R.O.'s to set it up on an ordinary kitchen table, or on a school table if the stations are held in schools. I think the electors or the agents in the poll would be able to peer over the top of that device and see the manner in which the ballot is being marked. Alternatively, because it is such a flimsy device, its stability during the hours of polling is questionable, is it not? It does not seem to be too substantial. In most ridings I have seen the polling booths are more substantial; they are usually made of plywood; and there is usually a blanket or curtain put across and a little shelf inside. That would be much more desirable than a piece of cardboard such as the one you have produced here.

Mr. CASTONGUAY: I agree with you. My only suggestion is that this is an improvement on the facilities provided in many places now. I would not make this a prerequisite. I would not say that this must be used, but at least we must provide something. The complaints I have received with regard to lack of facilities have mentioned some old rug or some old curtain put up in a corner.

Certainly we can provide something better and something more expensive than the one I have just shown; but when we have something more sturdy we also have the question of cartage and storage, and it ceases to be expendable. This has proven to be the case. We have used this cardboard type in

various places and we received favourable comments. One place in which we used them was Prince Albert.

Mr. NIELSEN: I suppose they would be better than nothing, but I would hate to think that returning officers and D.R.O.'s, who are ultimately responsible for providing the polling booths, were of the opinion that they had to use this device, there are much better booths designed and used in the ridings across the country with which I am familiar than that which you have produced.

I would hope the chief election officer's direction would be that this device should only be used where there is nothing better. I hope the returning officers and D.R.O.'s are urged to set up much better polling stations than this temporary device.

Mr. CASTONGUAY: I propose to do this. I propose to carry on the satisfactory arrangements we have had throughout the years in the cities. I propose to use this only as an alternative where there are no better facilities provided. This costs 64 cents; it is expendable. I feel by producing this we are doing something; whereas we have been sitting for 20 years doing nothing. My feeling is that this is something concrete; it is not good, but it is better than anything we have been doing.

Mr. FRANCIS: The city of Ottawa adopted a permanent polling booth arrangement which cost \$10.60. A number of them were used in the city satisfactorily to my knowledge. However, I presume there was a cartage fee, such as has been indicated by Mr. Castonguay. It seems to me it should be our objective to set up a permanent polling station arrangement in schools. The desirable objective is for federal, municipal and provincial elections to standardize on polling stations. I see no reason why some type of permanent booth could not be stored within a school for such a purpose. I cannot foresee that such storage would create any problem.

I think this is the desirable long-term objective, and it is an objective which would result in people knowing exactly the place where they would vote every time. However, I think the temporary and less expensive objective the chief election officer has suggested is a good one; I have seen much worse devices used. At least one should be able to say "Get that out and use it if you have nothing better." It should be the right of every representative of a party to insist on at least as much as that.

Mr. WEBB: I was going to make some remarks along the lines of the comments made by Mr. Francis. I think it is the responsibility of the municipality to provide polling booths for their own elections, and it should be possible for some standard type of facility to be arranged with the agreement of the municipality.

Mr. OLSON: I would like to agree with what Mr. Francis has said.

Mr. MORE: The problem in my riding would only be in so far as the private homes are concerned. The municipal and provincial people use public buildings, and it seems that they do have permanent booths in these places.

Mr. CASTONGUAY: I hesitated going into this matter until I had obtained the views of the committee because this is something which affects the public in general. The question of the voting compartment is a long-term one and it is necessary to provide some short-term solution immediately.

Mr. MOREAU: Do you want a motion?

Mr. CASTONGUAY: No, I just want the feeling of the committee.

Mr. MOREAU: It seems to me that the consensus of the committee is that we should not pay \$25 for that contraption.

The CHAIRMAN: The feelings of the committee have been given to Mr. Castonguay, who can now proceed accordingly.

Let us now turn to page 205 in the Canada Elections Act, English version, section 31, which refers to hours of polling, a central polling place, polling stations and so on. Do you wish to stand this over?

Mr. NIELSEN: I had anticipated Mr. Rhéaume would now be a member and would therefore be able to make representations. Would it be possible to stand this for one more meeting? If Mr. Rhéaume is not made a member by that time, I will come prepared to discuss it.

The CHAIRMAN; Section 32(1)

32. (1) The list of electors to be used at an election shall be the official list of electors as defined in subsection (20) of section 2.

Mr. CASTONGUAY: There is no amendment on that.

The CHAIRMAN:

32. (2) The returning officer shall deliver one copy of the official list of electors to each deputy returning officer for his respective polling station; such list shall be enclosed in the ballot box with the ballot papers and other supplies, as provided by section 30.

Official list for a remote rural polling division.

(3) In very remote rural polling divisions where the postal service is such that it is doubtful if the preliminary list of electors or the statement of changes and additions can be sent by the returning officer to the appropriate deputy returning officer in time for the election, the Chief Electoral Officer may direct that the written or typewritten preliminary list of electors, or one copy of the statement of changes and additions, or both, as prepared by the enumerator, shall be delivered or transmitted by the enumerator direct to the deputy returning officer concerned; in such cases the deputy returning officer shall, for the taking of the vote, use the written or typewritten list of electors, or the statement of changes and additions, or both, as the case may be, as though he had received them or either of them direct from the returning officer.

The CHAIRMAN: Is there any amendment?

Mr. NIELSEN: May I ask Mr. Castonguay the following question? Since subsection (3) deals with the remote polling divisions, has he had any complaints or observations with respect to the operation of this section in the Northwest Territories, the Yukon or Labrador, or any of these areas?

Mr. CASTONGUAY: I have not had any complaints about this with the exception of one complaint which was made possibly because of a lack of knowledge of the difficulties. For instance, in Labrador the enumeration cannot commence on the forty-ninth day, as it does in the city; in the Yukon and in Saguenay, a few districts like that, I give the returning officer power to extend the period of enumeration because of the climate, the weather, and the snow, up until the summer time. Naturally we are not going to get printed lists. We cannot do it because, firstly, it is unrealistic to think enumeration can start suddenly on the forty-ninth day before polling day. In those very remote polling divisions the complaints I have had are that the candidates do not get the lists. We have made every effort to give them a copy of the original enumerator's list if we can do this before polling day. There are many places where we cannot get them the enumerator's list so as to have them printed before polling day. What we do is to extend the period of enumeration beyond the nomination day and then make one trip because a chartered trip is very expensive; it costs about \$5,000 or \$6,000. After nomination day we charter another plane to deliver the ballot boxes. I have tried to use my powers to extend it beyond enumeration to save this money. Outside of those problems I have had no other complaint, and this seems to work very well.

Mr. NIELSEN: You say that copies of the actual enumeration are sent to the candidates?

Mr. CASTONGUAY: Wherever possible, and if we get them on time. I have never considered that if we get a list after the polling day I should make any effort and spend any funds to reproduce this.

The CHAIRMAN: We are now on section 33.

The CHAIRMAN: Is it agreed?

Section agreed to.

19. (1) Subsection (1) of section 34 of the said Act is repealed and the following substituted therefor:

Who may be present at polling station.

"34. (1) in addition to the deputy returning officer and the poll clerk, the candidates, and their agents, not exceeding two in number for each candidate in each polling station, and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open; forthwith on being admitted to the polling station each agent shall deliver his written appointment in the form prescribed by the Chief Electoral Officer to the deputy returning officer."

Mr. RICHARD: Mr. Castonguay, in certain parts of cities there are sometimes places where we have difficulty in securing a polling place. These people would like the money, but they would not like to appear that they need the money. This puts the returning officer in hot water. He does not want to move out of the section where people have to vote because they would be the first ones to object. I wonder whether it is the returning officer's authority to locate a polling place in another district not too far away.

Mr. CASTONGUAY: He has that authority, to place them in an adjacent polling station. The committee agreed on this suggestion of mine and this gives him full authority in the act to handle that situation. All he has to do is to exercise that authority. He may have other pressures that refrain him from exercising this authority, but he has this authority exclusively.

Mr. RICARD: In other words, he has the last word?

Mr. CASTONGUAY: It is his decision but sometimes it is hard to make.

The CHAIRMAN: We now come to the draft amendments. There is an amendment suggested by Mr. Castonguay.

Mr. CASTONGUAY: This is not a change in substance from section 34(1). All I am asking is that the committee give this form some legal status that has been provided to candidates for the last 30 years. The only change there is in the underlined words of section 34(1).

Mr. MOREAU: You have a motion by Mr. More to accept the amendment.

The CHAIRMAN: I want to be clear on that. You move that we accept the amendment moved by Mr. More, seconded by you, that section 34 in the act, 19 in the draft amendment, should be carried.

Mr. RICHARD: Mr. Castonguay, I have one question which I should like answered to clarify my understanding. Agents have to deposit their authorization form at the poll where they are acting. Is there any such thing as a general authorization for one agent to go to many polls, or does he have to have an individual form for every poll?

Mr. CASTONGUAY: It is not in the act. You know that famous word "tolerance".

Mr. RICHARD: Could we justify it by the means?

Mr. CASTONGUAY: The local habits and customs. I am clarifying this later on. What I am trying to do is to avoid a lot of confusion.

Mr. HOWARD: Could I ask the following question? Stated in this way, as the amendment is proposed, it would preclude a candidate or a party or an organization from mimeographing the list.

Mr. CASTONGUAY: It does not. He can copy any form as long as it follows this.

Mr. HOWARD: So long as you do not call it form 100, which it is not.

Mr. FRANCIS: I would like to say, Mr. Chairman, that I am particularly pleased to see the words "and after any such absence an agent is not required to produce a new written appointment."

The CHAIRMAN: We will come to that later on.

Mr. CASTONGUAY: May I give the committee a brief explanation of the problems I have had with agents? This might help to facilitate the acceptance of the suggestions I have here. Because of the variety of the provincial and federal laws there is very little uniformity in the provincial legislation with respect to agents. Some provinces, for instance, allow only one agent in the polling station, and when that agent presents himself he gives this form 100. If he leaves the poll he has to come back with another of these forms 100. I have never read this in the legislation of the other provinces but there is a custom in many provinces where these are filled out in blank and a campaign manager, an official or an agent feels he has the right according to the law to go into every poll. He has that right if a candidate will sign one form for each poll he wants him to go into. Only the candidate is given the right by the act to go into any poll without any of these forms.

There are also some provinces that do not permit any information that is obtained in the polling station to be given to anybody outside the polling station. I think this particular problem creates a lot of difficulties. I get more rulings on these agents than on any other question during the election. I spend 14 hours a day three days before the election just on these agents. I have made an attempt here to spell it out in the act. What I have spelled out is nothing else but what the candidates and their agents are entitled to know. I am not introducing any new procedure, but this is what is permissible according to our act. I have tried to make it in an orderly way so that the agents and the scrutineers in the polls will understand this and will not have to go into many sections of the act to interpret it. It may look wordy, but I would hope that the committee will agree on this because you need words to clarify this.

So I would say that on clause 34(1), because some people allege this has no legal status, I am suggesting that the form prescribed by the chief electoral officer gives it legal status. It is the same form we have provided candidates for the last 20 years. No one suggested any amendment to this. If you approve the wording in the form prescribed by the chief electoral officer, this will give it some status.

In clause 34(2) we have the same thing happening as in subsection (3).

(2) Subsections (3) and (4) of section 34 of the said Act are repealed and the following substituted therefor:

Agent authorized in writing.

"(3) Any agent bearing a written authorization from the candidate in the form prescribed by the Chief Electoral Officer shall be deemed an agent of such candidate within the meaning of this Act, and shall always be entitled to represent such candidate in preference to, and to the exclusion of, any elector who might otherwise claim the right of representing such candidate.

#### Appointment of agents.

(4) A candidate may appoint as many agents as he deems necessary for a polling station provided only two of such agents are present in the polling station at any given time.

#### Agents may absent themselves from poll.

(5) Agents of candidates or electors representing candidates may absent themselves from and return to the polling station at any time before the close of the poll and after any such absence an agent is not required to produce a new written appointment from the candidate to re-enter the polling station nor is he required to take another oath in Form No. 39.

In subsection (4), some candidates feel that they can only appoint two persons as agents in a poll and those two persons must stay there from morning until night. The act is clear on this, that he can appoint as many as he wants but only two can be inside the polling station at the same time. I have clarified it here that he can appoint as many as he wants but only two can be in the polling station. I have also tried to cover the problem in one province where every time an agent leaves and comes back he has to produce another of these forms signed by the candidate. In such cases another war starts in the poll because of the differences in interpretation. We can remove that area of conflict.

#### Examination of poll book and conveying information.

(6) An agent of a candidate may

- (a) during the hours of polling, but at no other time, examine the poll book and take any information therefrom except in the case where an elector is delayed in casting his vote thereby; and
- (b) convey, during the hours of polling, any information obtained by the examination referred to in paragraph (a) to any agent of the candidate who is on duty outside the polling station."

Now, in subsection (6) appearing on page 21 there appears a permissible clause. What I mean by that is that I do not want the agent, if there is a whole line of people there, to start to disrupt the voting so as to look at the poll book. Whether I have rendered this in those words, I do not know.

In (b) this is what is permissible in the act now. This is what I have ruled and my ruling has not been challenged on this particular thing. However, I spend all my time trying to clarify this and it has been accepted by all parties. This is the purpose of the whole thing.

Mr. WEBB: In other words, you have two agents in a poll on your behalf and you can change those agents?

Mr. CASTONGUAY: As often as you want. If you are fortunate enough to have 1,000 agents to appoint in the polling station, you can do so but only two of the thousand can be in the polling station at one time.

Mr. RICARD: And each and every one has to be sworn in?

Mr. CASTONGUAY: Once only.

Mr. FRANCIS: Mr. Chairman, I have one question. As I understand Mr. Castonguay, if a candidate has two agents, which is the usual thing, only the candidate may go into the poll while those two agents are there. I personally feel that the official agent of the candidate should have that privilege as well as the candidate. He should be able to swing free. In a large riding with 350 polls, for instance, it is quite impossible for a candidate to do this, and his official agent has to act for him in fact. I would like to see an amendment to that.

Mr. CASTONGUAY: If the committee looks favourably on this an amendment would legalize a practice that has been going on in every electoral district. If you have a large riding with 300 polls a candidate has to sign a lot of these forms and he has to assign an official agent. An amendment giving this right to the official agent would free any candidate from having to sign these forms.

Mr. FRANCIS: I personally think that an agent who is named at the time of the nomination and who has the status under the law should have this authority, and I would like to request Mr. Castonguay, if the committee is agreeable, to prepare further amendments along these lines.

Mr. CASTONGUAY: If the committee is agreed all you have to do would be to add some words here. We would have to amend section 34 on page 20 of the draft. It would appear in clause 19, section 34(1) which would read "the candidates, or the official agents and their agents". All you have to do is put "official agents" after "candidates". It is a simple amendment.

Mr. LESSARD (*Saint-Henri*): Mr. Castonguay, when you mentioned that two representatives are allowed in the same poll on this same form, that means they are allowed to come back to the same poll but not to change polls. That does not mean that an official agent could go into another poll without this form.

Mr. CASTONGUAY: If he is appointed to poll No. 8 and then he wants to go to poll No. 10, he has to ask the candidate to give him another form for poll No. 10. There is another amendment which will have to be made to section 35, subsection (2) which appears on page 209 of the book of instructions, if you approve this principle.

Mr. PENNELL: Can you put two names on this form?

Mr. CASTONGUAY: One name only.

Mr. PENNELL: Is there any limitation on the number of forms you can have? I remember that I had some difficulty with that. I asked the deputy returning officer for some forms and he told me that there were no more forms.

Mr. CASTONGUAY: I have a full warehouse. If candidates wanted to organize their campaigns, we could help them, but if they make a request from Vancouver on the day before the polling day asking for so many forms, I cannot supply them in time. There is nothing to prevent them from mimeographing those forms. All the returning officer has to do is to ask me for them.

Mr. MOREAU: I can confirm that. We had an unlimited supply.

Mr. NIELSEN: Is my understanding correct, Mr. Castonguay, that the candidate can have two agents in the poll and in addition to those two the candidate himself may remain in the poll?

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: I have a rather serious observation to raise with regard to subsection (6) on page 21 of the draft bill which now reads as follows:

(a) during the hours of polling, but at no other time, examine the poll book—

As you know, Mr. Castonguay, there are two possible interpretations of those words "but at no other time". The one interpretation may be that those words refer only to the examination of the poll book "at no other time except during the hours of polling on polling day". Quite another interpretation and a possible and reasonable one might mean, at no time whether on polling day or on any other day upon which a recount is held are agents entitled to look in the poll book. There have been judicial decisions both ways on the examination of the poll books during a recount. I would hate to see a judge take refuge in those words and interpret them as meaning that poll books shall not be examined on a recount. It will be my intention to discuss this when

we come to the provisions concerning recounts, but there is an inherent danger in leaving those words in there. The purpose is accomplished sufficiently well if the section were simply to read, "during the hours of polling". We do not have to say "but at no other time, examine the poll book and take any information therefrom". By not going beyond that I think one cannot give the authority to an agent to examine a poll book at any other time.

The CHAIRMAN: You want this to read "but at no other time"?

Mr. CASTONGUAY: I see no objection to that.

Mr. MORE: On a point of order, Mr. Chairman, and to clarify procedure, I have been discussing my motion with Mr. Moreau. I moved to adopt section 34(1) as amended so as to clear it out of the way. Mr. Moreau had the idea that my motion took the whole section in. That was not my intention and I am wondering how we are going to proceed.

In section 34(1) I understand you want to include the official agent in these rights. Should we not deal with 34(1) and clear it first? I am wondering about procedure. For my information, could you tell us whether the amendment concerning the official agent is generally agreeable to the committee?

The CHAIRMAN: Yes. We will now start with clause 34(1). You moved that the official agent should be included after "the candidates".

Mr. FRANCIS: I think Mr. Castonguay had the wording.

Mr. CASTONGUAY: In 34(1), in the thirteenth line after the words "the candidates" you could put the words "their official agents".

Mr. MORE: And then you go on, "and their agents".

Mr. CASTONGUAY: "Their official agent and their agents".

Mr. FRANCIS: I would move that amendment.

The CHAIRMAN: Would you write it down, please?

Mr. RICARD: Why did you use the plural rather than the singular?

Mr. CASTONGUAY: That is right, there are many agents but each candidate has only one official agent.

Mr. MOREAU: In the amendment as proposed we had "the candidates".

Mr. FRANCIS: Why do we not make it "the candidate, his official agent and his agents"?

Mr. RICARD: "Candidates" can remain plural because you have more than one during one election.

Mr. CASTONGUAY: Mr. Chairman, the amendment could be moved as suggested subject to any revision that the Department of Justice may think necessary.

Mr. PENNELL: "And each candidate's official agent".

Mr. FRANCIS: I am prepared to accept the wording of Mr. Nielsen "each candidate's official agent and each candidate's agents". Would that clarify it?

Mr. NIELSEN: I did not say it but I agree.

Mr. HOWARD: I wonder if the best course might not be that we would agree on the principle of it and that we would leave the drafting to a person who does the drafting normally.

Mr. MOREAU: Before we leave this section I should like to ask you whether we can amend form 100?

Mr. CASTONGUAY: You do not need an amendment. You could just give me your views.

Mr. MOREAU: Under the dotted line it says, "candidate". We should say, "candidate or official agent".

Mr. CASTONGUAY: It would save the candidate an awful lot of writing.

Mr. MOREAU: I signed 3,000 of those.

Mr. FRANCIS: An official agent or someone else should be assigned to the large ridings.

Mr. CASTONGUAY: I will prepare the consequent amendments.

Mr. MORE: Just to clarify the procedure, Mr. Chairman, could you ask if we are all agreed except in the case where there is something contentious?

The CHAIRMAN: Section 34(1) will stand until the amendment is brought by Mr. Castonguay at our next meeting. There is an amendment suggested by Mr. Nielsen on 6(a).

Mr. CASTONGUAY: To take out the words "but at no other time".

The CHAIRMAN: Is there any objection to that?

Motion agreed to.

Mr. CASTONGUAY: I will have to prepare an amendment for you to subsection (2) appearing on page 209 of the English version of the book on general election instructions for returning officers. I will have to make an amendment in accordance with the wishes of the committee so as to have the same number of candidates in the polling station. That section will have to stand.

The CHAIRMAN: We are now on section 36.

*Proceedings at the Poll.*

36. (1) The deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to electors as have been supplied to him in Form No. 37 or 38 to be posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station.

Mr. HOWARD: I have a question here with respect to Forms No. 37 and 38 which are posted up in the polling station on election day. I would like to move an amendment here. I have a number of copies of the amendment which I will pass around. I have called this subsection (1-A) although in drafting it might be something else.

That section 36(1) be amended by adding thereto the following as subsection (1-A).

"Form 37 and Form 38 shall contain the names, addresses, occupations and political party of political affiliation of the candidates in each electoral district, alphabetically arranged in the order of their surnames; provided that such political party or political affiliation is communicated in writing to the returning officer by the person nominated in Form No. 27 at the time that his nomination paper is produced or filed as provided in section 21, and if any such person fails so to communicate his political party or political affiliation it shall not interfere with the rights as herein enumerated of the other candidates."

The principal point is this, that if a candidate wants to advise the returning officer on what his political or party affiliation is, then that information goes on Form 37 or Form 38 which is tacked up in the poll so that any elector who comes in can discover, from looking at the sample ballot—which incidentally should not have an X on it, but we will straighten this out when we get to the form—and determine which political party any candidate belongs to and is running under. If the candidate does not want to impart this information, then it will not appear on the sample form.

The CHAIRMAN: But if a candidate wants to put in the name of the party without the consent of the leader of that party, can he do so?

Mr. HOWARD: This does not anticipate that situation.

Mr. NIELSEN: I wonder what Mr. Castonguay has to say about this suggestion. These forms are printed in Ottawa and this might present some problems.

Mr. CASTONGUAY: It does not present any more administrative problems. As far as administration is concerned, instead of the forms being ordered in bulk from Ottawa, the returning officer would be given a specimen and he can have it printed locally. Administratively this can be done, but it would mean that the forms would have to be printed locally, and there are many other forms that returning officers have to have printed locally.

Mr. MORE: We have already agreed that there shall be no information indicating the standing of a candidate on the ballot. I suggest it is completely irregular and out of order to suggest that any sample ballot or any other forms showing this sample ballot should contain that information.

Mr. HOWARD: All we decided was that the party affiliation should not be included in the ballot, and we are not talking about the ballot now.

Mr. NIELSEN: I have an observation to make, Mr. Chairman. Since the committee has decided that political affiliation will not be indicated on the ballot, I am wondering whether more confusion will not arise than does arise now by having the forms inside the polling booths. Certainly in some ridings—and I know Mr. Howard's riding would be one of them—there is a fairly large number of Indian voters who mark that form with the proper pencil instead of marking the ballot. Would it not give rise to further confusion in the polling booth itself?

Mr. HOWARD: We have not run into the problem related by Mr. Nielsen among native Indians or anyone else.

Mr. NIELSEN: It is not uncommon to have an illiterate voter, who is not discovered as being an illiterate voter, go into the booth and actually mark that form on the wall and take the blank ballot back to the D.R.O.; and the blank return is placed in the box. I question the use of the forms at all in the polling booth, but that, of course, is for another time. By putting more information on the form we might further confuse the issue with regard to a good many electors.

The CHAIRMAN: Are you ready to vote on the amendment? Is there a seconder to the amendment?

Mr. CHRÉTIEN: I second the motion.

The CHAIRMAN: Are you ready to vote on the amendment?

Those in favour of the amendment please raise your right hands. Those against the amendment please raise your right hands.

There are six in favour and six against the amendment. I am against the amendment.

Motion negatived.

Mr. MOREAU: I would like to make an observation arising out of the discussion. These forms are posted in the voting compartment. I wonder if there are any penalties provided in the act for marking the forms. I am thinking particularly of someone who, early on the election day or perhaps at the height of the rush at 7 o'clock, might put an X on the form for a particular candidate. I wonder if there is any penalty for that.

Mr. CASTONGUAY: There is a penalty. I had a prosecution in one electoral district for such an offence.

Mr. NIELSEN: May I raise two observations here along the lines of Mr. Moreau's question?

Before any person defacing Form 37 could be convicted of an offence it would have to be proved that he intended to deface the form with some sort of criminal intent. I think there are two more serious objections to it, however.

Most of the instances which have come to my attention have been in cases of electors going into a polling booth and defacing the forms purely from ignorance as to the use of the ballot. This might not be prevalent in the polling stations which most members of this committee have in their ridings, but in many rural polling stations there does exist ignorance to the extent that an elector will go in and mark Form 37, which is on the wall of the polling booth, instead of marking the ballot. He brings his blank ballot to the returning officer and it will be put in the ballot box in that way.

There is, however, a more serious objection—and I am speaking now only of Form 37 in the polling booth. Form 37 is in the polling booth above the shelf. The elector looks straight at it as he goes into the booth before he marks his ballot. This is an even more serious objection in rural polls where one does find unfamiliarity with election procedures, particularly on the part of new voters; and we are to be faced with a mass of new voters next time if the voting age limit is reduced.

The most serious objection is the marking of an X in Form 37, which is shown on page 297 of the act, in the bottom space of a ballot which contains four spaces. This is serious in cases in which there are four candidates in a rural poll—and I say "rural" because one finds more unfamiliarity with election procedures in rural polls than in urban polls. One might find an elector coming to the conclusion that because the X is in the fourth space on the sample, that is where he has to put his X on the ballot. So there is implied inducement, if you will, to some electors to put their X on the actual ballot where they see it on the sample. I therefore very seriously question the use of Form 37 in the polling booth.

Mr. FRANCIS: There is no foolproof system to prevent people who are ill-informed or not knowledgeable in the ways of elections from making mistakes.

I have never known of such an instance in my own riding, but the situation may be different in different parts of the country. More has been gained by having the system illustrated than has been lost by having the illustration of the ballot on the wall.

No system devised to explain the working of the ballot will be absolutely foolproof. There will always be some people who will incorrectly mark their ballots; but, on balance, it is better to have it illustrated.

Mr. NIELSEN: May I ask Mr. Francis if he will comment on the second part of my observation in regard to the particular placing of the X on form 37.

Mr. FRANCIS: I can hardly comment on that. I can foresee that some people may make such a suggestion but, on the other hand, I have found even people without much formal education will resent anything which implies that one is telling them what they are supposed to do. There is nothing to prevent that kind of person from making a mistake if he is so disposed. One has to explain the X, and one cannot put more than one X on a ballot.

Mr. MOREAU: I have more faith in the electorate than Mr. Nielsen appears to have.

Mr. NIELSEN: It is not a case of faith; it is a case of experience.

The CHAIRMAN: If there were no cross at all they would cover the whole thing.

Mr. RICARD: Would you say from your experience, Mr. Castonguay, that this sample on the wall is absolutely indispensable? Do you think there is a great number of the electorate who learn how to vote from that sample?

Mr. CASTONGUAY: I would not know, Mr. Ricard. This form was amended in 1960. The only objection raised at that time was that when the name Smith or Brown appeared on the form it was good for the party running a Smith or a Brown when the X was beside those names, but not for the others. They decided to remove those because some Smiths and Browns contested in the past and allegedly had an advantage because of the X being there.

I only observe elections from my office in Ottawa, remember.

Mr. RICARD: Are you of the opinion that many people learn how to vote before they go into the poll?

Mr. CASTONGUAY: I cannot answer that.

Mr. RICARD: I would be inclined to think that people know how to conduct themselves before they go into the poll; that they do not need the sample on the wall.

Mr. MOREAU: I think there is a tendency on the part of many of our people to spoil ballots by check marks, even in ridings where the problems to which Mr. Nielsen has referred do not exist. This is done unthinkingly; they know better and would not do it if they stopped to think. The form in the polling booth indicating an X is a reminder to them that that is the only acceptable way in which to vote, and no other. I think it is valuable to have it there. In spite of the fact that it is there, we still have a considerable number of check marks.

Mr. CASTONGUAY: I have some information here that might help the committee. I personally examined the rejected ballot papers of the 1953 election. I looked at 60,691 papers. Of that number, in my opinion 983 would have been accepted by a judge as good.

I must preface this analysis by saying first of all that it is very difficult to tell the difference between a spoiled ballot in the terms of this act and a rejected ballot. Anyone who has had experience of a recount will know the elector may come in to vote and mark the ballot for the wrong candidate and change it, and this is called a spoiled ballot; but a rejected ballot under the provisions of the act is one which is rejected because it is not marked properly. When I say I looked at these 60,691 papers, I cannot tell you conclusively that I looked at 60,000 rejected ballot papers. This one qualification I make.

Of the ones at which I looked, in my opinion; 983 would have been accepted by a judge, 22,119 had a mark right across the face of the ballot—four candidates, four zeroes, everything blacked out, and I would consider that maybe these were spoiled ballots, not cases of electors going in and deliberately spoiling them; but this is only my assumption. There were 22,119 in that category.

Mr. DOUCETT: Are those ballots taken out of the ballot box at night at the count?

Mr. CASTONGUAY: I cannot tell you this.

Mr. DOUCETT: You are not sure?

Mr. CASTONGUAY: I do not think anyone can tell you. If you have been at a recount you will know that the D.R.O. does not perform his duties like a precision drill sergeant of the Canadian Grenadiers. The D.R.O. has a book of instructions, consisting of about 42 pages. They do very good work; I have examined their work and I have found that they do good work, but it is within the limits of the time we have to train them. They could inadvertently put a rejected ballot with a spoiled ballot. I cannot tell you what is the percentage, but I feel a great deal of them are spoiled.

Of ballot papers marked for more than one candidate there were 11,189—that is, where there are four candidates on the ballot paper, they marked a

cross for two. This I assume might be a carry-over of municipal voting habits when the electors are voting for two aldermen, two controllers, or something like that.

There were 8,824 ballot papers with a tick mark. There were 7,883 papers with absolutely no mark on them at all. There were 2,558 papers marked with a ballpoint pen. There were 3,525 papers containing facetious remarks—remarks that I would not report to this committee or in mixed company. There were 3,610 papers marked with numerals. However, I must point out to you that the province of Manitoba accounted for 1,580 of those and British Columbia accounted for 1,225; and Manitoba and British Columbia had the transferable vote, so one can see that was a provincial habit.

That is an analysis of the 1953 polling. I have made analyses of other elections and I have found that this has more or less been the pattern of rejected votes. Mr. Nielsen may have more recent information.

Mr. NIELSEN: I know it is difficult for you, Mr. Castonguay, to say whether you feel Form 37 is helpful or not in the polling booth, but I see these dangers and I have experienced these things happening. I wonder whether the same purpose might be served—if any purpose is served—by having a single ballot form instead of four or three or two, just a single ballot form with “Doe, Joe” and the X marked in the appropriate spot. This would eliminate any possibility of an elector coming to the conclusion that he has to put the X in the place shown on Form 37. It might also eliminate the possibility of an elector coming to the conclusion that he must mark this form itself because of the fact that there is always more than one name on the ballot paper.

Mr. CASTONGUAY: I have no opinion on this. It is hard for me to be of any assistance to the committee on this particular form, the use of it or the advisability of having it. All I can tell you is that the committee in 1960 removed the Smith and the Brown because of the cases in which there was a Smith or a Brown on the ballot paper. However, I cannot be of any assistance to you in this regard.

Mr. NIELSEN: How long has this form been in use?

Mr. CASTONGUAY: For at least 30 or 40 years.

Mr. NIELSEN: I wonder why it was put there.

Mr. CASTONGUAY: The ballot paper used to have a numeral on it. It used to have 1, 2, 3 and 4; and you know why that was there. That was removed by this committee in 1955. I think the reason was that there were illiterate electors. It was removed.

Mr. MORE: I am wondering about having a ballot paper on this form at all. Would it not suffice to say, in lettering of this type, “You must mark an X in the space opposite the name of the candidate you support”? If there was no name on it it could merely show the electors what part of the form should contain the X. This would be preferable to a sample ballot paper which seems to suggest a guide in favour of a particular candidate. A form in the booth which emphasizes that the mark must be an X and that it must be put in a certain spot on the ballot paper, showing no names at all, would eliminate this problem, if it is a problem, would it not?

Mr. CASTONGUAY: I think this may help the committee; at an earlier meeting I explained to you that I mailed 500,000 of those forms and they reached 500,000 dwellings. I did not receive any complaints from any one of those dwellings. It is my experience that I receive a great deal of mail both pro and con any innovation, but I did not receive any letter on this matter.

Mr. NIELSEN: It was not new.

Mr. CASTONGUAY: It reached 500,000 urban dwellings. It has been my experience when something new has been introduced, along those lines, by amendment or by me, I get some mail in reference to it. However, in this case I did not receive a letter.

Mr. RICARD: Is it not a fact, Mr. Castonguay, that the returning officer as a general rule asks if the voter needs help whenever he comes in?

Mr. CASTONGUAY: This is always something that is read in the act. I have had more trouble with this illiterate voting procedure than any other section of the act. People forget to read the section. It is at the request of the elector if he wants to avail himself of the procedure, not at the instigation of the D.R.O. The illiterate elector must request this of the D.R.O. I am afraid, however, that this is used the other way; a handicapped or illiterate elector walks into the poll and either the D.R.O. or the returning officer jumps on the poor soul and says "You must poll an open vote." There is a great deal of abuse in this. I have an amendment here which I hope the committee will consider.

People seem to forget that it is the elector who must request this voting procedure. It must not be dictated by some agent of a candidate at the poll.

Mr. NIELSEN: I have two suggestions, one which requires an amendment and one which does not require an amendment.

The first suggestion I wish to make is that Form 37 be not posted in the polling booth at all. That would require an amendment to the section itself.

The second suggestion I have is perhaps more acceptable to the committee. It is that the form be redesigned so that instead of four or three or two spaces on Form 37, only one appears showing the proper position of the X. This seems to be the main purpose of the form at all times, and if it is not fulfilling its purpose, then the form is of no use.

The second alternative is preferable to me, that is the suggestion that the form be redesigned.

Mr. CASTONGUAY: That is very simple.

Mr. NIELSEN: It would not require any amendment.

Mr. CASTONGUAY: It would require amendment, but your second alternative would merely be an amendment to Form 37, and that would be very simple.

Mr. HOWARD: Should we leave that until we get to Form 37?

Mr. NIELSEN: We are dealing with that now.

Mr. CASTONGUAY: I can prepare an amendment on those lines, and when the committee comes to Form 37 I will have it ready.

Mr. RICARD: Would that form be entitled "How to vote"?

Mr. CASTONGUAY: It would be exactly as it is now but there would only be one space with one name upon it, John Doe.

Mr. RICHARD: Has there ever been a John Doe candidate?

Mr. CASTONGUAY: Fortunately not.

Mr. HOWARD: Before you leave this topic I would like to raise another matter which is perhaps contentious and is in any event complex. This relates to the question of so-called proxy voting.

In Ontario and, I am given to understand, in Nova Scotia some individuals can appoint a close relative, a parent or spouse or child, to vote for them if they think they will be absent on polling day. We dealt with this matter in 1960. This matter ran from page 292 of the committee proceedings in 1960 to page 303 before it was disposed of—and, incidentally it was defeated. There are 10 pages of committee proceedings dealing with this question of proxy voting. I do not myself want to relate what took place there, but I wonder if just the reference to the committee proceedings is sufficient? Members may want to take time to review the material discussed earlier.

I could move a motion endorsing the principle of proxy voting and then let it stand until some time when the committee may want to raise it again to decide whether or not they are in favour of the concept of proxy voting.

Mr. NIELSEN: Are we still dealing with 36?

Mr. HOWARD: This is the section under which it was moved in 1960.

The CHAIRMAN: It is not in the present law. That will come later.

Mr. HOWARD: It comes in the place where it came before. It deals with someone the elector appoints to cast his ballot for him. Mr. Pickersgill moved the amendment in 1960.

Mr. MOREAU: That is not binding.

Mr. HOWARD: I thought the Liberal party endeared itself to its past stands to an extent that nothing would change them.

I move that we endorse the principle of proxy voting whereby an elector who is a fisherman, a salesman, a transportation employee or a person confined in a hospital, may appoint a wife, husband, parent, brother, sister or child who is also an elector and qualified to vote, to cast his ballot if the said elector believes that he will be unable to cast his ballot.

Mr. MORE: What is "or a child"?

Mr. HOWARD: I do not know, but those words were used in the act in Ontario.

Mr. DOUCETT: Are you talking about provincial elections?

Mr. HOWARD: Yes, the Ontario elections act; section 89(2) is the reference. This was the law in 1960, whether it has been amended since that time I do not know.

Mr. WEBB: I did not know there was such a provision.

Mr. CASTONGUAY: Yes, there is.

Mr. HOWARD: And there is also such a provision in Nova Scotia.

Mr. CASTONGUAY: Yes, in Nova Scotia they have adopted it and they used it for the last election.

Mr. NIELSEN: How does it work?

Mr. CASTONGUAY: I do not know. It may be of some use to the committee if I refer them to the report of the royal commission on provincial elections. This commission made a very detailed study. It is the first royal commission that has ever made a study of the elections act, whether federal or provincial. The information here may be very useful to the members in arriving at a decision. Perhaps you would like me to put it in as an appendix to the proceedings, so that you would have it in the minutes.

The CHAIRMAN: Is there any seconder to the motion?

Mr. DOUCETT: I think we should leave this until we have a chance to look at the report.

Mr. MOREAU: I would like to ask Mr. Castonguay a question with regard to proxy voting.

There may be a problem in an urban area. I can appreciate the difficulties might not be very large in a rural area where people are much better known, but in an urban area I fail to see how the candidates' agents, the deputy returning officers or the poll clerks would be in a position to judge whether the proxy was a valid proxy or not.

Mr. CASTONGUAY: Proxy voting was adopted for the prisoners of the Korean war, but the safeguards were most exceptional because the proxy was given to the next of kin indicated on the records of the Canadian forces who were prisoners. I had to check with returning officers to see if that next of

kin was an elector, and then the returning officer, after checking this, would give me the name of the person and I would mail the proxy. We only used 18 proxies at that election in 1953.

So we have proxy voting and it is still in our legislation but only for prisoners of war and members of the Canadian forces. I would be very confident that the safeguards there are satisfactory to this committee. After all, this committee recommends these rules and they have worked very well and the safeguards are more than adequate.

In so far as their use in the metropolitan area is concerned, I will leave that to every member's imagination, but you have to have some safeguards.

Mr. NIELSEN: Or in rural areas.

Mr. MOREAU: Mr. Howard, have you considered how you might control such a situation, because I can see all sorts of problems here?

Mr. HOWARD: As Mr. Castonguay said earlier, nobody has the right to order an elector to identify himself. All such a man can say is "I do not think you are who you say you are". I do not see any difference between the right to object to an elector without any right for anybody to insist that he produce identification proving who he is and the right to use a proxy. How it works in Ontario in detail or in Nova Scotia, I really do not know.

Mr. MOREAU: My comment on that, Mr. Howard, is that I think an elector who comes to an urban poll and tries to be someone else and says, "I am so and so", cannot assess the risk because he does not know who the agents are going to be and he does not know whether the voters from that poll who might be neighbours of the person he is trying to impersonate are there. There are all sorts of hazards he might run into and I do not think he can assess the risk. In proxy voting we would be in the position of trying to judge whether, even if he were the next-of-kin, he had the right of proxy from the person he claimed to be voting for. This would be very difficult to establish.

Mr. HOWARD: In 1960 Mr. Pickersgill suggested that the proxy not only be the designated relative, or one of the designated relatives, but also a qualified elector in the same polling division. It was narrowed down to that extent. I presume that there is a form whereby an elector goes to the returning officer, as he does now in advance poll voting, and says, "I am going to be absent and I would like to appoint my wife, Mrs. Jones, who lives at such and such a place, as my proxy". He would then get a form and in this way the deputy returning officer of that poll would be advised that this person has a proxy and therefore he does not have the right to vote. In this way there would be safeguards to ensure in advance poll voting that there is no double voting.

Mr. MOREAU: You say that the elector himself would sign a proxy form before the returning officer?

Mr. HOWARD: It is the deputy returning officer.

Mr. MORE: How does this extend to people in hospital, people who are bedridden in hospital?

Mr. CASTONGUAY: If you do not mind my suggestion, I commend this Nova Scotia report to you, not that I favour this either way but I think there is information there that takes care of people in hospital. It also takes care of the forces. The forces did not have voting regulations, so they adopted this proxy voting to take part of the services. There are many ways of producing safeguards but this study that was made by the royal commission would be a most useful one to have on the records. You can take any safeguards you wish, it depends on what the committee wishes. In 1944, a study was made for the voting of the Canadian forces at that time. It was suggested to the committee that proxy voting be adopted and members of the three services were asked to testify. Not one of them wanted proxy voting. They wanted direct voting

for members of the forces. In 1952, it was felt necessary to bring about proxy voting for members of the Canadian forces who were prisoners of war because there was no other way to provide them with a vote. The committee went along with that at that time. Every time this has been before the committee, the committee has never accepted it except for prisoners of war. All the safeguards that the Nova Scotia legislature adopted are here for your information.

Mr. NIELSEN: If it is in order, I would like to move that the Nova Scotia report be printed as an appendix to this day's proceedings.

Mr. CASTONGUAY: The whole report or the report pertaining to the proxy voting?

Mr. NIELSEN: Pertaining to the proxy voting.

Mr. MOREAU: Would that section stand then?

Mr. HOWARD: This was my original suggestion, that if there was general agreement at least to look at the question I wanted to move the motion to get it before the committee and let it stand.

Mr. CHRÉTIEN: I would second the motion because I am in favour of the principle but I should like to discuss the way we do it.

The CHAIRMAN: It is moved by Mr. Howard and seconded by Mr. Chrétien.

Mr. NIELSEN: There is something I should like to express very briefly. I can see the system of proxy voting raising insurmountable difficulties and opening the door to the possibility of untold election offences and abuse of election procedures, particularly in rural ridings and particularly when you are confronted with electors in large numbers, such as we have in the Northwest Territories and in the Yukon or in Labrador, among people of Indian and Eskimo extraction. These people, particularly in Keewatin and Franklin districts where you have a large number of Eskimo voters are still being familiarized with the election process. It seems to me that what would likely happen is a concerted and organized effort to get out and get proxies from the Indian and Eskimo people and to send them all out on the trap lines or on a hunt. That is one possibility. It would be a situation of chaos in this type of constituency.

Mr. MOREAU: On a point of order, Mr. Chairman, I am not quite clear on this. Maybe I am just being hopeful. I was thinking of the work we have to complete. Although I am in favour of extending the franchise to as broad a base as possible, I was wondering whether we would have time to deal with this question. I was wondering how long Mr. Howard was prepared to stand his motion.

Mr. HOWARD: When I moved it and suggested it might stand, it was out of my hands and anybody who wanted to could raise it at any time. I gave the 1960 references to the debate so that members could look at it if they wanted to. If the other suggestion of Mr. Nielsen carries that the report of the Nova Scotia royal commission, as it related to proxy voting, be made available, it would be up to any member at any time to raise the question here.

Mr. MOREAU: Are you prepared to let it stand until we finish with the consideration of the other sections of the act? I was asking what your wishes were.

Mr. HOWARD: I want to try to get through the act if we can.

Mr. LESSARD (*Saint-Henri*): Mr. Howard, would you leave your suggestion until the end of our work?

Mr. CHAIRMAN: He is asking that it stand until we call it back. There is another motion that the Nova Scotia study on proxy voting be included in the proceedings of this committee.

Mr. LESSARD (*Saint-Henri*): You will let the whole matter stand now?

The CHAIRMAN: Yes. Is there a seconder for Mr. Nielsen's motion? It is seconded by Mr. Howard that the Nova Scotia study be put in the proceedings of the day. Are there no objections?

Motion agreed to.

Mr. NIELSEN: I have an observation with regard to section 36(6). It has to do with the congestion and overcrowding of the polling stations. The section as it is now drafted allows the deputy returning officer a discretion since the word "may" is used in the section to permit that not more than one elector for each compartment in the polling station enter the station. I think this would eliminate all doubt, and there is doubt by the D.R.O.'s. If there were to be written into the section the maximum number of electors that could be allowed in a polling station at any one particular time it would overcome the difficulty. If schools are used, there is probably no problem because the policing is easy, but where residences are going to be used—and some of the residences have already been described by members of this committee—some of them are quite small and the congestion is not conducive to the proper secrecy and orderly conduct of a polling station. I feel that there should be a maximum set in the section. As to how one is to arrive at that maximum may prove difficult and perhaps it should be placed on the basis of the square footage of space available in the polling station, but certainly the problem has existed in the past and should be cured. I am sure we can find some way of doing it. For instance, a polling station 20 by 30 feet has contained as many as two dozen electors at a time and more. This is very bad.

Mr. MOREAU: Mr. Chairman, surely this must be discretionary because not only the square footage is involved here but also the shape of the facilities; if there are long corridors in the polling station and an exit door at the other end, it would make a difference. There are many factors that are involved in the voting facilities here. Mr. Nielsen indicates himself that in some of these facilities you can almost have an unlimited number. It is just a question of whether you can control them when they approach the deputy returning officer's table and go in an orderly fashion to the cubicles. I feel that this must be discretionary on the part of the deputy returning officers and I do not see how we can legislate on it. We may find we are creating more problems if we try to legislate on the regulations as they exist now.

Mr. NIELSEN: To enlarge on that for a moment, Mr. Chairman, I would say that where you have premises that are large enough to accommodate a large number of voters comfortably. The section as it is now worded is still adequate because those electors can be waiting in the corridors or in other locations other than the room where the poll is held. Those are the words used in the third line of the subsection. However, the circumstances that do give rise to difficulties are where there are residences without that capacity for accommodating electors who are waiting to vote. Particularly in winter elections, this gives rise to problems. Some of these polling stations are in the basement of residences and the area involved is very small. You then have an acute overcrowding condition.

Apart from the possible breaches of security of the secrecy of the ballot you have bantering going on back and forth, not only between electors but between the electors and the officials and agents, in fact a small campaign going on right in the room. This would not happen if we had a maximum number set on the persons who are allowed into the room where the poll is held, not in the building but in the room where the poll is held. My own suggestion here would be that there is seldom a polling station with more than three polling divisions in any particular polling room. There are three persons who may at any one time be occupying the booths. Perhaps a rule

of thumb should be adopted that only an additional three should be allowed in the room where the poll is conducted. I feel there should be a restriction placed in the act to prevent the type of situation arising which has given rise to disorderly polls and undoubtedly offences against the act. That was one of the big reasons for the controversion of the election in 1956 in the Yukon. There was overcrowding.

Mr. MORE: I do not know how you can write in a factor like this. In some of the auditoriums of schools where polls are held there are five or six polls covering that immediate district and each of them has ample polling booth facilities. I have seen lines of ten or 12 people at each deputy returning officer's position waiting their turn. Of course, we would have no problem there, but if you write that factor into the act how do you excuse or stop it limiting cases where you have facilities of this nature?

Mr. MOREAU: I will ask Mr. Castonguay whether there are any penalties under the law and cannot a deputy returning officer take action against people who are in effect conducting miniature campaigns and bantering back and forth.

Mr. CASTONGUAY: The returning officer has full power there. However, what concerns me in Mr. Nielsen's suggestion is how much good order there would be in a poll if there were a big snowstorm and somebody could not get into the poll or if it were raining. In some areas I know they start going in through the front door, they go through the kitchen and then throw the furniture out if they are not allowed into the poll and have to stay out in the rain or storm. There is a problem there. However, if the deputy returning officer takes charge of the poll, we would not have that problem.

Mr. NIELSEN: Mr. Moreau said that he wondered about the offence section of the act. Surely offence sections are there, but we know that no agent of a candidate is going to raise any great objection to disorderly conduct of any particular elector for fear that he might lose this particular vote, and no deputy returning officer is going to do that either.

Mr. CASTONGUAY: It is my experience that it is very difficult for a deputy returning officer to maintain the order that is desirable on the lines which Mr. Nielsen points out. The way we have overcome this problem is that I have authorized uniformed policemen to be put into polling stations where this is anticipated. This has worked very well and where a problem is anticipated the returning Officer gets my approval. I do not want anybody in civilian clothing to be the doorkeeper because that provokes more arguments. It is all right when we get commissionaires or off duty policemen in uniform, if they are available, but if this constable has not a uniform on, it provokes more battles.

Mr. NIELSEN: This happened in the Yukon in the 1956 election where you had uniformed mounted policemen. Reaction to this was dreadful because here you had a supposedly free democratic election being policed by the Royal Canadian Mounted Police, who, I am sure regarded their task with distaste. However, they had to be there because of the overcrowding.

Mr. CASTONGUAY: But that is eliminated because, if you recall, at Whitehorse there was one polling division and they all voted in one place. After that election I managed to convince all the interested parties in Whitehorse to conduct the election under the Canada Elections Act, and they did so for the first time. They never knew the act existed before.

Mr. NIELSEN: I would not say that, Mr. Castonguay.

Mr. RICHARD: My experience of the problem of the overcrowding of the polling station has been that one of the real causes of the crowding is the fact

that candidates' agents decide to sit at the table of the deputy returning officer with their books or their list of electors. Is there anything that allows them to do that or forbids them to do that?

Mr. CASTONGUAY: It is permissible.

Mr. MORE: If you denied it, what would be the use of having them?

Mr. RICHARD: They do crowd the place.

Mr. MOREAU: They are only allowed to sit and listen.

The CHAIRMAN: Are you moving an amendment?

Mr. NIELSEN: I cannot do that. I raised the matter for serious consideration but I cannot move an amendment because I would not be able to devise a formula acceptable to all members of the committee.

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, I have one question. You mean to say, Mr. Castonguay, that only a constable in uniform could perform the duty?

Mr. CASTONGUAY: If he is available. I find that this type of person, in civilian clothes, creates more chaos in the poll than if there was nobody there because a civilian in that type of position is suspect and it has not created a very peaceful atmosphere. However, in these large metropolitan areas where we can get a uniformed commissionaire order is maintained in that way. I must say we get wonderful co-operation from police forces in all large metropolitan areas on this thing.

The CHAIRMAN: We are now on section 37.

Who may vote and where.

Closed lists in urban polls.

37. (1) Subject to his taking any oath or affidavit authorized by this Act to be required of him, every person whose name appears on an official list of electors shall be allowed to vote at the polling station on the list of electors for which his name appears; in an urban polling division, he shall not be allowed to vote if his name does not appear on such list, unless he has obtained a transfer certificate, pursuant to section 43, and fully complies with the provisions of subsection (5) of the said section, or unless he has obtained from the returning officer a certificate in Form No. 20 issue pursuant to subsection (12) of section 17, or a certificate in Form No. 21 issued pursuant to subsection (13) of the said section, which certificate shall be delivered to the deputy returning officer before the elector is allowed to vote; in a rural polling division, any qualifier elector may vote, subject to the provisions of section 46, notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides.

Open lists in rural polls.

Mr. HOWARD: Mr. Chairman, there are references throughout here, and later on, to an elector being the only person entitled to vote. I think that passage of these sections should be subject to our decision on proxy voting. If we decide in the affirmative it might affect a number of the sections of the act. I do not particularly favour letting all of the sections stand. We might be standing the whole act from one end to the other subject to the proviso that if we decide in the affirmative on the proxy voting it may be necessary to go back to these sections.

Mr. CASTONGUAY: For the guidance of the committee on this I would like to say that if the committee would adopt proxy voting in principle there would have to be another schedule added to the act and it would not affect our sections. In the Nova Scotia and Ontario legislatures it is separate from all the others. This has been dealt with as a package deal and it would not affect any of the sections.

Mr. NIELSEN: I have one observation which I would like to raise and on which I would like to ask Mr. Castonguay's advice, it is this. I am sure that all the members of the committee have had experience with electors in the urban polling divisions coming along when it has been too late to get their names on the list. For one reason or another, usually inadvertence or lack of information, or whatever other reasons, they are prevented from voting because an urban list is a closed list. I am sure that Mr. Castonguay has devoted some thought to designing the section and the act so as to give the largest number of people who are entitled to vote the right to vote. Has there been anything that he or his staff have been able to come up with that would allow an urban elector who has inadvertently missed being placed on the list of revisions to cast his ballot on polling day?

Mr. CASTONGUAY: I do not think there is anything that can be devised that will be satisfactory to this committee and that would provide the necessary safeguards, particularly in large metropolitan areas. I do not know of any country in the western world that allows an elector to be put on a list and vote in a metropolitan area 16 days before the polling day. There is no country in the western world that allows this.

May I suggest to the committee that you have gone as far as you can go to allow names to be put on the list before the polling day and to give candidates and their organizations an opportunity to provide safeguards to see whether the names that are added are bona fide electors. This may not be a problem in a small town but I was suggesting that in large metropolitan areas candidates now have difficulty checking the names that were put on during the revision, let alone checking the names that may be put on maybe up to five or six days before the polling day. There is provision in the act, and I am satisfied with it, that if an elector is denied his right of voting because of some mistake of the election officer, where the elector has been enumerated or revised, we can correct this. However, the candidates have the safeguards.

I would suggest that in large metropolitan areas if your candidate is for instance in York-Scarborough and there were 6,000 names added five days before the polling day, you would not be too happy about this. In one particular electoral district during the revision they added 900 fictitious names and added four or five to each polling division. It was almost impossible for us to check this even though they were added sixteen days before the polling day. It took me and a squad of 30 R.C.M.P. officers to find all these names, and we were still checking them two weeks after polling day. How can a candidate, having 900 names added, say four or five days before polling day, check this?

Mr. NIELSEN: You said that when an election official makes a mistake there is recourse for an elector that has been left off an urban list?

Mr. CASTONGUAY: Where an elector has been enumerated and has not been put on the typewritten or printed list there is recourse. When an elector has applied to a revising officer to have his name on the list and his application has been accepted and inadvertently the revising officer has not put his name on the statement, there is recourse to that. However, there is no recourse in the case where an enumerator did not call at the four or five homes. There is recourse in the case where an elector actually has been given an undertaking by the election officer to be put on the list.

Mr. NIELSEN: Recourse to an elector who has not been called on by an enumerator is to see that he has been put on the revised list?

Mr. CASTONGUAY: In 1960 the committee provided additional facilities for electors who are unable to go to a revision. If he cannot go to the returning officer, provision is made for two revising agents to go over to his house. In 1960 the committee tried to make provision for electors who because of some

reason could not go to the revising officer during the three days. I would say that the committee and the house have gone as far as they can to provide facilities and to try to correct this mistake. Remember that we have six days to collect 10 million names and 70,000 people to do it. Even with our system—and I am not saying our system is perfect—this gives the same satisfaction as any permanent list I have seen. You cannot get every elector on the list; it is impossible, whether you have six days to do it or six years to do it.

Mr. RICARD: Mr. Castonguay, is not the list indicating where an elector is supposed to vote sent to the home also?

Mr. CASTONGUAY: Yes, it is sent to his dwelling but he only gets that if he has been enumerated.

Mr. RICARD: If he goes to the trouble to find out whether or not he is enumerated.

Mr. CASTONGUAY: The mailing system has worked out very well. It has picked out quite a few names. You might not receive the list but your neighbour has it and in discussion you find out from him. This has helped a great deal.

Mr. RICARD: In spite of the privilege of being able to vote each one should do his own homework.

Mr. MOREAU: Mr. Chairman, I would not like to try to limit the discussion in any way. We went into this question exhaustively when we were discussing enumeration in the early sections. I think we are repeating some of our earlier statements. I do not want to be sticky about it but in view of our attempt to complete our revision of the act I was wondering whether I could remind members of the fact that we had discussed this earlier.

The CHAIRMAN: We are now on section 38.

Penalty for wrongfully inducing person to vote.

38. Any person who induces or procures any other person to vote at an election, knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as provided in this Act.

Mr. HOWARD: In view of what Mr. Castonguay has said about the mechanics of putting into effect a system of proxy voting, did we stand section 36?

The CHAIRMAN: We did.

Mr. CASTONGUAY: I have an amendment on section 35. There is nothing on section 36.

The CHAIRMAN: We did not stand section 36.

Mr. HOWARD: We passed section 36?

The CHAIRMAN: Yes.

Mr. HOWARD: That is what I think we should do in view of what Mr. Castonguay has said.

The CHAIRMAN: We stood your amendment.

Mr. CASTONGUAY: At page 21 of the draft bill I have a proposed amendment to clause 20, but I would suggest that this again stand until we make the study of clause 33 of the bill.

The CHAIRMAN: We will let it stand.

Mr. CASTONGUAY: I gave an excerpt of the report of the royal commission on the penalty and offence section and the revision they recommended to the Nova Scotia legislature. Their penalty and offence sections were similar, if not identical, to ours.

In preparing my revision in 1960, I was guided by the recommendations made by the commission to Nova Scotia. It would help if the committee had these recommendations before them prior to dealing with clause 43. If the committee agrees, you would at least have the broad lines which I followed in the revision and some information indicating how I proceeded. That would be helpful when we do come to clause 43. If this were put in the appendix, you would know the broad lines which I followed and would more easily be able to see if it meets with your approval. I had no guiding lines given to me in 1960. They told me just to revise, standardize and bring up to date the penalty and offence sections. As you are well aware now, I was impressed with the report of the royal commission in Nova Scotia; therefore I followed the guiding lines of those recommendations.

Mr. MOREAU: I so move.

Mr. LESSARD (*Saint-Henri*): I second the motion.

The CHAIRMAN: It is moved by Mr. Moreau, seconded by Mr. Lessard (*Saint-Henri*) that this be added to the proceedings of the day.

Mr. NIELSEN: Section 38 is one that was retained by the Nova Scotia commission.

Mr. CASTONGUAY: Yes, but we have included it somewhere else.

The CHAIRMAN: So section 38 will stand?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Section 39 deals with the oath of the elector and affidavit of electors.

Mr. CASTONGUAY: I have no amendment to suggest there.

The CHAIRMAN: Section 40 deals with "improper varying of oath"; "elector refusing oath not entitled to vote"; "when elector refuses to take improper oath."

Mr. CASTONGUAY: I have no amendment to suggest.

The CHAIRMAN: Section 41: "name, address and occupation corresponding closely to another"; "may vote on taking oath"; "entries in poll book."

Mr. CASTONGUAY: I have no amendment to suggest there, Mr. Chairman.

The CHAIRMAN: Section 42.

Mr. CASTONGUAY: I have no amendment to suggest to section 42 either, Mr. Chairman.

The CHAIRMAN: Section 43 deals with the issue of transfer certificates to agents of candidates.

Mr. CASTONGUAY: I have an amendment to this section.

Mr. NIELSEN: Before we leave section 42, Mr. Chairman, perhaps Mr. Castonguay would help me. What I want to do is suggest that specific provision be placed in the act with respect to examination of the recounts. Would that come in here?

Mr. CASTONGUAY: I have made a recommendation in regard to this matter, and you are not going to be very happy about it. I think it is to be dealt with along with the recount.

Mr. NIELSEN: It should be raised now?

Mr. CASTONGUAY: No, with the recount. I have made a suggestion which is completely contrary to your desires, so I think that is when we should deal with it.

The CHAIRMAN: Section 43 deals with the issue of transfer certificates to agents of candidates:

*Issue of and Voting on Transfer Certificate.*

Issue of transfer certificates to agents of candidates.

43. (1) At any time between the close of nominations and not later than ten o'clock in the evening of the Saturday immediately preceding polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 44 entitling him to vote at the latter polling station.

Affidavit of agent voting on transfer certificate.

(2) Every person appointed agent for a candidate, who has obtained a transfer certificate from the returning officer or the election clerk shall, before being allowed to vote by virtue of such certificate, subscribe to the affidavit in Form No. 45 before the deputy returning officer, and such affidavit, together with the transfer certificate attached, shall be surrendered to the deputy returning officer before whom it is subscribed. Transfer certificate for candidate.

(3) Any candidate whose name appears upon the list of electors for any polling station is entitled at his request to receive a transfer certificate entitling him to vote in any specified polling station instead of that upon the list of electors for which his name appears.

Transfer certificates for deputy returning officer, poll clerk, and election clerk.

(4) The returning officer or the election clerk may also at any time issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than that at which such person is entitled to vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated.

Condition.

(5) Except in the case of the election clerk no transfer certificate issued to any election officer or agent for a candidate under this section entitles such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the said certificate at the polling station therein mentioned.

Limitation.

(6) No returning officer or election clerk shall together issue certificates under this section purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section.

Signing, numbering and recording transfer certificate.

(7) The returning officer or the election clerk by whom any transfer certificate is issued shall

- (a) fill in and sign such certificate and mention thereon the date of its issue,
- (b) consecutively number every such certificate in the order of its issue,
- (c) keep a record of every such certificate in the order of its issue on the form prescribed by the Chief Electoral Officer,

- (d) not issue any such certificate in blank, and
- (e) whenever possible, send a copy of the transfer certificate issued to the deputy returning officer for the polling station on the list for which appears the name of the person to whom such certificate has been issued.

Entry in poll book.

(8) In every case of a vote polled under authority of this section the poll clerk shall enter in the poll book, opposite the voter's name, in the column for remarks, a memorandum stating that the voter voted under a transfer certificate, giving the number of such certificate, and stating the particular office or position which the voter is filling at the polling station.

Mr. CASTONGUAY: In regard to this section, you will see clause 21 on page 21 of the draft bill. The problem here arises in large metropolitan areas where returning officers are presented with requests for about 600 transfer certificates by agents of candidates. This is not the exception to the rule; it happens in many places.

According to our procedure, the returning officer has to deliver the duplicate of the transfer certificate to the deputy returning officer at each polling station before the polls open on Monday at 8 o'clock. You may remember that in 1960 the advance poll privileges were given to everybody, and it was thought at that time that many of the agents of candidates and scrutineers would poll at advance polls. Some parties used this extensively; others said it was not permissible under the act, and they raised a great deal of fuss. Generally speaking, I think at the last election we had about 85,000 people at advance polls, and it would be safe to say that one-third of the people were agents of candidates and scrutineers. I think it is almost physically impossible for a returning officer, who receives request for transfer certificates on a Saturday to deliver duplicates of these transfer certificates to the deputy returning officer of the poll where that person would normally vote before 8 o'clock on Monday in order to prevent him from voting twice. If he is entitled to vote in poll No. 10, he applies for a certificate to vote in poll No. 20 because that is where he is supposed to work. If we do not receive a duplicate of the transfer certificate to poll No. 10 on time, then there is the opportunity of voting twice.

I am not suggesting this has been done, but the opportunity is there. This is a definite weakness in our system. The returning officers should be given time to make sure that these transfer certificates are received by the original deputy returning officer. As a cure to this problem I am suggesting that it be done on Tuesday, the sixth day before polling day, instead of Saturday, the day before polling day. I am suggesting to this committee that this is the time in which the returning officers tell me this can be done. It may be that members feel differently, and it may be that the fifth day or the fourth day would give sufficient time, but most of the returning officers tell me that the time needed to enable them to make sure that all duplicates of the transfer certificates are delivered to the proper polls is six days. This is what I am told by returning officers, particularly those in the large metropolitan areas where the problem exists.

Mr. HOWARD: Mr. Chairman, my own experience covers only three urban polls and polls confined to communities which do not have more than a maximum of 5,000 or 6,000 voters—which is quite different from the situation in Toronto or Vancouver, for example. However, I would be inclined to think, in keeping with the desire to make sure that this system can operate mechanically that Tuesday, the sixth day, is a little restrictive. In fact, many organizations do not

have a proper organization until perhaps two days before polling day. It is a rush as far as we are concerned, and a rush as far as every other party is concerned, to be properly organized for polling day, even by polling day itself. This juggling around of agents from one poll to the other is a saving factor, and I would be inclined to think that Tuesday, the sixth day, would be severely restrictive. Maybe Thursday, the fourth day—giving Friday, Saturday, Sunday and Monday—would ensure ample time. I would be far more partial, from a purely personal point of view, to this suggestion if it was changed to Thursday.

Mr. CASTONGUAY: I am acting as a buffer here. I know candidates will not like this and I know members of the committee will not like this, it is purely the returning officers' suggestion. It may be that there is some area of compromise.

Mr. NIELSEN: I will agree with what Mr. Howard has said. This may be necessary for large urban polls, but for smaller polls and certainly for rural polls, it is unduly restrictive. Perhaps again we might resort to the solution of a formula whereby the Tuesday deadline would apply to those urban polls with a pre-set number of polling divisions, say 50 or whatever it may be; for anything less than that it should remain as it is now, not being applicable at all to rural polling divisions. That would perhaps be a compromise.

Mr. CASTONGUAY: The problem arises in the wholly metropolitan urban types of district, not in the type of district you and Mr. Howard represent.

Mr. NIELSEN: May I suggest that we allow this to stand until Mr. Castonguay can prepare an amendment, if the committee agrees with my suggestion that we apply his Tuesday deadline to urban constituencies with more than 50 polling divisions, and allow the existing deadline to stand with regard to urban polling divisions with less than 50, and to rural polling divisions.

Mr. HOWARD: Maintaining the right to use urban polls?

Mr. LESSARD (*Saint-Henri*): I second the motion.

Mr. FRANCIS: I am opposed to this amendment.

I want to understand what I am doing, Mr. Chairman. The problem in a large urban riding is that one is making last minute shifts of one's agents, and one does not know until fairly late in the week what the situation will be. Changes are being made right up to the last minute. Of course, we encourage as many agents as possible to vote in advance, and that cuts down the problem. The second safeguard is that they can go in and out of the poll at any time and vote on election day.

Apart from that, however, there is still a situation in an urban riding in which one finds a poll which shows up in enumeration with 850 voters—and we have had those—where one has to put a, b, c, and d in a poll and where one has really serious confusion with one's agents. I personally think the Tuesday requirement is an unduly restrictive one; I think it creates a problem.

You can tell me that these things should not happen, but they do happen and they did happen. These things happened in my riding, as Mr. Castonguay knows very well. I do not see how this can be protected. If the Tuesday deadline is required, I think it will become almost meaningless. Remember, by this time the advance poll is gone and you are dealing with people who cannot poll in advance. Therefore, you have one or two possibilities. You may pull them out of the poll and produce them on election day—and you do not do this with busy polls and polls with odd hours. Some of the people in the urban areas do not poll in peak hours found in other polls.

I think this amendment would have the effect of denying the right to vote to a number of agents.

Mr. CASTONGUAY: As another solution would the committee accept the idea of limiting the number of transfer certificates to each candidate after Tuesday?

Mr. FRANCIS: I would be prepared to accept that.

Mr. CASTONGUAY: The problem we are trying to overcome is not where one has a normal amount of transfer certificates, a hundred or a hundred and fifty. Such a number is feasible. However, there have been several constituencies where, at 5 o'clock on Saturday, perhaps 600 certificates are brought in. Eight o'clock on polling day was the time limit, and I remember at 8 o'clock one polling day an agent came in with 144 transfer certificates. I do not know whether it was coincidental or not, but his majority was 70. He won the election by 70 votes, and that election was supposed to be contested on those grounds. At that time the committee changed the time to Saturday at 10 p.m. We still have the practice of 500 or 600 certificates being presented to the returning officer at eight or nine o'clock, with the expectation that the returning officer will deliver all those duplicates—and you just try to find 300 deputy returning officers at home on Sunday.

Mr. FRANCIS: I would be inclined to accept a proposal to limit the number of transfer certificates at not more than one per poll.

Mr. CASTONGUAY: This gives rise to the same problem. If there are 400 polls, one has to find 400 people in 36 hours.

Mr. MOREAU: Let us set a figure of 50 or 100.

Mr. LESSARD (*Saint-Henri*): If I understand correctly, you have an amendment on that, Mr. Castonguay. In Montreal this system does give rise to a problem, I agree. I agree one hundred per cent with your amendment, and I will be very glad to support it. In the last election we had a great deal of trouble in this respect. As a matter of fact, I telephoned you myself, Mr. Castonguay, with regard to that matter. I agree with you one hundred per cent in this respect.

Mr. CASTONGUAY: I would like to point out to the committee that this date and hour is rather coincidental. This is the time at which the returning officers start giving boxes to the D.R.O.'s. This amendment would make it easy for them because they would put the duplicate on the box. I suggest the date they have set is a convenience to them, and that it could possibly be closer to polling day. I think if they had three clear days there would be no problem involved. Three clear days, not including Sunday, would give reasonable time.

Mr. RICARD: If this is carried I suggest that we must add here, after the word "candidate", the words "or his official agent".

Mr. FRANCIS: Yes.

Mr. MORE: Do I understand the people who are working in polls are out of their own poll on polling day and, as a result of that, cannot therefore vote at the advance polls?

Mr. CASTONGUAY: Any agent who knows by the ninth or seventh day before polling day that he will be away can vote at advance polls. But the problem of most metropolitan areas is that so many agents change after the seventh day. This is a problem in the metropolitan areas and I imagine it also applies to the rural areas. Most members feel it would be a hardship if the amendment was accepted specifying Tuesday.

Mr. MORE: I agree with the suggestion that it be set at Thursday before election day, rather than Tuesday. This gives another day or two. Coupled with that there should be a limit on the number of changes there may be.

Mr. MOREAU: I appreciate that Tuesday, the sixth day, is the day on which the boxes start to go out and that this might effect a saving in the mechanical sense. If this suggestion was adopted with, for example, one hundred changes, would the problem be solved and yet still enable us to organize effectively? In other words, if we were to accept the advantages of one distribution system fitting another, do you feel this would be an acceptable solution?

Mr. CASTONGUAY: I think if you were to leave it at Thursday and put no limit on it there would be a sufficient solution.

Mr. NIELSEN: I have moved and Mr. Howard has seconded that we stand the section until Mr. Castonguay drafts a clause which places a limit on the polling divisions within large urban polls, allowing the situation to remain as it is with regard to rural polls and smaller urban polls.

Mr. CHAIRMAN: Then the whole of section 43 stands.

Mr. CASTONGUAY: I would like some guidance from the committee. Would any member of the committee feel there would be hardship caused if each candidate was limited to 100, or to 25 per cent of pollings?

Mr. FRANCIS: A percentage of polling would be better, I think

Mr. CASTONGUAY: The percentage of polls might be more effective. I think it would be preferable to make it 25 per cent or 30 per cent of the polls.

Mr. MORE: My opinion, Mr. Chairman, is that 25 per cent would be ample. In an urban area one is usually lined up pretty well, but cases of sickness and cases of people who cannot get off duty when they had thought earlier that they would be able to get off duty do arise. However, I think 25 per cent would cover it.

The CHAIRMAN: Does the committee want to leave the amendment at Tuesday in metropolitan areas?

Mr. FRANCIS: Tuesday is unduly restrictive.

Mr. CASTONGUAY: From the point of view of the returning officer, Thursday would not create any hardship. Tuesday would create a hardship on the candidates.

Mr. MORE: I move the amendment be changed from Tuesday to Thursday.

Mr. LESSARD (*Saint-Henri*): I second the motion.

Mr. CASTONGUAY: This will be incorporated in the whole amendment.

Mr. MORE: Following that, I suggest not more than 25 per cent per candidate. I think that is ample.

Mr. FRANCIS: Twenty-five per cent of agents or of polls?

Mr. MOREAU: Polls.

The CHAIRMAN: So clauses 2, 3, 4, 5, 6, 7 and 8 are adopted.

Mr. HOWARD: Mr. Ricard raised a question which has some application here. In effect, we said earlier that an official agent shall have the right to enter the polls in the same way as does a candidate. I wonder if Mr. Castonguay's drafting can include the reference to the official agent, both here and elsewhere if applicable.

Mr. CASTONGUAY: I think of transfer certificates only, and I think of the appointment of official agents only. We will look at it and we will come back to you with the proposal wherever we think it should be made.

The CHAIRMAN: Section 44.

#### *Secrecy.*

Secrecy during and after poll.

44. (1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no candidate, officer, clerk, agent or other person shall,

Interfering with voter marking ballot.

(a) at the polling station interfere with, or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;

Taking number of ballot on count.

- (b) at the counting of the votes attempt to ascertain the number on the counterfoil of any ballot paper;

Communicating manner of voting.

- (c) at any time communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station;

Inducing voter to display ballot.

- (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so cast his vote;

Vote not to be disclosed.

- (e) at any time communicate to any person any information obtained at a polling station as to the candidate for whom any elector at such polling station is about to vote or has voted; or

Secrecy respecting counting of votes.

- (f) at such counting attempt to obtain any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

Secrecy at the poll.

(2) No elector shall, except when unable to vote in the manner prescribed by this Act on account of inability to read, blindness or other physical incapacity

- (a) upon entering the polling station and before receiving a ballot paper, openly declare for whom he intends to vote;
- (b) show his ballot paper, when marked, so as to allow the name of the candidate for whom he has voted to be known; or
- (c) before leaving the polling station, openly declare for whom he has voted.

Penalty for violation.

(3) Every person who contravenes or fails to observe any provision of this section is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as provided in this Act.

Procedure in case of violation of secrecy at the polls.

(4) It is the duty of the deputy returning officer to draw the attention of any elector who has contravened the provisions of subsection (2) to the offence that he has committed and to the penalty to which he has rendered himself liable, but such elector shall nevertheless be allowed to vote in the usual way.

Mr. CASTONGUAY: I have an amendment here which is on page 21, clause 22. That should stand until we deal with section 33.

The CHAIRMAN: Section 45.

Mr. CASTONGUAY: I have proposed amendments to subsections 7, 8 and 9. as follows:

Voting procedure when elector unable to mark ballot paper.

“(7) The deputy returning officer on the application of any elector who is blind, unable to read, or incapacitated, from any physical cause, from voting in the manner prescribed by this Act, shall require the

elector making such application to make oath in Form No. 47 of his incapacity to vote without assistance, and shall thereafter

- (a) assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot paper in the ballot box; or
- (b) where such elector is accompanied by a friend and the elector so requests permit the friend to accompany such elector into the voting compartment and mark the elector's ballot paper.

Entry in poll book of friend's name.

(8) Where a friend has marked the ballot paper of an elector as provided in paragraph (b) of subsection (7), the poll clerk shall, in addition to the other requirements prescribed in this Act, enter the name of the friend of the elector in the remarks column of the poll book, opposite the entry relating to such elector, and no person shall at any election be allowed to act as the friend of more than one such elector.

(9) Any friend who is permitted to mark the ballot of an elector as provided in paragraph (b) of subsection (7) shall first be required to take an oath in Form No. 48 that he will keep secret the name or names of the candidate or candidates for whom the ballot of such elector is marked by him, and that he has not already acted as the friend of an elector for the purpose of marking his ballot paper at the pending election."

The CHAIRMAN: The amendments are adopted?

Amendments agreed to.

Mr. CASTONGUAY: I have an amendment here which also tries to clarify the procedure in the poll. What is there is exactly what the elector is entitled to have now, but it is misinterpreted. In some polls the elector is asked to produce nationalization certificates, birth certificates and everything else. The act does not permit any question being asked of an elector other than what is his name, address and occupation. Some of the requirements set by D.R.O.'s and some agents are appalling; and in the last election I tried to correct this. My proposal is that there be no change in the present act, but I am trying to clarify the rights of the elector and the rights of the deputy returning officers. I want to spell it out.

Mr. NIELSEN: Do you think you have accomplished that, Mr. Castonguay? Would it not be better to approach the matter from the positive direction rather than saying that an elector, before receiving a ballot paper from the deputy returning officer, shall give his name, occupation and address? Would it not be possible for the amendment to be worded to say that an elector shall be entitled to receive his ballot paper upon giving his name, address and occupation?

Mr. CASTONGUAY: Have you read page 22, (2B)? I think it is essential to show what agents and scrutineers are not entitled to do. I think it is essential to spell that out. One has to have the negative approach. I have the positive approach first, and then the negative approach. These are all the things that electors have been compelled to do. One province said a voting slip should be produced in order to entitle an elector to vote. Our slip is just an enumeration slip; it is just a slip to show that the enumerators have agreed to put him on the list. That slip in one province serves as a voting slip. I must say it has been dispensed with now, so we will not have the confusion in that province. Electors in two large metropolitan areas were required by the agents—who had acted provincially and federally and become confused—to produce the

slip; and if they did not produce the slip they could not vote. One has to have a negative approach purely because of the agents and D.R.O.'s.

Mr. NIELSEN: You still have the problem, Mr. Castonguay, that agents and election officials will misinterpret the amendments as you have written them, particularly having regard to page 22, subsection (2B). However, once an elector has been given a ballot paper no one has the right to challenge, as referred to in paragraphs (a) and (b). There is still the inference that the deputy returning officer can refuse the right to vote in face of a challenge. That situation will still prevail with deputy returning officers refusing the ballot paper. I think there should be a positive right stated in the Canada Elections Act that an elector, once he has complied with the conditions set forth in the amendments, shall have the absolute right to receive the ballot paper. Until this is spelled out the misunderstanding and abuse will remain uncorrected. This always happens at every election. People are improperly refused the ballot paper. I think the elector's right should be spelled out.

Mr. CASTONGUAY: Your suggestion, then, is that at page 21, in clause 23 (2A), we should be more positive?

Mr. NIELSEN: We should be very positive about the elector's right to receive the ballot paper upon compliance with these terms.

Mr. MOREAU: Could we not say that the elector "shall only be required to give his name, occupation and address"?

The CHAIRMAN: Is it the wish of the committee that this be positively stated?

Mr. FRANCIS: I would like to associate myself with the suggestion that the elector shall receive the ballot paper upon these requirements being satisfied.

Mr. CASTONGUAY: If you will leave the matter with us we will draft applicable amendments.

Mr. MOREAU: If the things he does not have to do are spelled out, for instance proving citizenship, will we be encouraging abuses of voting procedures? I merely ask the question. The elector has to take an oath if required to do so.

Mr. CASTONGUAY: Yes.

Mr. MOREAU: We would not wish to indicate in any way that the oath has nothing to do with naturalization papers or qualifications to vote.

Mr. CASTONGUAY: It is very positively stated here that if the elector is challenged, either by a deputy returning officer or an agent, he must take the oath.

Mr. DOUCETT: Any agent has the right to challenge.

Mr. CASTONGUAY: Any accredited agent has that right. I think that is positive enough. The weakness has been that the elector has not been too well protected by the practice. This is the problem we have faced. It has been in existence for a long time, but it has been particularly noticeable in the last two elections because of confusion between municipal, provincial and federal acts.

Mr. NIELSEN: If legislation is passed to allow the 18 to 21 age group to vote, the problem will be magnified.

Mr. DOUCETT: I move adjournment.

The CHAIRMAN: The suggested times for sittings of the committee were 9 a.m., 3 p.m. and 8 p.m. The 3 o'clock sitting was not discussed the other day with the steering committee. Is it the wish of the committee that a meeting be called at 3 o'clock? Would you prefer to be in the house?

Mr. MORE: If we are to sit in the afternoon, my impression is that, the meeting should be called for 3 o'clock or following the orders of the day.

Mr. HOWARD: Mr. Chairman, we have just dealt with that. It was decided that we should meet at 8 o'clock tonight.

The CHAIRMAN: Then we shall meet at 8 o'clock this evening.

Mr. FRANCIS: Redistribution may be before the house this afternoon and members of this committee may be concerned with those discussions.

The CHAIRMAN: There will be no meeting this afternoon. The committee will adjourn now until 8 o'clock this evening.

### EVENING SITTING

TUESDAY, November 26, 1963.

The CHAIRMAN: Gentlemen, we have a quorum.

For your information, I have received from Mr. Stephen A. Scott of McGill university a volume of notes on elections. I think it would be necessary for us to have lawyers on both sides in order to discuss the matter properly.

Would you want this to be printed as an appendix to today's proceedings so that a study could be made of it?

Mr. NIELSEN: What is it?

The CHAIRMAN: It is addressed to myself and reads as follows:

As you are doubtless section 18 of the British North America Act, 1867, as amended, limits the power of the parliament of Canada ...

And then it goes on.

Mr. NIELSEN: Who is the author of it?

The CHAIRMAN: Stephen A. Scott.

Mr. MOREAU: Is he asking for an amendment of the British North America Act or the elections act?

The CHAIRMAN: This does not coincide with our views.

Mr. NIELSEN: Who is he?

The CHAIRMAN: I do not know.

Mr. NIELSEN: Why should we have the material printed?

The CHAIRMAN: I received it and I have just read a part of it.

Mr. NIELSEN: It looks to me to be quite large and, if it is as voluminous as it appears to be—

The CHAIRMAN: It is.

Mr. MOREAU: May I suggest, Mr. Chairman, that the steering committee have a look at this and make a recommendation to the committee on what might be done with it.

Mr. RHEAUME: Mr. Chairman, I understand section 31, subsection 5 was stood at the request of Mr. Nielsen; it pertained to the hours of polling.

Is it the wish of the committee that I make my comments on this at this time?

Mr. HOWARD: Mr. Chairman, Mr. Wright gave me a copy of a letter, which I have not with me, which he claims he directed to you, asking for the right to appear before the committee. He stated that he had received no reply to date and he has asked me to raise this question.

Mr. MOREAU: Mr. Chairman, I would like to make a general motion that all such correspondence, briefs and so on, be referred to the steering committee for their consideration.

The CHAIRMAN: I do not think I received such a letter, Mr. Howard; at least I do not remember. Oh yes, I do have it now. You are right; there was a letter.

Mr. HOWARD: Well, I think, Mr. Chairman, that Mr. Moreau has the right idea in his motion, that these matters be referred to the steering committee.

The CHAIRMAN: I think they should be.

Mr. HOWARD: I will second the motion. I am surprised that these things were not brought before the steering committee earlier by yourself, Mr. Chairman.

The CHAIRMAN: I am surprised myself to see it there.

Mr. HOWARD: The more I see you in operation, Mr. Chairman, the more surprised I become every day.

The CHAIRMAN: No one was more surprised than I am.

Mr. BREWIN: This is a much more cheerful committee than the one I have been on.

Mr. HOWARD: Mr. Chairman, would you really surprise us now and put the motion to a vote?

The CHAIRMAN: This one?

Mr. HOWARD: Yes.

The CHAIRMAN: There is a motion, moved by Mr. Moreau and seconded by Mr. Howard, that all correspondence be left with the steering committee, for their consideration.

Are there any objections?

Some HON. MEMBERS: Agreed.

Motion agreed to.

The CHAIRMAN: I understand, Mr. Rheaume, you wanted to revert to section 31.

Mr. RHEAUME: Yes. Section 31 (5) of the election act describes the hours of the polls; it says that the poll shall be held from 8 a.m. to 7 p.m. In the constituency of the Northwest Territories this poses a very serious problem as we have four time zones, running from east to west. So, in fact, the polls do not open at 8 a.m. and close at 7 p.m. It depends where you live in the north whether or not this is true.

In order to have the polls open simultaneously it would mean that at Frobisher bay the polls, in fact, would open at 9 a.m. and close at 8 p.m.; at Baker lake which is the central part of Canada—they would open at 8 a.m. and close at 7 p.m.; at Yellowknife they would open at 7 a.m. and close at 6 p.m.; at Inuvik they would open at 6 a.m. and close at 5 p.m. in the afternoon, and at distant early warning sites, which has a time of its own, it would vary depending where you are.

The problem here is that the notice of polls is printed and it says from 8 a.m. to 7 p.m. This is the way the act reads. Then, in small print there is C.S.T. which stands for central standard time. So, presumably, the voter in Frobisher bay is supposed to realize he is in a different time zone and disregard the notice which says 7 a.m. to 8 p.m.; similarly in the west, at the most westerly point polls open at 6 a.m. and close at 5 p.m. in the afternoon and this results in quite a few voters, having read the notice of polls, coming after 5 o'clock in the afternoon, expecting to vote between 5 p.m. and 7 p.m. but find the polls closed. They say it is Winnipeg time we are using.

Mr. Chairman, I see no way around this. With all the other problems in the constituency it is difficult for the candidate to have a kind of organization which would make contact with everyone to advise them to disregard the election notice, saying they do not mean 7 p.m., in your case, they mean 5 p.m. or,

in the other case, 8 p.m. at night. It is a large problem. We still have the basic problem, how do you get the polls opening and closing simultaneously when you have four time zones in a single constituency?

I wanted the committee to be aware of the particular problem. There are many ways of getting around it. I have not proposed any one formula because there are numerous ways it could be done. We could amend section 50, subsection (1) so that you have your polls open at 8 a.m. and closed at 7 p.m. local time, but do not allow your ballots to be counted until a set time. In this way all the notices would be accurate.

In other words, instead of that, your ballot boxes would not be open then, or your ballots would be counted simultaneously throughout the north. That might be one way of getting around a leakage of information which could happen. The one way to circumvent it would be perhaps to say that you shall not commence counting the ballots until the polls have closed at the most westerly poll, and then you may begin to count simultaneously. This would prevent leakage. I simply raise the problem without proposing an amendment because it affects so many sections of the act, such as printing, and so on.

But as a candidate, and as a member for that area, I insist that something be done. It is most unfortunate that voters can be turned away in the west. That is where they can be turned away because the polls open, let us say, early in the morning, and when the men come in after work, let us say at 7.00 p.m., they find the polls are closed and have been closed for two hours, because they had not read central standard time in small print and translated it into their local time. It is most unfortunate. The act has to be changed.

The CHAIRMAN: Have you read section 101? It says:

In an electoral district lying in two different standard time zones, the hours of the day for every operation prescribed by this act shall be determined by the returning officer with the approval of the chief electoral officer, and such hours, after a notice to that effect has been published in the proclamation in Form No. 4, shall be uniform throughout the electoral district.

Mr. RHEAUME: This is the problem. There has to be uniformity. If the committee wants to do anything about it, it must change section 101. And there are quite a few sections affected by it. We cannot just leave the problem and say that it is tough luck if the voters do not read their signs and find out that 7.00 p.m. actually means 5.00 p.m. I do not think in a remote situation like this we can expect any returning officer to be able to organize the information in such a way that the voters may know when the polls are opened or closed.

Mr. CASTONGUAY: From the point of view of the candidate and the returning officer, this is the most impossible electoral district ever created. It has 1,253,000 square miles, and we have a poll at Alert, which is 550 miles south of the North Pole.

Mr. RHEAUME: I know.

Mr. CASTONGUAY: And we have several districts—I mean 15 to 20 districts—where there are two time zones. I do not know of any which have four or five different time zones. The question in any event is difficult, as you are aware. We even had people up there who could not read what the voting day was and they voted two days before the rest of the public.

Mr. RHEAUME: There was no excuse for that. They were Americans.

Mr. CASTONGUAY: I know, and as I say, it is almost impossible to get communication to these remote areas, and it is almost impossible to bring about uniformity. I am not suggesting that there cannot be a solution. What I am

trying to do is to put this district in its proper perspective. We covered the four corners of that district. It is almost impossible to try to have uniformity among four different time zones in an area of 1,253,000 square miles. In the last election when Mr. Borden was the election officer, he asked for standard time throughout the electoral district, he recommended central standard time. I approved the recommendation for the purpose of having uniform hours of voting which were supposed to be central standard time.

Mr. RHEAUME: In fact they were.

Mr. CASTONGUAY: This is the only provision we have in the act. But I went beyond it, because this provision in the act only provides for two time zones, not four. But under section 5, subsection 2, I could adapt the act, because when they created the electoral district, parliament did not amend the act to provide me with more election clerks. You are going to have a problem, calling upon people to vote, and with information being given to electors when people are still voting, and while other polls are open.

Mr. RHEAUME: My suggestion is that we might take section 50, subsection 1 where you specify what shall happen once the poll is closed. It seems to me that if the ballots are counted simultaneously, after an explanation to your returning officers, giving them a definite point in central standard time, or any standard time, and for your deputy returning officers to count the ballots, this is much simpler than to attempt to advise the electorate that the signs do not mean what they say. But if you begin to count the ballots simultaneously, no matter where you are, then in Frobisher the ballot boxes would not be open but would remain closed until such time as they finish voting in the west, which would be 11.00 p.m. at night; this would solve the difficulty.

Mr. NIELSEN: That does not prevent the specific problem, because that rule would not apply to Nova Scotia until British Columbia had finished. I cannot see any difference in the Northwest Territories compared to the east and west of Canada.

Mr. CASTONGUAY: You could have a poll closed and counted when another poll was still voting in the Northwest Territories. It could happen.

Mr. NIELSEN: The purpose behind the suggestion is to prevent the people in the west, if the ballot boxes remained closed in the east, from being influenced by the voting in the east, providing the ballot boxes remain closed. But surely it makes no difference within the same electoral district as it would with respect to the rest of Canada. If the ballot boxes are allowed to be open, let us say, in St. John's, Newfoundland, six hours before the hour in Vancouver or in Whitehorse, there should be no particular difficulty in allowing the same practice to apply within a particular constituency. I do not think that section 101 applies here because it is limited.

Mr. CASTONGUAY: I had to do something. Parliament has been fortunate enough to give me a little power under section 5, subsection 2. That is the power given to me to adapt the act when parliament has not provided otherwise.

Mr. NIELSEN: Do you think it goes that far, to give you that much discretion?

Mr. CASTONGUAY: If it is not in the act, somebody had to do something about it. And I am prepared to answer to the house for my action. Somebody had to do something about it. I gave parliament the opportunity when they created this electoral district to amend the Canada Elections Act. So I had to use my discretionary power to appoint additional election clerks. I had to have them to go ahead. But I must confess that in a situation where parliament has not provided for it, I will make the decision when required, when no provision has been made for it.

The big difficulty—and I think Mr. Rheume will agree—is one of communication and trying to co-ordinate voting from Yellowknife to Frobisher, from Rankin Inlet, to Baker Inlet and trying to keep all these things co-ordinated. We were fortunate to have Mr. Borden as returning officer in these two elections. That man deserves a great deal of credit for the work he did.

I have some very interesting reports on the manner in which elections have been conducted up there. Sometimes I think this man could actually walk on water when you consider what he actually did up there. But to expect that you can co-ordinate 1,253,000 square miles with people at every location and get them to operate by numbers I think is a little difficult. The only practical solution is to amend this to give more time zones and allow it to operate as it is.

Mr. RHEAUME: But if your voting is simultaneous in four time zones, you are going to run into the same problem no matter how you print your signs.

Mr. HOWARD: Could I ask Mr. Rheume this question? If the polls were to open in whatever their respective time zones are, without regard to making it uniform, what is the problem there, communication of information?

Mr. RHEAUME: The problem then is that section 51 says that immediately at the close of polls they shall count ballots, so that results from Frobisher bay would be going west while polls are still open for a couple of hours in the same constituency.

Mr. HOWARD: Unless we made it a rule peculiar to that constituency. We could make a rule peculiar to this case.

Mr. CASTONGUAY: The problem only exists in the Northwest Territories.

Mr. NIELSEN: Where there are more than two time zones, the time of the opening of the poll will be let us say, eight o'clock, according to the time of that particular time zone, but the ballots will not be counted until whatever the hour is at standard time.

Mr. RHEAUME: My point to Mr. Castonguay is that while it is difficult to communicate to the deputy returning officers, the importance of delaying by three hours the counting of ballots is infinitely more difficult than to communicate this to the voters who by and large do not understand English. If anyone should be required to do any interpretation and translation of the time zones, such as our own election officials, we would be closer to solving the problem than to expect the voters in that area to be able to comprehend the procedure. While I have tremendous admiration and sympathy for the returning officer, we should think of the candidate. After all the material you are handing out to the voters is invalid, it does not mean what it says.

Mr. CASTONGUAY: My assistant suggested that if in section 106 of the Canada Elections Act you added "Northwest Territories", this may solve the problem.

Mr. RHEAUME: There is real danger in the Northwest Territories, as you well know, in any small community if the ballots are counted. You can bet your bottom dollar that the results will get out.

Mr. HOWARD: We were hearing the results in British Columbia of what happened in the east an hour before the polls closed.

Mr. NIELSEN: It comes over the teletype set-up in our respective headquarters.

Mr. CASTONGUAY: Do you think, Mr. Rheume, that you could expect the deputy returning officers to resist the curiosity of counting the ballots in a small community until a certain hour beyond the act?

Mr. RHEAUME: I would sooner we put the D.R.O.'s in a position of muzzling their curiosity. If there has to be any retrenchment, I think it would be a simpler operation to explain to our deputy returning officers and take the consequences should there be any leakages, as you suggested there was last time.

Mr. CASTONGUAY: You have more information on this and perhaps we could work something out with you and see if we can come out with an amendment which would be satisfactory to the committee. This would only apply to the Northwest Territories. You are familiar with the problem and we are not. In general we are, but you know the area, and if we work together on it we could possibly prepare an amendment and submit it to the committee.

Mr. RHEAUME: Perhaps members of the committee might have some suggestions. This solution was suggested to me by a Hudson Bay Company manager. He had years of experience and his wife was the deputy returning officer. They were complaining about this operation. I said to him, "you have the elections act" and he said, "surely the solution is for us not to count our ballots".

Mr. CASTONGUAY: We would welcome any assistance on this because you are familiar with the problem. Perhaps we could get together on this.

The CHAIRMAN: We will let this stand.

Mr. CASTONGUAY: Mr. Chairman, at page 22 of the draft bill, at the bottom of the page in subclause (3) I am recommending for this committee's consideration that the same procedure for voting that is given to blind electors be also given to incapacitated electors.

(3) Subsections (7), (8) and (9) of section 45 of the said Act are repealed and the following substituted therefor:

Voting procedure when elector unable to mark ballot paper.

"(7) The deputy returning officer on the application of any elector who is blind, unable to read, or incapacitated, from any physical cause, from voting in the manner prescribed by this Act, shall require the elector making such application to make oath in Form No. 47 of his incapacity to vote without assistance, and shall thereafter

- (a) assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot paper in the ballot box; or
- (b) where such elector is accompanied by a friend and the elector so requests, permit the friend to accompany such elector into the voting compartment and mark the elector's ballot paper.

A blind elector can enter a polling station with a friend. The blind elector and the friend go into the voting compartment and the friend marks the ballot paper. It is understood that the friend can only act for one blind elector.

Under the other provisions that exist in the act now the incapacitated elector has not the right to come in with his friend. He must walk into the poll and then all the accredited agents witness the marking of the ballot paper in the presence of the deputy returning officer. There have been many abuses to this. It is misunderstood. The discretion is taken by the agents and the D.R.O.'s to say that an incapacitated or illiterate voter should vote

under this procedure, but if these agents and D.R.O.'s would read the act, it says: "on application of the elector". It is not the right of an agent, it is not the right of a D.R.O., to compel—and this has been done—an elector to vote under the illiterate voting procedure. I have had some complaints on this. I know that in many remote places and in some Indian reserves this happens, that the Indian chief walks in and then everybody is compelled to vote under the illiterate voting procedure. He stands there and he is appointed as an agent of a candidate. He votes first and the other Indians follow. He is the agent and he witnesses the ballot of every Indian as they walk in. These Indians, or most of them, are illiterate. They can read the names but they are compelled to vote under this procedure. This act does not require anyone to be compelled to vote under this procedure. I would suggest these are the problems I have had with this, and I think there have been enough abuses to warrant a sympathetic consideration from the committee where this custom is continued; at least the incapacitated elector would have the opportunity or he could be told that he could go in with a friend and not have his ballot paper marked in front of everyone present.

Mr. HOWARD: Incidentally, this is a provision that exists in the British Columbia provincial act. Perhaps the wording is not the same but the concept is the same.

Mr. CASTONGUAY: I am not saying this is a general practice but I think that there are enough places where it happens for the committee to be made aware of this. Of course, this will not be cured if everyone continues the myth that the electors are compelled to vote under this act, but at least it is there and I can take corrective measures.

Mr. RHEAUME: Would Mr. Castonguay suggest that the word "incapacitated" be delineated more carefully? Incapacitated can be interpreted by lots of people as meaning intellectually incapacitated, alcoholically incapacitated and so on.

Mr. CASTONGUAY: I do not know if that would help. An elector should be allowed to go into a poll and request whatever method he wants to vote by. It should not be left to the D.R.O.'s and the agents to say how these people should vote. I think the people who originally drafted this were rather tactful, and it was meant to include all categories without singling out anyone. This gives some rights to the blind electors.

Mr. BREWIN: Could I ask what the present position is in respect of the incapacitated voter as compared with the blind voter? What does one do if he is incapacitated physically?

Mr. CASTONGUAY: If it is obvious to everyone that an individual cannot mark the ballot, the deputy returning officer marks the ballot for that individual in the presence of the accredited agents plus a few other people. However, a blind man can go in with a friend and mark his ballot. I am not distinguishing between the incapacitated elector and the blind elector. It is the same procedure that is to be followed.

Mr. NIELSEN: I am not sure that I understand you. Under the present practice is an incapacitated voter entitled to go in with a friend?

Mr. CASTONGUAY: If an individual is obviously incapacitated to the point where it is apparent to everyone that he cannot mark his ballot paper, and he knows this himself, he will request to be allowed to vote and the deputy returning officer then will mark his voting paper in the presence of the accredited agents. My suggested amendment will enable that individual to go into the polling booth with a friend and vote without an audience.

Mr. NIELSEN: However, 7(a) suggests that an elector may be assisted in marking his ballot paper in the presence of the polling clerk and sworn agents or sworn elector representatives in Canada.

Mr. CASTONGUAY: Yes, and that is to take care of the blind elector. If a blind elector does not come with a friend he is exposed as a result of the deputy returning officer marking his ballot in the presence of the agents. The blind elector is in the position that he may come in with a friend and mark his ballot rather than have it marked for him in the presence of everyone. I am suggesting to this committee that the same privilege should be given to the incapacitated elector, so that he may come in with a friend and be in the same position as the blind elector, marking his paper in the presence of his friend rather than having a D.R.O. mark his ballot in public so to speak.

Mr. CASTONGUAY: The rest of the clause is to stand because we are preparing an amendment.

The CHAIRMAN: Your remarks have reference to 7, 8 and 9.

Mr. NIELSEN: Before we leave 45, I notice there is a provision for voting by bedridden patients in sanatoriums. Has Mr. Castonguay given any consideration at all to the introduction of polling stations in hospitals?

Mr. CASTONGUAY: There was a long discussion in this regard Mr. Nielsen at one of our earlier meetings. Do you wish to open this question?

Mr. NIELSEN: I am sorry, I was not present. If there has been a long discussion in this regard I will not open the question.

Mr. HOWARD: Perhaps we could agree on the question of absentee voting.

Mr. NIELSEN: I am afraid I was not in attendance at one or two of this committee's meetings, but I do not wish to open this subject.

Mr. CASTONGUAY: At the moment I am suggesting that section 46, with the reference at page 43 of my draft amendments should stand until we deal with clause 33 of the draft bill.

Mr. NIELSEN: I might draw one situation to the attention of this committee with a possible means of rectifying the situation. When individuals are several miles from the polling station but within an electoral district, the three hours allowed in such case is hardly enough time for that individual to get from his place of work to the polling station and back to his employment. I am wondering whether we could change this so as to allow an elector who is employed at a place more than 25 miles distance one extra hour for each ten miles? I am thinking of people who work on road construction, for instance, on the Alaska highway and this would apply to individuals in British Columbia as well as in the Yukon.

Mr. PENNELL: I would respectfully suggest that this stand. I have received some correspondence from employers of a large number of people. I did not bring this correspondence with me in view of the motion that correspondence be sent to the steering committee. I feel that these letters should be produced to this committee before we complete our discussion in this regard.

The CHAIRMAN: Is it agreed that this stand?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: We shall now move to consideration of section 49.

49. (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during

any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, and no person being in such polling division shall arm himself, during any part of the day, with any offensive weapon, and, thus armed, approach within half a mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Demand that weapons be delivered up.

(2) The returning officer or deputy returning officer, may during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

Loud speakers, ensigns, banners, etc., prohibited on polling day.

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the ordinary polling day; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the ordinary polling day.

Flags, ribbons or favours not to be furnished or worn.

(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within two days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within two days before such day.

Liquor not to be sold or given on polling day.

(5) No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election.

Penalty.

(6) Every person who violates, contravenes or fails to observe any of the provisions of this section is guilty of an indictable offence against this Act, punishable as provided in this Act.

Mr. CASTONGUAY: Mr. Chairman, in respect of section 49, at page 23 of my draft bill, clause 25, that should be allowed to stand until we deal with clause 33. I should like to make two observations at this time, although I have no suggestion to make. I do not know of any two subsections in the act which cause more trouble. Everyone interprets these subsections in a different way. I have no suggested solution to the problem. In one constituency they take all the signs down, in another constituency they question what is a banner, a sign and a sticker, and call the police. The returning officer is plagued with questions as to posters on telephone poles.

Mr. HOWARD: Are we talking about the same things?

Mr. CASTONGUAY: I am referring to section 49 on page 221 of the general election instructions for returning officers.

Mr. HOWARD: That is the section to which clause 25 appearing at page 23 of your draft amendment applies?

Mr. CASTONGUAY: Yes, and the section appears at page 221 of this book.

Mr. HOWARD: Are you proposing an amendment?

Mr. CASTONGUAY: I am sorry I have no solution to the problem in this regard, but I should like to see a solution found.

Mr. PAUL: In respect of subsection 5 of section 49, are you obliged to consult the liquor boards or the attorneys general?

Mr. CASTONGUAY: I have strong doubts whether this section 5 could stand up in a court of law. What happens is that the attorneys general of the provinces interpret it in the way in which their provincial legislation applies. However, this never had a test in a court. I would not suggest that anybody try this; it would be a waste of funds. If anyone has a solution to cure this, the candidates would welcome it.

Mr. PAUL: In respect of clause 5, have you been informed that in one province this article was not respected?

Mr. CASTONGUAY: No. The same doubts are levelled at section 47 of the Canada Elections Act; the very same doubts.

The CHAIRMAN: We will leave section 49 to stand until we reach clause 33.

The CHAIRMAN: Clause 26 in the draft amendment.

26. Subsection (2) of section 50 of the said Act is amended by deleting the word "or" at the end of paragraph (c) thereof, by adding the word "or" at the end of paragraph (d) thereof and by adding thereto the following paragraph:

"(e) that are not marked with a cross in black lead pencil."

Mr. CASTONGUAY: That should be allowed to stand until we deal with clause 33. I guess members of the committee will be glad when we reach 33.

Miss JEWETT: Which one is to stand?

The CHAIRMAN: Clause 26 at page 23 of the draft amendment. It stands until we reach 33.

Mr. NIELSEN: Was there no discussion in respect of 49?

The CHAIRMAN: It stands until further notice.

We will go on with the other parts of the section.

Mr. CASTONGUAY: I know that members of the committee discussed the matter of ball point pens previously; if it is the wish to bring this matter up, this is where it should be done. You will notice at page 222, subsection (2):

In counting the votes the deputy returning officer shall reject all ballot papers—

It goes on in subsections (a), (b), (c) and (d). If you are going to deal with this matter of ball point pens, I think it should be clearly indicated in here that ballot papers marked with a cross with a ball point pen should not be rejected. I am not suggesting this, but I think there should be a positive statement.

Mr. NIELSEN: If the intention is to have a positive mark, then I think it should be left as it is.

Mr. CASTONGUAY: I am not suggesting a change. However, if members of the committee wish to raise this, then this is place to do it.

Mr. NIELSEN: The matter of identifying voters becomes much easier if any method other than that now used is allowed.

Mr. CASHIN: On the matter of ball point pens, I am rather of the opinion that it does not identify voters. I do not feel very strongly about this, except

that I have an academic interest in it. If ball point pens were permitted, my election in 1962 would not have been controverted. Perhaps some persons will feel this is all the more reason it should not be changed. In the recount we had in 1962, we discovered that out of 25,000 ballots, approximately 100 or a little better had been counted wrongly on polling day because they were inked ballots. As fate would have it, in a 50-50 election, we found that two out of three people with inked ballots voted for me. That is what happened. Accordingly, at that moment, I felt very strongly about this. I would like your views on this. There were 100 inked ballots. I did not know who owned them; nobody did. I do not think any of them were in anything except blue ink; I think the vast majority were ball point pens. Obviously, people went in and pulled a pen out of their pocket and voted. If there were 100 permitted, which would be half of one per cent of the total vote in the district, there were probably that many more rejected, so it would seem as high as one per cent in St. John's used inked ballots. Perhaps we have a more sophisticated voter who carries his pen in his pocket. It seemed to me that this was a needless disfranchisement of these people.

Miss JEWETT: I think the only voters who would be revealed would be the women, because they do not have pockets out of which to pull pens with which to mark ballots; so we will be able to distinguish between the two.

Mr. NIELSEN: The only problem in respect of using ball point pens is many of them today have several different colours. I have had several with recounts and it has not been my experience that all ballots marked with a ball point have been blue; there have been red ones. It is quite conceivable that if the door were open to this enlargement, then you might have people who would go out of their way to identify themselves, for whatever reason they might have, by having in their possession one of these multicoloured pens and marking one side of the X in green and the other side in blue. The door would be too wide open if we depart at all from the original wording now which is to protect the secrecy of the ballot.

Mr. HOWARD: Apart from Mr. Nielsen's reason, which is sufficient, there is another reason; that is, the potential confusion which could arise as a result of our moving away from the principle that you use only a black lead pencil in the booth. This is the principle used in provincial and municipal elections. Surely we will add confusion if we have persons thinking they can use a ball point pen in the federal elections and do likewise in municipal and provincial elections. It would add to the invalid ballots in other types of elections. We experimented with this in the provincial elections act in British Columbia in 1952, when an amendment was made to the effect that ball point pens could be used. Subsequently that was found to cause so much confusion that the legislature switched back to black pencils. In the meantime there were two provincial elections, 1952 and 1953, and a federal election in 1953, and many many people were heard to say "Why do they not make up their minds and be uniform about this? I don't know whether I can use a ball point pen or a pencil". I think this has added to the number of spoiled ballots.

Mr. DOUCETT: I think they are used to ball point pens now in Ontario.

Mr. RICARD: It may be that I am being too technical, but one finds if one writes with a ball point pen that sometimes dirt accumulates at the tip, and perhaps there could be manipulation of the ballots because of this. One runs the chance of voiding the ballot.

Mr. CASTONGUAY: As I told you this afternoon, I personally examined the rejected ballot papers in 1953 because members of a previous committee had voiced fears about marking the ballot papers with ball point pens. Many members felt a great percentage of these rejected ballot papers were papers which had been marked with ball point pens.

I examined 60,691 ballot papers that were rejected, and 2,158 had been rejected by the deputy returning officers. I did not examine the five million ballots to see how many had been accepted that had been marked with a ball point pen; but I found that of the rejected ballots, only 2,500 were marked with ball point pens.

I share Mr. Howard's view that there is a danger. The use of ball point pens, which are produced in every colour of the rainbow, would provide one method of identifying the elector or ensuring a threat of intimidation could be carried out.

In Belgium a study was made of marking ballot papers with a cross, and it was found that something like 353 combinations of marking with a cross could be used to identify an elector. What they did to overcome this problem was to take the ballot paper and put on it a black strip containing a white circle; and the elector had to black out the white circle. This was adopted to eliminate the practice of identifying the electors by at least 350 methods of identification with a cross. If you add to that the ball point pen, plus all the colours of the rainbow in which ball point pens are made, you may be opening up some difficulty.

Mr. PENNELL: If a person wants to identify himself and the candidate for whom he is voting, why should we be concerned? Why should we concern ourselves with candidates who want to indicate for whom they are voting?

Mr. NIELSEN: Anyone with a ball point pen here can make an X on a plain piece of paper and fold it, rub it two or three times, and find two or three X's. Therefore, the ballot paper with two or more names on it may run the danger of having more than one X on it when it comes to be counted simply because the returning officer has rubbed his fingers on it two or three times.

Mr. HOWARD: Or the elector may have done so by folding it.

Mr. BREWIN: Will someone enlighten me on the difference between a ball point pen and any other sort of pen? What is the refinement of difference between a ball point pen and a fountain pen or any other type of pen?

The CHAIRMAN: I believe the difference is in the kind of ink which is used.

Mr. BREWIN: Supposing you are counting the ballots, do you know what sort of pen has been used? Can you identify the pen as a ball point pen?

Mr. RICARD: Yes.

Mr. CASTONGUAY: The province of Ontario allows ball point pens to be used. The Ontario legislation provides for a voter, on receiving his ballot paper, to forthwith proceed into one of the compartments and thereupon mark his ballot paper, making his cross with pen or pencil. So this has been used at least in one election. Ontario has opened it up.

Mr. DOUCETT: In the very last election this was used—in September.

Mr. NIELSEN: I think you would have more spoiled ballot papers as well as possible abuse if you allowed anything other than a black lead pencil.

Mr. HOWARD: May we proceed, Mr. Chairman?

The CHAIRMAN: Are we going to limit it to lead pencils?

Mr. RICARD: I suggest it be limited to ordinary lead pencils.

The CHAIRMAN: No ball points.

Section 3 deals with the counterfoil remaining attached, and section 4 with ballots not initialled by the deputy returning officer.

Let us now turn to section 51:

*Proceedings of Returning Officer after Return of Ballot Boxes.*

Safekeeping of ballot boxes.

51. (1) The returning officer upon the receipt of each ballot box, shall take every precaution for its safe-keeping and for preventing any

person other than himself and his election clerk from having access thereto; the returning officer shall examine the special metal seal affixed to each ballot box by the deputy returning officer, pursuant to subsection (9) of section 50, and if such seal is not in good order, the returning officer shall affix his own special metal seal prescribed by the Chief Electoral Officer; the returning officer shall record the condition of the special metal seal required to be affixed, by the deputy returning officer, to every ballot box, in the appropriate column of the returning officer's record book.

Opening of ballot boxes and official addition of votes.

(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4, for the official addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the official statements of the poll therein contained, add the number of votes cast for each candidate.

Attendance of electors in certain cases.

(3) If, at the official addition of the votes, none of the candidates or their representatives are present, it is the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such official addition of the votes has been completed.

Special power of returning officer when statement of poll is missing.

(4) If any ballot box does not appear to contain a statement of the poll either loose or in its separate envelope as hereinbefore provided, the returning officer may, for the purpose of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers; if the power hereby conferred is exercised, all the papers, other than the statement of the poll, if found, shall be placed by the returning officer in a special large envelope which shall be sealed and duly endorsed by him; nothing in this subsection authorizes the opening of any envelope appearing to contain only ballot papers, cast for the various candidates, but in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.

Declaration of name of candidate obtaining largest number of votes.

(5) The name of the candidate who, on the official addition of the votes, is found to have obtained the largest number of votes, shall then be certified in writing and there shall be delivered to such candidate or his representative a certificate giving the number of votes cast for each candidate, in the form prescribed by the Chief Electoral Officer, and a copy of such certificate shall also be forthwith delivered to any other candidate or his representative, if present at the official addition of the votes, or, if any candidate is neither present nor represented thereat, the certificate shall be forthwith transmitted to such candidate by registered mail.

Casting vote of returning officer.

(6) Whenever, on the official addition of the votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared as having obtained the largest number of votes, the returning officer shall cast such additional vote.

Mr. CASTONGUAY: At page 23 of my draft bill, clause 26, there is a new sub-clause (e).

The judges have asked me, if the committee decide that no ball point pens be allowed, that it be specifically spelled out that the ballot papers that are not marked with a cross in black lead pencil must be rejected. It is not in the section now. If you look now at subsection (2) of section 50 you will see it is not stipulated there. They have to go to the positive section which says the ballot paper must be marked with a black lead pencil. As you know, the judges are governed by this section so they suggest we make a positive statement to assist them. I have heard of one or two cases where the judges have allowed some ballot papers marked in pen, but most judges have disallowed them. If we have a positive statement the judges will be assisted, as also the deputy returning officers, to reject the papers if they are not marked with black lead pencils.

Mr. HOWARD: I move adoption.

Agreed.

Mr. CASTONGUAY: I have no amendment to suggest to section 51, Mr. Chairman.

Mr. HOWARD: The only thing I would like to raise here, Mr. Chairman, is that conceivably the returning officer, if memory serves me right, could vote twice.

The CHAIRMAN: The returning officer?

Mr. HOWARD: If on election night there is a tie, the returning officer votes and declares somebody has been elected. If upon a recount, including the returning officer's vote, it is found there is still a tie, the returning officer votes a second time.

Mr. NIELSEN: He cannot vote on election night.

Mr. CASTONGUAY: May I clarify? At the official addition of the votes, this is the date the returning officer sets in his proclamation, which is the day after polling day. At a general election it is a minimum of one week after polling day in urban areas, but in a district such as Mr. Rheume's constituency it can be as much as 30 days. On that day, when the returning officer opens the ballot boxes and makes the statement, and he makes his count from that statement, if the vote is a tie he casts a casting vote there. In that particular case, there is a recount by a judge. If after recount it ends in a tie, he casts another casting vote, notwithstanding the fact that he had already cast a vote. This happened at the last election, and it was the first time in Canadian election history that a returning officer, at a recount by a judge, cast a deciding vote. During my whole period in this office I have not met a returning officer who does not dread making this decision.

I suggested to the committee in 1960 that the British law would make the returning officer happy. That law is the one where it is decided by lot. However, after my trip to New Zealand I thought they had the best answer and I submit it to you; that if at the official addition of the votes it is a tie the returning officer then makes application for a recount by a judge and the cost of the recount is then assessed to the crown. Then, if there is a tie at the recount the returning officer in the presence of the judge decides it by lot, which means cutting cards or flipping a coin sort of Queensberry style.

As I say, this is the solution they arrived at in New Zealand and, to me, it lends itself to a great deal of support because if an election ends up in a tie at the official addition of the votes and the returning officer casts the deciding vote a great deal of expense is involved in the making of an application for a recount. This is an expense I respectfully suggest should be borne by the crown. If you end up in a tie you are going to have a recount and if after the judge

makes the recount it ends up as a tie it is decided by lot. If you do not want to decide it by lot I think at least the expense should be borne by the crown for a tie vote. I just throw this in as a suggestion. I have examined many election acts and this appears to be the best solution.

I am very much concerned with the positions of my returning officers; they would like to be relieved of this responsibility.

Mr. MILLAR: Are you suggesting this only in the case of a tie?

Mr. CASTONGUAY: This is the only provision in New Zealand, in the case of a tie at the official addition.

Mr. MILLAR: But when you are suggesting the crown bear the cost of the recount are you suggesting it only in the case of a tie?

Mr. CASTONGUAY: Yes, at the official addition.

Mr. MILLAR: In other words, we have recounts where they are close.

Mr. CASTONGUAY: Yes.

Mr. MILLAR: And, the candidate who loses demands a recount?

Mr. CASTONGUAY: Yes.

Mr. MILLAR: And, if the crown is going to bear this expense they would insist on the recount; whereas they would not if they were bearing the expense themselves?

Mr. CASTONGUAY: I only suggest it in the case of a tie. Otherwise, I do not know where you can draw the line. What is close? I have observed recounts being asked when the majority has been 900. It was a pure fishing expedition and it was proven to be so because after application was made to the judge to examine the poll books, they desisted on the eighth box. It ended there. The number of rejected ballot papers in that district was 153 and yet the majority was 900 and they asked for a recount. The judge gave it to them. This is tying up the courts needlessly. There was no other reason for it other than a fishing expedition and the judge so stated.

Miss JEWETT: I gather, Mr. Castonguay, that the returning officers would rather not have to even cast the vote after the recount.

Mr. CASTONGUAY: I have not met one who takes any delight in it.

Miss JEWETT: Then, do the returning officers in New Zealand have a vote?

Mr. CASTONGUAY: No, they do not.

Mr. HOWARD: In effect, they vote when they toss the coin?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: When I first ran as a candidate the returning officer in the riding gave me what I thought was a very reasonable answer to the way he would conduct himself if he happened to be in that position. He said if it was a tie, then the sitting member, as far as he was concerned, was re-elected, because he had not been defeated. He felt that he automatically would cast his vote that way. That procedure, to me, is eminently reasonable.

Mr. Chairman, perhaps we should write something of that sort in. If you had no sitting member I would sooner the returning officer make the decision himself rather than do it by lot, choice or take the gambling approach to it.

I go along with the suggestion of Mr. Castonguay that where on the final addition of votes there is a tie, then the returning officer applies for a recount, which is borne by the crown, and if at that time it is a tie and there is a sitting member he is declared elected and, if he is not, then the returning officer decides.

Mr. MORE: Would you not have to describe what a sitting member is because there are no members at dissolution.

Mr. HOWARD: You would have to describe all sorts of things.

Mr. RHEAUME: It is a blackjack game where you have to beat the dealer.

The CHAIRMAN: Is it your wish to suggest an amendment to this section?

Mr. HOWARD: In general terms, I would move that we ask Mr. Castonguay to prepare an amendment, if he has not already done so.

Mr. CASTONGUAY: I am working on it.

Mr. HOWARD: I would ask him to prepare an amendment around the explanation he gave to us about the situation in New Zealand, with the exception that the returning officer does make the decision himself and actually casts the ballot.

The CHAIRMAN: Is that motion seconded? Are you seconding the motion, Mr. More?

Mr. MORE: I wanted to hear some further comments.

Mr. CASTONGUAY: In 1960 the committee was not interested in the proposed suggestion of mine by lot. Not one member was impressed. The only reason I bring it up again is I think that in the case of a tie at the official addition of the votes the expense resulting should be borne by the crown.

Mr. MORE: I would like to clear up one point. I believe you said it only happened once?

Mr. CASTONGUAY: Yes.

Mr. MORE: Do you mean in your time or in the history of elections?

Mr. CASTONGUAY: We have had three deciding votes cast, but at the official addition of the vote and when there was a recount by the judge there were sufficient votes made valid by the judge to spare the returning officer that responsibility.

Mr. MORE: There would be no vote cast until after the judge's count?

Mr. CASTONGUAY: Just in the event of a tie.

Mr. MORE: And then the returning officer makes application and the crown bears the expense?

Mr. CASTONGUAY: Yes. The reason I suggest this is that we had this recount in Pontiac-Temiscamingue, which is fresh in our minds, where the returning officer cast a deciding vote.

Mr. HOWARD: Could I ask, when you draft these amendments, that you meet the suggestion of Mr. More as to what a sitting member is.

Mr. MORE: Perhaps a member who was sitting when the last house dissolved.

Mr. HOWARD: Yes, at the time of dissolution. That would meet the suggestion as to who the sitting member was.

Mr. CASTONGUAY: That would not be hard to ascertain.

Mr. MORE: I do not know what the wish of the committee is but I would be in favour of this.

Mr. DOUCETT: But, you might have some riding where none of the candidates were the last sitting members.

Miss JEWETT: Then the returning officer decides.

Mr. CASTONGUAY: After the next re-distribution this might be quite a problem.

Mr. BREWIN: Although no one else seems to be going along with Mr. Castonguay's suggestion in respect of New Zealand, I do. Although I do not think lots are usually a good way of deciding things, in this rather unusual circumstance I cannot see anything wrong with it. If you prepare an amendment I think you should throw that in as well and let the committee decide.

Mr. CASTONGUAY: I will put in two alternatives, if you wish.

Mr. BREWIN: Yes, and then we can decide when we see the actual legislation. I would much rather trust a lot than any returning officer I have dealt with.

Mr. MORE: We are dealing with something that has happened once in the history of elections. It is so that the last member might not be involved.

Mr. NIELSEN: What is involved in Mr. Castonguay's suggestion is an automatic recount in the case of a tie.

Mr. CASTONGUAY: Completely. There is going to be one anyway. There always has been one at a tie.

Miss JEWETT: Of course, there is nothing to prevent a returning officer from flipping a coin, if that is the way they want it.

Mr. CASTONGUAY: It all depends what system he uses.

The CHAIRMAN: Then, Mr. Castonguay we would ask you to prepare an amendment to this section.

Mr. MORE: Is it clear that in cases where the sitting member, so called, is involved, he would be sustained if there is a tie, and where he is not involved, it would be decided by lot?

Mr. CASTONGUAY: That is the case if I interpret the wishes of the committee correctly.

Mr. RICARD: In the case of a tie that means that one person in the riding is not voting who has the right to vote, and that is the returning officer.

Mr. CASTONGUAY: We could make an amendment in such a way that if it is to be done by lot the returning officer be asked to vote—not as an elector, but acting as a dealer, by flipping a coin.

Mr. NIELSEN: What would you call a method by lot?

Mr. CASTONGUAY: The New Zealand legislation does not mention what is meant by lot, and also the United Kingdom legislation. But I think, knowing New Zealanders and people of the United Kingdom, there would not be any difficulty in finding out what was meant by lot, having regard to their gambling spirit.

Mr. MORE: Are returning officers entitled to vote as citizens?

Mr. CASTONGUAY: No, only in the event of a tie.

Miss JEWETT: I think it would only be fair to give them the vote if we decide to do this by lot.

The CHAIRMAN: Mr. Castonguay will prepare an amendment, and we will decide on it.

Mr. MORE: We accept it generally that most of them are doing their job seriously and trying to act fairly and impartially. But if you force them to vote in a position where their vote is known and they have to declare themselves one way or another, it would be held against them.

Miss JEWETT: I suggest that they be allowed to cast their votes in the regular manner just as everyone else does, if they are not going to be allowed to vote in a tie.

Mr. RHEAUME: That is fine, as against their being exposed. I think they should be permitted to vote in their own poll just as anybody else, and that they do not have to vote in case of a tie.

Mr. CASTONGUAY: I understand the wishes of the committee and I shall have an amendment prepared for you.

The CHAIRMAN: I now call section 52 of the act, and section 27 of the amendments.

Adjournment if ballot boxes are missing.

52. (1) If the ballot boxes are not all returned on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such official addition of the votes.

Adjournment for other causes.

(2) In case the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate, he may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.

Provision in case of loss of ballot boxes.

(3) If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming within the time fixed by this act, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other persons having them, a copy of the statement of the poll furnished to the candidates or their agents as required by this act, the whole verified on oath.

If statement of the poll cannot be obtained.

(4) If such statement of the poll or copies thereof cannot be obtained, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations; and, to that end, may summon any such deputy returning officer, his poll clerk, or any other person, to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning officer may examine on oath such deputy returning officer or poll clerk, or any other person, respecting the matter in question.

Duty of returning officer if statement not in ballot box.

(5) In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the poll, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling station of such deputy returning officer, and, to that end, has the powers set out in subsection (4).

Declaration of name of candidate who has obtained largest number of votes.

(6) In any case arising under subsection (3), (4) or (5), the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to be sent to the chief electoral officer with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes cast for each candidate.

Penalty for not obeying summons of returning officer.

(7) Any person refusing or neglecting to attend on the summons of a returning officer issued under this act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations, is guilty of an indictable offence against this act punishable as provided in this act.

27. Subsection (7) of section 52 of the said Act is repealed and the following substituted therefor:

Not obeying summons of returning officer an offence.

"(7) Any person is guilty of an offence against this act who refuses or neglects to attend on the summons of a returning officer issued under this act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations."

Mr. CASTONGUAY: This should be allowed to stand until we reach clause 32, subclause (2).

Mr. HOWARD: We shall be a long time on section 32, subclause (2).

The CHAIRMAN: All right, let it stand. "Adjournment if ballot boxes are missing. Adjournment for other causes."

Mr. HOWARD: Where are you now?

The CHAIRMAN: On page 226 of the Canada Elections Act, section 52.

Mr. CASTONGUAY: I have no amendments to suggest, but I have some to subsection (7). They have the right to stand.

The CHAIRMAN: Subsection (3) "provision in case of loss of ballot boxes".

Mr. RHEAUME: There should be some provision placed in there whereby no expense is spared to go to fetch the boxes. I was kept out of the house for two weeks at the opening of parliament. The boxes were sitting there, but they could only get out the way they got in, which was by chartered aircraft. The reason the boxes were not there was that the aircraft had not been dispatched to go to get them.

Mr. CASTONGUAY: I think in fairness I should say that the charter would cost around \$9,000 to \$10,000 to get the ballot boxes back in.

Mr. RHEAUME: Definitely.

Mr. CASTONGUAY: I inquired of all the political parties if there would be the danger of a recount. If there had been, I would have spent the \$9,000 because the act would require it. So I took another look at the act and I told the returning officer not to charter the aircraft but to wait until all the boxes were in, because there was procedure to act after the act had expired. But if there had been the possibility of a recount, I would have incurred the expense.

Mr. RHEAUME: The only time this will really create a problem is when the house opens very quickly after a general election.

Mr. CASTONGUAY: That is right. But you will remember there was a break-up and I had to make a decision before I knew when the house was going to open.

Mr. NIELSEN: My complaint is on the other side of this thing, where the ballot boxes never get to the polls.

Mr. CASTONGUAY: We have some of them.

Mr. NIELSEN: Still?

Mr. CASTONGUAY: Still.

The CHAIRMAN: Then we cannot settle this question of collecting the boxes.

Mr. CASTONGUAY: I think Mr. Rheaume understood the problem.

The CHAIRMAN: Let us now pass to section 53.

Custody of empty ballot boxes.

53. (1) After the close of the election, the returning officer shall cause the empty ballot boxes used thereat to be deposited in the custody of the officer in charge of a building owned or occupied by the government of Canada, if any, at the place at which the official addition of the votes was held, or if none, of the postmaster of such place, or of the sheriff of any county or judicial district, or of the registrar of deeds of any county or registration division, included, or in part included, in the electoral district, or of any other person designated by the chief electoral officer.

Receipt.

(2) Upon delivery to him of such ballot boxes, the custodian shall issue his receipt, in the form prescribed by the chief electoral officer, and transmit or deliver a copy of such receipt to the returning officer.

Mr. CASTONGUAY: I have no amendment to suggest here.

The CHAIRMAN: Section 54 "recount by judge."

#### *Recount by Judge.*

Application to a judge for recount.

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of two hundred and fifty dollars in legal tender as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

Meaning of "judge".

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (13) of section 2 within whose judicial district is situated the place where the official addition of the votes was held or the judge acting for such judge pursuant to paragraph (f) of that subsection or a judge designated by the Minister of Justice under the paragraph, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.

Procedure when applications for recount in two or more districts are made.

(3) If applications for a recount of the votes in two or more electoral districts are made under this section to the same judge, such judge shall first proceed with the recount in the electoral district in respect

of which the first application is made to him, and successively with the recounts in the electoral district or districts in respect of which applications were later made, and all such recounts shall proceed continuously from day to day until the last of them has been completed.

Notice and service.

(4) The judge shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount the votes, and he may at the time of the application or afterwards, decide and announce that service of the notice will be substitutional, or by mail or by posting, or in any other manner.

Order of judge to returning officer.

Who may be present at recount.

(5) Such judge shall also summon and command the returning officer and his election clerk to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, with respect to or in consequence of which such recount is to take place, which summons and command the returning officer and election clerk shall obey, and they shall attend throughout the proceedings, at which proceedings each candidate is entitled to be present and to be represented by not more than three agents appointed to attend.

If candidate not represented, authority of judge.

(6) In case any candidate is not present or represented, any three electors who may demand to attend in his behalf are entitled to attend; and except with the sanction of the judge, no other person shall be present at such recount.

Making recount.

Opening sealed packets of ballots.

(7) At the time and place appointed, and in the presence of such of the said persons as shall attend, the judge shall proceed to make such recount from the statements contained in the several ballot boxes returned by the several deputy returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open the sealed envelopes containing the used and counted, the unused, the rejected and the spoiled ballot papers, and he shall not open any other envelopes containing other documents.

Mode of proceeding with the recount.

Powers of judge.

(8) In the case of a recount, the judge shall recount the votes according to the directions in this act set forth for deputy returning officers at the close of the poll, and shall verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and he shall also, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision, or when the proper statements of the poll were not found therein, and for the purpose of arriving at the facts as to such missing box and the statements of the poll, the judge has all the powers of a returning officer with regard to the attendance and examination of witnesses, who in case

of non-attendance are subject to the same consequences as in case of refusal or neglect to attend on the summons of a returning officer.

Where counterfoil is attached.

(9) If in the course of the recount any ballot paper is found with the counterfoil still attached thereto, the judge shall remove and destroy such counterfoil; he shall not reject the ballot by reason merely of the deputy returning officer's failure to remove the counterfoil, nor shall he reject any ballot paper by reason merely of the deputy returning officer's failure to affix his initials to the back of such ballot paper.

Proceedings to be continuous.

(10) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the recount, allowing only necessary recess for refreshment, and excluding, except as he shall otherwise openly direct, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

During excluded time documents to be under seal.

(11) During such recess or excluded time the ballot papers and other documents shall be kept enclosed in parcels under the seals of the judge and of such other of the said persons as desire to affix their seals thereto.

Supervision of sealing.

(12) The judge shall personally supervise such parceling and sealing and take all necessary precautions for the security of such papers and documents.

Procedure at conclusion of recount.

(13) At the conclusion of the recount, the judge shall seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount, and forthwith certify in writing, in the form prescribed by the chief electoral officer, the result of the recount to the returning officer, who shall, as prescribed in subsection (1) of section 56, declare to be elected the candidate who has obtained the largest number of votes; the judge shall deliver a copy of such certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection (5) of section 51; the judge's certificate shall be deemed to be substituted for the certificate previously issued by the returning officer.

Equality of votes.

(14) In case of an equality of votes the returning officer, notwithstanding that he may have already voted pursuant to subsection (6) of section 51, has and shall cast another or deciding vote.

(15) If the recount does not so alter the result of the poll as to affect the return, the judge shall

Costs.

(a) order the costs of the candidate appearing to be elected to be paid by the applicant, and

To be taxed.

(b) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

Disposal of deposit; action for balance.

(16) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and if the said deposit is insufficient the party in whose favour the costs are awarded has his action for the balance.

Mr. CASTONGUAY: I have some amendments to suggest here.

Mr. HOWARD: Would these stand also?

Mr. CASTONGUAY: No. Clause 28 on page 24 of the draft amendment would not stand. I wonder if the committee would deal with it?

28. (1) Subsection (5) of section 54 of the said Act is repealed and the following substituted therefor:

Order of judge to returning officer.

“(5) Such judge shall also summon and command the returning officer to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, with respect to or in consequence of which such recount is to take place, which summons and command the returning officer shall obey, and shall attend throughout the proceedings, at which proceedings each candidate is entitled to be present and to be represented by not more than three agents appointed to attend.”

(2) Subsection (7) of section 54 of the said act is repealed and the following substituted therefor:

Making recount.

“(7) At the time and place appointed, and in the presence of such of the said persons as shall attend, the judge shall proceed to make such recount from the statements contained in the several ballot boxes returned by the several deputy returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and the judge, in the latter case

- (a) shall open the sealed envelopes containing the used and counted, the unused, the rejected, and the spoiled ballot papers;
- (b) shall not open any other envelopes containing other documents; and
- (c) shall not take cognizance of any election documents other than the documents referred to in paragraph (a).”

(3) Section 54 of the said act is further amended by adding thereto, immediately after subsection (8) thereof, the following subsection:

Additional powers of judge.

“(8a) In the case of a recount, the judge shall recount votes as provided in subsection (8) and for such purpose the judge, in addition to the powers referred to in subsection (8), has the power of summoning before him any deputy returning officer or poll clerk as a witness and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and in respect thereof the judge has the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of record in civil cases.”

(4) Section 54 of the said act is further amended by adding thereto, immediately after subsection (10) thereof, the following subsection:

Judge may terminate recount.

“(10a) Notwithstanding any other provisions of this section a judge may, at any time after an application for a recount has been made to him, terminate such recount, upon a request by the applicant to him in writing for such termination.”

(5) Section 54 of the said act is further amended by adding thereto the following subsections:

Clerical assistants.

“(17) Subject to the approval of the chief electoral officer the judge may retain the services of such clerical assistants as are required for the proper performance of his duties under this section.

Payment of clerical assistants.

(18) The clerical assistants referred to in subsection (17) shall be paid at a rate to be fixed by the governor in council pursuant to section 60.”

Mr. HOWARD: There is a question of a recount in casting a tie. The courts are not involved in this at all. It is an official decision of the returning officer.

Mr. CASTONGUAY: We shall prepare an amendment and bring it back to the appropriate section. I have some amendments on page 24 of my draft bill. We have an average of eight or nine recounts after each election, and it has been found that the presence of the election clerk is absolutely unnecessary. So I recommend that only the returning officer be present at the recount. The judges have suggested to me that it would be much better if they were permitted to appoint clerical help to assist them with the recount. Some judges interpret this, that if they have not got clerical help, usually the clerk of the court will do it. But in Timiskaming there was no clerk of the court available, because he was busy with all kinds of other things. The judge had almost to handle each envelope himself, to open it up, take the ballots out, and do everything else. I had no means of authorizing him to hire clerical help and pay them. But I do have the power to appoint watchmen over the ballot boxes. So I appointed watchmen, and thereby the judge got his clerical help, who assisted in the recount. These amendments are intended to cure this deficiency in the act, which I have made to assist the judges. It was recommended by the judges, and I am trying to assist them in their work. There is one particular section in here, in clause (2), Mr. Nielsen, of the subsection (c).

Mr. NIELSEN: I see it.

Mr. CASTONGUAY: I thought you would object strongly to that.

Mr. NIELSEN: Is there any difference in sub (5) at the top of the page?

Mr. CASTONGUAY: All it does is to remove the presence of the election clerk at the recount. He is not necessary at all, and it is a waste of funds. When you consider a recount such as the one in the electoral district of Halifax where they desisted on 300 boxes, we had the district returning officer and the election clerks present.

Mr. NIELSEN: Would you make your case with regard to sub (c)?

Mr. CASTONGUAY: The case has been this: I attended a recount myself where at the beginning a motion was made before the judge for permission to examine the ballot boxes and all documents. The judge ruled that the act only gave him the power to examine the ballot boxes, and that no one could look at

anything else, just at the ballot papers—not at the poll books, the transfer certificates, or the official list.

In Montreal, Chief Justice Scott following the election in Cartier, where there was a recount, when counsel made an application to look at the poll books and other documents, denied this request. There was an appeal made to his decision, and the higher court ruled there is no appeal under the Canada Elections Act from a judges decision at a recount. Consequently it was thrown out.

In the electoral district of the Northwest Territories the judge up there ruled that only the ballot papers could be examined. At Halifax there was the same procedure, and at St. John's West, there was the same procedure. I have not heard in my experience of a judge officially allowing examination of the poll books. I would be interested to hear of one, but I have not heard of one. I think that at most recounts counsel ask for permission to examine the poll books.

I will point out to you that the ones I enumerated are the ones I know happened and the judges ruled them out because the act only permitted them to examine the ballot papers and nothing else. I put this before the committee. It is immaterial to me what it is, but to assist the judges the committee should make a decision. It would save time at the recounts. Either we continue the practice of most judges who refuse these examinations of other documents, or we sanction it.

Mr. NIELSEN: This case is really one of practice and one of eliminating an administrative hiatus which exists in that there is no specific provision in the act whether poll books may or may not be examined at a recount, and section 54, by omitting to describe the poll books as one of the documents which must be examined, and subsection (5) by omitting to prescribe poll books as one of those documents which should be opened leads most judges to believe that they cannot do it. I think we should look at the reasons concerning the desirability or non-desirability of looking at the poll books during the recount. If we were to restrict it to a mere examination of the validity of a ballot, whether or not a cross was a good cross or whether or not a ballot is a good ballot or a bad one, or if we were to restrict it to the examination of the statement at the poll, which is after all a mere statement of the addition of votes and nothing more or less than that, and all we can do there is to determine whether the officials have added correctly, then I think we would be disregarding the very heart of the reason for which poll books should be examined.

It is all very well if an election organization for any political party has such a perfect agency set up at a poll that they can keep an exact duplicate of any entrant who goes into the poll so that they can get up at a controverted election which may or may not follow. After all, that is the purpose of the recount, to lay that ground. They would be able to swear to the truth of certain irregularities, if that is the case. But in most cases political organizations of that perfection do not exist, and yet it is in the public interest that it exist because how else other than looking at the poll books and cross, comparing polls, are we to determine whether or not someone has voted twice in the absence of a perfect set of scrutineer records? How else are we to decide whether a person has voted in one polling division when he is not entitled to do so in actual fact, being resident in another? How else are we to decide whether an offence is committed by a person voting who is not on the list? How else are we to decide on any of these offences in the absence of an absolutely perfect set of scrutineer records? I suggest there is no method of doing so.

I must agree with Mr. Castonguay when he says that the bulk of the judicial decisions has been against the scrutiny of the poll books at a recount, but the reason, I suggest, has been that there has been no specific

authorization in the act to allow it. I would suggest very strongly that it is extremely desirable and in the public interest when you have an allegation of irregularity, that the poll book should be looked at in the interest of a fairly conducted election, in the interest of bringing election offenders to justice.

If, in section 54, you included as a ground for obtaining a recount not merely the affidavit of a creditable witness which describes that the votes have been improperly counted or improperly added, but the addition of an allegation that there have been irregularities at the poll and if a creditable witness is prepared to swear to that effect, then I think the poll book should be subject, in the same manner as any other piece of evidence, to examination in court. In this way my suggestion would allow it by virtue of an amendment to the act.

When those poll books are made available, then the necessary cross checking can be made between polling divisions in order to determine whether or not there has been duplicate voting, to determine whether there has been non-resident and underage voting, and so many other election offences. We should do it so that we do not wind up with the result, as Mr. Castonguay says, where we had evidence of perhaps two dozen irregularities prior to the recount in the 1956 controverted election in the Yukon. By the time we finished examining the poll books we had over 600 irregularities, and serious ones. Some 26 non-resident persons voted in one poll, a fact which would not have been disclosed if we had not examined the poll book. Truck drivers travelling from one point to another are discovered voting in polling divisions that are not their own.

In our minds there still remains very serious doubt whether or not the same truckers could have voted five or six times all along the highway. Maybe this particular polling division is different, but I would suggest that the underlying principle remains the same; that is that it is in the public interest that where a creditable witness is prepared to allege irregularities, the poll books be producible for examination so that the necessary cross-checking can be done, and if anyone is guilty of an offence he should be brought to justice.

Mr. CASTONGUAY: There is a procedure in the act here, in section 59 on page 234, where all these documents can be made available.

59. (2) No such election documents or election papers in the custody of the chief electoral officer shall be inspected or produced except under a rule or order of a superior court or a judge thereof, which, if and when made, the chief electoral officer shall obey.

I hope you fully understand that by the time you can resort to that perhaps a month has gone by and the delays may have expired.

I would like to point out these problems. As you know, the moment you ask for a recount under the act, the judge must commence his recount within four days. The only problem I can foresee in this regard has to do with a creditable witness in an electoral district such as Halifax who desires to examine 500 polling books. The recount in Halifax took three weeks and they desisted after only going through 300 books.

Mr. NIELSEN: You know why that happened?

Mr. CASTONGUAY: If by your suggestion a candidate has the right to examine the polling books, there will be no preventing anyone from asking to examine all the polling books and thereby prolonging any recount. I am just pointing out these difficulties.

If parliament has found it desirable to have a recount within four days of the official addition of the votes, and if parliament has found it advisable

that within four days of an application being granted the judge must commence the recount and complete it, this would extend the recount to a point where it would be endless.

Mr. NIELSEN: I think it should be pointed out to the members of this committee, Mr. Castonguay, that the Halifax situation did not result and would not have resulted from an examination of the polling books or because of an allowance to examine the polling books, because they can be examined while the ballots are being counted. While the judge and agents are examining the ballots, the information in this regard could be seen. The delay in Halifax was caused by interim applications designed to hold up the proceedings so that the winning candidate could not be declared.

Mr. CASTONGUAY: I was only using the Halifax situation as an example of a constituency with over 500 polling stations. If you examine 500 polling books and go through the procedure of examining poll papers this will cause delay.

Mr. NIELSEN: I had intended to make another amendment in regard to the time stipulated in the act, to the effect that the four consecutive days shall not be interrupted by an interim application.

Mr. PAUL: If the objection is to the judge deciding whether the ballot is good or not, I think the suggestion of Mr. Castonguay is a good one. Personally in the provincial field I have seen this procedure take place. The judge has to decide only whether the ballot is good or not, and whether the cross is acceptable. If there are irregularities we have the right to contest the election.

Mr. NIELSEN: Perhaps this compromise might commend itself to the consideration of the committee members and Mr. Castonguay. That is to say, if the affidavit of a creditable witness sworn under Section 54 also contained two additional allegations; one, that there have been irregularities and, two, that it is the intention to proceed under the controverted elections regulation, there could be reference made to the deposit there, then the ballot books should be opened for examination. In addition to those reasons, perhaps there should also be the additional reason included that this would enable a proper compilation of the vote to be prepared only to present a case in respect of a controverted election.

There is one further point which I have forgotten. Perhaps there should be a provision requiring an individual making application under the controverted elections regulation to set forth in detail in the petition the grounds and facts of every individual case of an irregularity upon which the individual intends to rely. This information cannot be acquired without an examination of the polling books.

Mr. CASTONGUAY: If your suggestion was accepted, Mr. Nielsen, I wonder how many recounts we would have after an election. I am not aware of one member of this committee who would not apply for a recount under those circumstances. There are irregularities in every electoral district, some of which are unwitting irregularities. If you put a judge in the position of considering an application for a recount and an examination of the poll books in view of irregularities I leave it to your imagination how many recounts are going to be asked for after a general election.

Mr. NIELSEN: I am not suggesting that a judge do this; I am suggesting that the information be made available to agents in order that they can determine whether or not there has been this irregularity.

Mr. Castonguay, without any disrespect I am not impressed by the argument that we are going to be faced with more than the usual number of requests for recounts after the next election if my suggestion is adopted. I feel if a member of parliament is elected irregularly he should not be a member of parliament.

Mr. BREWIN: The number of irregularities may be limited if there were some more effective procedure of detecting them. I am afraid that there will be a host of irregularities in respect of which nothing is done, and I do not think that is a healthy situation. There may be fewer irregularities if your suggestion is adopted.

Mr. LONEY: We have to look at the principle underlying such a provision. I cannot for the life of me believe that parliament merely intended that a recount be a cross check on the mathematical capabilities of the deputy returning officer. All that is done is a further addition of the ballots to see if they were counted properly.

Mr. CASTONGUAY: There is the possibility of course, that some crosses might have been rejected improperly.

Mr. RICARD: You should not suggest that every election is irregular. I think that the section should stand as it is now. Recounts should be allowed for the simple reason set forth. That is, to find out if the ballots have been rejected or accepted properly.

Are there means, Mr. Castonguay by which anyone who wishes to inspect the ballots, in order to support some further action, is allowed to make such an inspection?

Mr. NIELSEN: You can only make such an application after your petition has been filed. In your petition when filed you must include in detail the grounds for your allegations in respect of each individual irregularity upon which you intend to rely at the trial.

Mr. PAUL: That is the reason for contesting an election, not for a recount.

Mr. NIELSEN: That is right, but not in respect of looking at polling books, and that is what I took Mr. Ricard to mean.

Mr. PENNELL: Mr. Nielsen seems to have made a good point. If one is alleging irregularity and wishes to examine the polling books, one could not do so unless there was reference in the affidavit to some grounds, supported by a creditable witness, in respect of the irregularities.

Mr. NIELSEN: As well as a reference to the deposit.

Mr. PENNELL: Yes. That would seem to do away with frivolous and vexatious examinations of poll books, yet assist possibly in a further preparation of a case in respect of irregularities.

Mr. RICARD: You are not suggesting that in the meantime a recount should not proceed?

Mr. NIELSEN: No. I have another suggestion which might help to speed up the recount. Mr. Castonguay I am sure is much more familiar with the election act than I. He is aware of my feelings, and if it is the wish of this committee I think Mr. Castonguay should prepare an amendment accordingly. If he wishes I will endeavour to give him my reasons.

Mr. CASTONGUAY: If it is the wish of this committee I shall endeavour to prepare such an amendment.

The CHAIRMAN: Is it the intention of this committee to ask Mr. Castonguay to prepare an amendment in this regard?

Mr. MORE: Perhaps Mr. Castonguay has something further to say in this regard.

Mr. CASTONGUAY: I am only trying to point out the problem involved, and I have mentioned the problems I foresee.

Mr. RICARD: Do you think this would turn into a fishing expedition by defeated candidates?

Mr. CASTONGUAY: The only case I can recall that has been successful is that case which Mr. Nielsen has mentioned.

Mr. NIELSEN: There has been more than that one case. My case is a case in point. One other case is that cited in respect of the Northwest Territories recount. I forget the name of that case, but there are others.

Mr. CASTONGUAY: In 80 per cent of the recounts of which I know, before they commenced the counsel asked for permission from the judge to examine the poll books or some document other than the ballot papers, and the judge invariably ruled it out. That has been the practice over the years. I was not aware that they officially examined the poll books in the Yukon.

Mr. NIELSEN; They did. For the benefit of the other committee members, I think you will agree that in the decisions which the courts have handed down, their reasons for refusal have been based on the fact that there has been no permission within the Canada Elections Act to look at the poll book and, by reason of the fact that the act has spelled out certain documents which can be looked at, the absence of a stipulation that the poll book can be looked at has been used as a secondary reason for refusal to allow the poll book to be looked at.

Mr. CASTONGUAY: Yes.

Miss JEWETT: I am not quite clear what Mr. Nielsen had in mind when a moment ago he said that the recount will still take place in the ordinary way that it does now, but the irregularities, if we allow this amendment, would be discussed or revealed or adjudicated on at some later date. Is that what you were saying?

Mr. NIELSEN: No. There are two separate procedures; one is under the elections act for a recount; the other is under the controverted elections regulations for contesting the election itself, and by the elections act the judge concerned in the recount, if amended, would allow a better prepared petition to be presented.

Mr. CASTONGUAY: Your suggestion, Mr. Nielsen, is that with a credible witness this be included to permit the examination of the poll books.

Mr. NIELSEN: Yes.

Mr. CASTONGUAY: All documents or just the poll books?

Mr. NIELSEN: Just the poll books. I cannot think of any other document which one would have to examine, because the irregularities themselves would be disclosed by the poll book, and this would give you sufficient evidence, if it exists at all, upon which to base your petition. Once you have been able to prepare that, then you can call for such things as transfer certificates, and the like. But, in order to prevent frivolous and facetious recounts, there are three things I would suggest be required in the affidavit if the poll books are to be examined. The first is that the credible witness must swear there have been irregularities to the best of his knowledge and belief. The second is that it is his intention to cause a petition to be issued controverting the election. Thirdly, that he is prepared to deposit \$250 as now required under the act.

Mr. CASTONGUAY: Perhaps I am not too clear. You are suggesting that he just swear there are irregularities, or should he enumerate the irregularities?

Mr. NIELSEN: This is the difficulty.

Mr. CASTONGUAY: He will swear there are irregularities. Is that all?

Mr. NIELSEN: That is enough. If he had not reasonable ground for swearing that oath, then he is subject to perjury himself. This should be easily provable, if it is a frivolous or facetious oath he is taking.

Mr. CASTONGUAY: We would make it an offence under the Canada Elections Act, and one which would empower me to investigate. If you make it an offence under the Canada Elections Act and give me power to investigate,

I will investigate. The costs are borne by the crown. The R.C.M.P. will investigate it and I can appoint counsel and prosecute. Would this meet the wish of the committee?

Mr. NIELSEN: Yes.

The CHAIRMAN: It is ten o'clock, gentlemen. We will adjourn to meet in room 112N on Thursday morning at nine o'clock.

The committee adjourned.

APPENDIX "A"

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ISSUE OF PROXY PAPER

93. Subject to Section 94, an elector may vote by a proxy voter if he is
- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>(a) a fisherman or mariner serving in any capacity on a ship, licensed or registered in Canada or the British Commonwealth; or</li> <li>(b) a patient in a hospital, having ten or more beds;</li> <li>(c) serving on full time service with the Naval, Army or Air Forces of Canada; or</li> <li>(d) an unmarried full-time student at an educational institution.</li> </ul> | <p>Who may vote by proxy.</p> <p>Fisherman or mariner.</p> <p>Hospital patient.</p> <p>Service elector.</p> <p>Student.</p> |
|---|---|

94. Between Monday, the fifteenth day before ordinary polling day and eight o'clock in the evening on the Saturday before ordinary polling day, a returning officer shall issue a proxy paper in Form 39 upon

- (a) the elector or proxy voter delivering the appointment of proxy voter and certificates in Form 38, duly completed, to the returning officer; and
- (b) the returning officer being satisfied that
  - (i) the elector is within a class of elector described by Section 93;
  - (ii) the elector and proxy voter are each on the list of electors for the polling division where the elector is ordinarily resident;
  - (iii) a proxy paper has not been issued by him to any other person to act as a proxy voter for the elector; and
  - (iv) the proxy voter has not been previously appointed a proxy for any other elector, other than for an elector who is a child, grandchild, brother, sister, parent, grandparent, husband, or wife of the proxy voter.

Record of proxy.

95. A returning officer shall complete each proxy paper in duplicate, and

- (a) deliver the original to the elector, or proxy voter, who appeared before him; and
- (b) retain the copy in his headquarters, where it shall be available for public inspection at all reasonable times.

Errors or mistakes.

96. Subject to Section 94, where a list of electors contains a name, address and occupation which corresponds so closely with the name, address and occupation of the elector appointing a proxy voter or of the proxy voter, that the returning officer is satisfied that the entry is intended to refer to the elector or proxy voter, the returning officer shall issue the proxy paper with the particulars in it conforming to the entries on the list of electors.

Reappointment of proxy voter.

97. Subject to Section 94, if a proxy paper is returned to a returning officer for cancellation, the elector may appoint another elector to act as his proxy voter, and the returning officer shall issue another proxy paper.

Offence.

98. A person who,

- (a) knowing that he is not qualified to vote by proxy, has or attempts to have a proxy paper issued; or
- (b) knowing that the person who appointed him a proxy voter was not qualified to vote by proxy, has or attempts to have a proxy paper issued to him as a proxy voter for such person;

is guilty of an offence.

#### PROCEEDINGS AT THE POLL

Duties of deputy returning officer before opening poll.

99. During the fifteen minutes prior to the opening of a polling station, the deputy returning officer in full view of the poll clerk, the candidates, or their agents, or the electors representing candidates, as are present in the polling station, shall

Post instructions.

- (a) cause the Directions to Electors in Form 33 to be posted in two conspicuous places outside of and near to the polling station, and in a conspicuous place in the voting compartment of the polling station;

Initial ballot papers.

- (b) affix uniformly his initials, either entirely with ink of one color, or entirely with black lead pencil, in the space provided for that purpose on the back of the ballot papers without taking them from the bound or stitched books;

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- (c) count the ballot papers and permit any candidate, agent or elector, who is present, to inspect and count them; and Count ballot papers.
- (d) open the ballot box, ascertain that it is empty, seal or lock it with a metal seal or lock, and place it on a table in full view of all present, where it shall remain sealed or locked until the close of the poll. Inspect ballot box.

100. (1) At the hour fixed for opening a polling station and during polling hours, the deputy returning officer shall Duties of deputy returning officer after opening polling station.

- (a) admit each elector into the polling station and see that he is not impeded or molested;
- (b) have the elector, who is before him, declare his name, address and occupation;
- (c) if the elector is qualified to vote under Section 112, have the poll clerk enter the name, address and occupation of the elector in the poll book;
- (d) fold the ballot paper as illustrated in Form 39A, so that when folded, his initials can be seen without unfolding it;
- (e) instruct the elector, how and where to affix his mark on the ballot paper by using the following or like words, "Mark the ballot paper by placing a cross with a black lead pencil within the white circle following the name of the candidate (or names of the candidates, if more than one are to be elected), for whom you intend to vote";
- (f) direct the elector to return the ballot paper, when marked, folded as shown with the counterfoil attached;
- (g) deliver a black lead pencil to the elector, with instructions to use it for marking the ballot paper and to return it to the deputy returning officer; and
- (h) subject to subsection (2), deliver the ballot paper to the elector.

(2) If required by the deputy returning officer, poll clerk, candidate, his agent, or elector representing a candidate, who is present, an elector shall, before receiving the ballot paper, take an oath in Form 40 in the poll book before the deputy returning officer, and if the elector refuses to take the oath, he shall not be permitted to vote and erasing lines shall be drawn through his name on the official list of electors and in the poll book, and he shall place a (✓) under the words "sworn or affirmed" or "refused to swear or affirm" opposite the names of the elector in the poll book. Oath of elector.

(3) Subject to subsection (4), an elector, who refuses to take the oath in Form 40, shall not receive a ballot paper, or be permitted to vote, or be again admitted to the polling station. Elector refusing to take affidavit not entitled to vote.

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- (ii) who has not previously vouched during the pending election for a person other than a member of his household; and
- (iii) who swears to and signs Form 47 in the poll book.

Voting  
by an  
elector in  
certain town  
cities or  
whose  
name is  
not on  
official list.

(2) A person whose name is not on the official list of electors for a polling station in an incorporated city, or a town having a population in excess of five thousand persons, may vote at the polling station on ordinary polling day if

- (a) he attends on ordinary polling day at the headquarters of the returning officer between the hours of nine o'clock in the forenoon and twelve o'clock noon, or between the hours of three to six o'clock in the afternoon, and obtains from the revising officer sitting pursuant to Section 58 a certificate in Form 48 after having satisfied the revising officer that he is qualified under Section 52 to be registered as an elector on the official list of electors for the polling station;
- (b) he delivers the certificate in Form 48 to the deputy returning officer of the polling station; and
- (c) he and an elector comply with the provisions of subsection (1).

Offence.

(3) A person who vouches for another under this Section, knowing that the person is not qualified to vote at the polling station, is guilty of an offence.

Voting by  
proxy.

115. (1) Where an elector has not previously voted, he may vote by proxy on ordinary polling day if his proxy voter

- (a) appears before the deputy returning officer of the polling station where the name of the elector appears on the official list of electors;
- (b) delivers to the deputy returning officer the proxy paper in Form 39, issued by the returning officer under Section 94; and
- (c) swears to and signs Form 49 in the poll book;

whereupon the deputy returning officer shall issue a ballot paper to the proxy voter who shall vote in the name of the elector.

Entry in  
poll book.

(2) The poll clerk shall enter in the poll book opposite the name of the elector, a (✓) under the words "By proxy".

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## ISSUE OF PROXY PAPER

During any election there is of necessity a large number of qualified electors unable to vote because of their absence from their proper polling division on both advance and ordinary polling day. This may be caused by their occupation, illness or numerous other reasons.

This problem has been dealt with in many jurisdictions with considerable variance in both the procedure and class of electors involved. It is generally known as "absentee voting" and may apply to all electors absent as in the American Presidential elections and in the Provinces of Alberta and British Columbia or may apply only to one class such as mariners in Ontario.

The procedure involved in other jurisdictions include voting by mail in England, at any polling station in the Province in Alberta, or by proxy in Ontario.

Many of these procedures involve special returning officers and a delayed count, such as the voting regulations for Armed Services under the Canada Elections Act.

The Commission is of the opinion that modern living conditions requires a serious consideration of this problem and a gradual development of machinery to record the vote of those electors who cannot be in their proper polling division on either advance or ordinary polling day.

After detailed study and careful consideration, we have concluded that certain classes of persons should have some opportunity to exercise their franchise by proxy, and consequently our conclusion is to recommend a voting procedure by proxy for four groups. In doing so, we first propose to make some observations respecting each classification.

These classes are large enough to warrant special consideration in the form of proxy voting.

*A. Mariners*

The difficulties created for this class of electors were most forcibly brought to the attention of your Commissioners when we were told that in the Provincial elections of 1956 and 1960 some 100 men eligible to vote in electoral districts in Cape Breton Island and particularly Cape Breton North were unable to vote because of their duties at sea.

We refer to those employed on the motor vessel WILLIAM CARSON. Their employment begins in the early hours of the morning and they are unable to return to port until midnight. This means they cannot be present during the times when the polling stations are open on either the advance polling days or ordinary polling day. Here is a direct conflict between their personal desires to vote and the public need to maintain an important transportation link.

We have also been told of similar circumstances applying to many engaged in the fishing industry of the Province.

*Ontario Experience*

Ontario has legislation permitting mariners to vote by proxy. Proxy forms are obtainable from the returning officer. The mariner completes the form appointing a relative as his proxy. The proxy form is taken to the revising officer if the mariner resides in an urban polling subdivision or to the County Court Judge if he resides in a rural polling subdivision. Once the appropriate official is satisfied of the mariner's right to vote, he makes his certificate on the front of the proxy form. The name of the proxy is then entered after the mariner's on the list of electors and the proxy is entitled to vote in the place of the mariner on ordinary polling day by presenting the certified proxy form and taking the prescribed oath. This proxy procedure has been used extensively by mariners residing in the ports along the Great Lakes and from the information we have obtained it has proved most satisfactory.

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*B. Patients in Hospitals*

On ordinary polling day some Nova Scotians are hospitalized and the existing legislation does not provide them with an opportunity to vote unless they appear at the advance polling station.

In principle it seems hard to deprive any electors of their right to vote when they are prevented from attending a polling station through illness, and yet to permit all ill persons to vote at their bedsides would require too great an extension of the principle at this time.

In Federal elections, veterans in hospitals may, in certain circumstances, vote on a delayed poll basis. This procedure is also provided for veterans in Provincial elections in the Province of Ontario. The Province of Alberta makes provision for polls in hospitals in the cities of Calgary and Edmonton.

At the beginning of 1960 the bed capacity of the hospitals in Nova Scotia was 3,388. These were divided in the following manner:

<i>Hospital</i>	<i>Location</i>	<i>Present Bed Capacity</i>
Aberdeen	New Glasgow	220
All Saints'	Springhill	43
Annapolis General	Annapolis Royal	14
Blanchard-Fraser Memorial	Kentville	65
Buchanan Memorial	Neil's Harbour	15
Children's	Halifax	173
Colchester County	Truro	105
Dawson Memorial	Bridgewater	43
Digby General	Digby	28
Eastern Kings Memorial	Wolfville	28
Eastern Memorial	Canso	9
Eastern Shore Memorial	Sheet Harbour	26
Glace Bay General	Glace Bay	125
Grace Maternity	Halifax	74
Guysborough Memorial	Guysborough	13
Halifax Convalescent	Halifax	54
Halifax Infirmary	Halifax	192
Harbour View	Sydney Mines	84
Highland View	Amherst	62
Inverness County Memorial	Inverness	30
Lillian Fraser Memorial	Tatamagouche	14
Musquodoboit Valley Memorial	Middle Musquodoboit	8
	New Waterford	38
New Waterford General	Pugwash	10
North Cumberland Memorial		

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<i>Hospital</i>	<i>Location</i>	<i>Present Bed Capacity</i>
Payzant Memorial	Windsor	74
Queens General	Liverpool	31
N. S. Rehabilitation Centre	Halifax	20
Roseway Hospital	Shelburne	40
Sacred Heart	Cheticamp	42
South Cumberland Memorial	Parrsboro	9
Saint Anne	Arichat	14
Saint Elizabeth	North Bay	230
St. Joseph's	Glace Bay	98
St. Mary's	Inverness	33
St. Martha's	Antigonish	218
St. Mary's Memorial	Sherbrooke	13
St. Rita	Sydney	166
Soldier's Memorial	Middleton	23
Sutherland Memorial	Pictou	32
Sydney City	Sydney	189
Twin Oaks War Memorial	Musquodoboit Harbour	9
Victoria County Memorial	Baddeck	34
Victoria General	Halifax	522
Western Kings Memorial	Berwick	43
Yarmouth	Yarmouth	41
Fishermen's Memorial	Lunenburg	34
Total		3,388

A conservative estimate of the number of eligible electors is approximately 2,000. We must assume at least 1,700 to 1,800 would vote if they were not physically disabled. Such a figure is substantial enough to warrant permitting this class to vote by proxy.

### *C. Armed Forces Electors*

Members of the Armed Forces may vote in this Province provided they are on the list of electors pursuant to Section 28 of the draft legislation and present in the polling division on ordinary polling day. They may vote at the advance poll in the electoral district where they reside. The draft legislation further provides in Section 28 (4) that these same persons may also elect to vote in the polling division indicated on the elector's statement of ordinary residence as provided by The Canadian Forces Voting Rules.

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It is difficult to determine how many Service electors are unable to vote because they are not in their polling divisions on ordinary polling day or able to attend the advance poll during its sessions. An indication of the total number of Service electors whose documents show this Province as their ordinary residence can be gauged from the number who voted under the Canadian Forces Voting Rules at the 1958 Federal general election for the electoral districts in this Province:

Antigonish-Guysborough .....	221
Cape Breton North and Victoria .....	420
Cape Breton South .....	1,168
Colchester-Hants .....	789
Cumberland .....	655
Digby-Annapolis-Kings .....	1,231
Halifax .....	8,141
Inverness-Richmond .....	252
Pictou .....	566
Queens-Lunenburg .....	406
Shelburne-Yarmouth-Clare .....	584
Total .....	14,433

Finding ways and means to take the poll of Service personnel present one of the most difficult and complicated problems for electoral officers across Canada. We believe some assistance can be provided in this Province by permitting Armed Forces personnel the opportunity to vote by proxy if because of their military responsibilities they are unable to vote in person in the place where they are deemed to ordinarily reside.

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*D. Students*

It is difficult to determine the exact number of eligible Nova Scotian electors who are absent from their polling divisions attending educational institutions on ordinary polling day. We have been able to obtain the following figures from some of the colleges which gives some indication of the size of the group. These figures relate to the total number of Nova Scotians of the age of twenty-one years and upwards attending the following institutions during the 1959-60 academic year:

Acadia University, Wolfville .....	250
Dalhousie University, Halifax .....	541
Mount Allison University, Sackville, New Brunswick	106
Nova Scotia Agricultural College, Truro .....	13
Mount Saint Vincent College, Halifax .....	26
Nova Scotia Technical College, Halifax .....	130
Nova Scotia Normal College, Truro .....	86
St. Anne's College, Church Point .....	10
Saint Bernard College	
St. Francis Xavier University, Antigonish .....	230
Saint Mary's University, Halifax .....	30
University of New Brunswick, Fredericton, New Brunswick .....	53
<b>Total .....</b>	<b>1,475</b>

We realize a considerable number of these students are resident where the educational institution is located, however, there is still a sizable group of student electors who are unable to exercise their franchise because their ordinary residence is elsewhere.

Special consideration is required for only the unmarried students in full-time attendance at an educational institution. Those that are married are

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eligible to vote in the polling division where they are deemed to ordinarily reside with their families as set forth in Section 27 of the draft legislation. Unmarried students, by Section 28 (5) are deemed to ordinarily reside in the polling divisions where their family homes are located.

Your Commission believes unmarried students in full-time study at educational institutions are deserving of special consideration.

#### *Briefs and Submissions*

The Commission particularly encouraged the views of as many as possible on the subject of proxy voting. Of interest are the comments expressed in the excerpts from the following written submissions:

##### *Submission by the late A. W. Cameron, Q.C., Sherbrooke, N.S.*

Regardless of where an eligible voter is in Nova Scotia during the election period, such voter ought to be able to be registered and to vote and have his ballot transmitted by registered mail to the constituency of that voter's residence.

##### *Co-Operative Commonwealth Federation (Nova Scotia Section)*

Hospital patients should be permitted to vote—we do not believe that anyone should be disfranchised because of illness. It shouldn't prove to be too costly or too complicated if a simple method could be applied—such as an agent for each party with someone in charge to see that it is carried out in the proper manner.

##### *Halifax Board of Trade*

There are other classes of citizens who find it difficult, if not impossible, to exercise their franchise. Examples of these are college students away from home during an election, patients confined to hospital and mariners at sea. Advance polls do not solve the problem of voting for these persons. We believe a system of voting by proxy is desirable in such cases, whereby a duly authorized proxy is permitted to vote for the absent voter in the latter's own constituency. No doubt your Commission will seek information about the regulations permitting proxy votes in certain circumstances in the United Kingdom.

*Mr. C. Allister MacInnes, Sydney, N. S.*

The increased political interest and activity shown by the students in our various schools, Colleges and Universities, and Schools of Nursing, et cetera, throughout the Province which have resulted in the formation of the Nova Scotia University Liberal Federation and the Nova Scotia University Progressive Conservative Federation (the first such political organizations formed in Canada) lead to the conclusion that the time is right for the granting of a Nova Scotia Election "Students' Franchise".

*Nova Scotia Liberal Federation*

(Excerpt from a brief presented by R. F. McLellan, Q.C., on behalf of a Committee of the Nova Scotia Liberal Federation).

1. Patients in hospitals, whose physical and mental condition is such that they can properly exercise the franchise, should be permitted to vote. In making this suggestion, I am not unmindful of the concern the political parties will have with such a procedure. Taking the ballot box to the voter is a hitherto untried procedure in Nova Scotia and an opportunity will have to be given to the agents of political parties to be present when this method of exercising the franchise is being used. It may be that the Commission will find it desirable to place certain limitations upon this exercise of the franchise but I do feel that some consideration should be given to these persons who have hitherto been denied the opportunity of voting in Nova Scotia.

2. Mariners employed on vessels plying the coastal waters of Nova Scotia should have an opportunity of voting, if the normal day and voting hours, including the advance poll, make it impossible for them to vote as other employed persons do. The Commission may desire to give some consideration to overcoming this problem and other similar problems by granting a discretion to the returning officer permitting him to set up suitable election machinery to record the votes of such persons.

3. Students in regular attendance at colleges or universities, if otherwise qualified, should be permitted to vote without requiring them to return to the constituency which is their ordinary residence. This particular problem might be met by embodying the provisions of 'The Canada Elections Act' applicable to Service voters in the 'Nova Scotia Elections Act,' with the necessary changes.

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*Nova Scotia Progressive Conservative Association*

(Excerpt from a brief presented by Mr. B. M. Nickerson, on behalf of a Committee of the Nova Scotia Progressive Conservative Association).

. . . It was the unanimous opinion of the Committee that voting by hospital patients, students, armed services personnel and mariners should be permitted. However, in practice there would seem to be a number of difficulties, which can no doubt be overcome. It was considered that in the case of hospital patients the best system would be to set up a polling booth in the hospital, at which all patients mentally capable and physically able to exercise the franchise could vote. However, it is not considered that these ballots should be counted for the constituency in which the hospital is situate, but rather, that these ballots should be returned to the constituency in which the patient is entitled to vote. This would ensure that the patient could vote for a candidate representing his own constituency and could be effected no doubt by using the same basic procedure as is found in the provisions of the 'Canada Elections Act', with reference to service voters, with whatever changes are found to be required.

Insofar as service personnel and university students are concerned, it is suggested that the same procedure could apply with the provision that in all cases the voter must be qualified to vote, as in the case of an ordinary voter, by being a person whose name appears on a list of voters.

As to mariners, it is recommended that they be permitted to vote at an advance poll, if this is possible. If this is not possible, as for instance where, because of their duties, they are not in the area for either the advance poll or on polling day, a difficult problem arises. Special provisions should be made and no doubt could be made by the returning officer to enable these voters to exercise their franchise. It may be that arrangements could be made to appoint one of the ship's officers a deputy returning officer, or that provision could be made to have a deputy returning officer present to take the vote at a port at which the vessel would call. In any event the returning officer should be given the authority to make such arrangements as are required in a proper case.

*Absentee Voting*

The Commission has spent some time examining the legislation of Great Britain, several electoral jurisdictions of the United States of America and of the Provinces of Saskatchewan, Alberta and British Columbia where absentee voting is permitted. We have discovered a trend toward absentee voting that over a period of time will likely become as prevalent and accepted as the

advance poll legislation is throughout Canada. When advance poll legislation was first proposed it was met with considerable criticism because it was thought impossible to enact satisfactory safeguards.

Adequate safeguards in the election machinery is one of the major barriers in the way of absentee voting today. In jurisdictions like Great Britain, where the principle has been in operation for a number of years, there does not seem to be any serious difficulties. In the western Provinces of Canada the information available to the Commission indicated the advantages were greater than the fears brought about by mechanical and procedural defects.

The dangers of corruption and malpractice in election practices seem to be declining and as they decline the legislation can be relaxed to make the exercise of the franchise somewhat easier for the steadily increasing transient population in this country.

#### *Advance Poll Inadequate*

The advance poll procedure is inadequate to meet the requirements of all the qualified electors within the four classes under discussion in this part.

It has already been indicated that many mariners and fishermen are unable to be in their polling division either on the advance polling day or during the hours the advance polling stations are open. Electors have no control over illness. If they know they are going to be hospitalized outside their polling divisions on ordinary polling day they can attend the advance poll, but this is no assistance to electors who must remain in hospital during both the advance poll and ordinary polling days. Hospital authorities and Federal election officers gave the Commission statistics indicating that the average stay of a patient in hospital is ten days. Service personnel are often required in the course of their duties to be absent on both advance and ordinary polling days. Many unmarried students are unable to attend the advance polling stations because of their class commitments and the distance, time and expense involved in travelling.

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It would not assist the problem to provide that the advance poll be held on other days or at a time farther away from ordinary polling day.

### *The Classifications*

There may appear to be no logic in choosing the four classes we propose should be permitted to vote by proxy because there are innumerable other employments which may necessitate the same degree of absence as will prevent an elector from voting at either the advance or ordinary polls.

Voting by proxy was restricted by the Commission to these four classes for the following reasons: Firstly, this is a substantial innovation to our election laws and it needs to be developed in an orderly manner. If it is found useful by these groups, then the Commission recommends the Legislature will see fit to expand the categories. Secondly, these four classes appear to be the most obvious ones deserving special attention.

### *Some Advantages of the Proxy System*

In addition to providing many electors with an opportunity to vote that did not previously exist the proxy procedure has additional advantages:

- (a) There will be no "stale" election results. Most absentee voting is based on a procedure similar to The Service Voting Rules of the Canada Elections Act, involving a delayed count, or on a system of voting by mail which also involves a delayed count. The result is that the final vote is not known until some time after ordinary polling day.
- (b) No electoral district is "overloaded" by the votes of persons who are temporarily resident in the electoral district where the hospital or educational institution is located.
- (c) The decision of whether the elector will entrust his vote to a proxy is in his own hands.
- (d) Abuse becomes difficult because the voting itself takes place in the poll where both elector and the proxy are ordinarily resident and presumably known by those present. The ballot is in the proper ballot box and counted at the close of the poll with no means of identification.

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- (e) The privileges extend outside the Province without any special machinery.
- (f) No additional personnel are required for the administration of the proxy procedure.

#### *The Procedure*

1. A person desiring to vote by proxy must be included in the list of electors in his polling division.

2. The elector must choose another elector whose name is included in the list of electors for the same polling division as his proxy.

3. Either the elector or the proxy voter must deliver the form Appointment of Proxy to the returning officer no later than eight o'clock in the evening of the Saturday before ordinary polling day. (A copy of the form appears as Form 38 in Volume 2 of the Report).

A form appointing a proxy voter must be completed by the elector and certified by a ship's officer in the case of a fisherman or mariner or a hospital official for a hospital patient or a superior officer for a service man or a registrar of an educational institution for a student.

4. Upon presentation of the form, the returning officer must check the appropriate list of electors of the polling division to ascertain both the elector and the proxy voter are included.

5. The returning officer must also determine that his records do not indicate the appointment of any other person as a proxy voter by the same elector.

6. One person may be a proxy voter for only "one" elector unless the elector is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the proxy voter.

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7. The returning officer completes the proxy paper in duplicate and delivers the original to the elector or proxy voter and retains the copy at his headquarters where it is available for public inspection at all reasonable times.

8. If a proxy paper is returned to the returning officer before ordinary polling day, the elector may appoint another person as his proxy voter by following the procedure outlined herein.

9. On ordinary polling day the proxy voter produces the proxy paper at the appropriate polling station and he is permitted to vote in the usual manner after he swears to and signs a form in the poll book. Voting by proxy is not permitted at the advance poll nor can the swearing-on or vouching procedure be in any way associated with it.

10. Anyone who intentionally interferes with the proxy procedure is guilty of an offence and subject to either a fine of \$2,000 or imprisonment for a term not exceeding two years, or both.

#### *Summary of Recommendations*

Voting by proxy should be available to fishermen, or mariners serving in any capacity on a ship, licensed or registered in Canada or the British Commonwealth, patients in hospitals having ten or more beds, Service personnel serving full-time with the Naval, Army or Air Forces of Canada and unmarried students in full-time attendance at educational institutions.

#### *Draft Legislation*

See Sections 93 to 98 at pages 35 and 36 and Section 115 at page 43 in Volume 2 of the Report.

## APPENDIX "B"

## THE ROYAL COMMISSION ON PROVINCIAL ELECTIONS

Excerpt from Final Report—Volume I

January 27, 1961.

Commissioners: Mr. Justice Ralph H. Shaw  
 Mr. Arthur J. Meagher  
 Mr. Thomas P. Slaven

Page 225

*"Other Offences"**Existing Legislation*

The existing Provincial legislation is similar to that found in other jurisdictions in Canada. The Sections defining the various offences are scattered throughout each Act, making it difficult to locate the applicable provisions. The Sections are verbose and, in many cases, repetitive. Offences are set out in too great detail. In addition, each Section generally covers attempts as well as the applicable penalties. The penalties range from the payment of a small fine to imprisonment without option of a fine. In other cases, civil penalties are provided. In some instances a guilty person is not only subject to criminal and civil penalties but also to the loss of civil rights which is dealt with under "Corrupt Practices".

*Elimination of Election Offences from the Election Act*

It was suggested that the provisions of the Criminal Code are broad enough to cover the prosecution of any election offence that might arise, so that these provisions could be deleted from the Elections Act.

While this might be so, the deterrent effect of the various provisions in the Elections Act should be always kept in mind. Copies of the Elections Act are placed in the hands of five thousand or more election officers at election time. As a result, the various provisions of the Act are brought to their attention. On the other hand, few of these officials would have access to the Criminal Code. We are therefore recommending that provisions covering offences be set out in the proposed Elections Act.

*Language of the Offences*

Officials of the Crown agree that the wording of many of the Sections defining the various offences is verbose and repetitive. With their assistance we have simplified the language of the Sections in the draft legislation. In addition, many of the offences have been combined into a single Section.

*Arrangement of Sections*

At present the various offences are scattered throughout the Nova Scotia Elections Act and are difficult to locate. It should be possible to consolidate these provisions under one heading near the end of the Act. In some cases, however, a particular offence is so closely related to a subject matter that it should remain under the applicable heading rather than under the consolidated heading of "Other Offences".

— 2 —

*Penalties—Fines and Imprisonment*

Few, if any, criminal charges have been laid under the provisions of the existing Act during the past few years. It is generally agreed that corruption is becoming a minor consideration at elections. It is possible that the penalties incorporated in the existing Act have had a satisfactory deterrent effect but it is more likely that a new type of worker is taking over the operation of the election machinery. The use of such a media as radio and television has changed the whole nature of political campaigns.

It would simplify the language of the legislation if the penalty provisions are deleted from each Section and consolidated into one Section. We have so recommended. The existing legislation provides for a wide range of penalties. For example, a maximum penalty of Forty Dollars or one month's imprisonment in default, is provided for certain types of bribery covered by Section 88; but six months' imprisonment without option of fine is provided for other acts of bribery under Section 87. The Commission is of the opinion that a stiff maximum penalty should be set out in the legislation for all election offences. The presiding justice then would have the discretion to vary it according to the facts of each case. Also the potential severity of any penalty may have a greater deterrent effect than a small monetary fine. We are recommending that anyone who is guilty of an offence against the Act is liable to a fine not exceeding Two Thousand Dollars, or to imprisonment for a term not exceeding two years, or both of them.

*Penalties—Civil Penalties*

The existing legislation provides in many cases that a person who infringes a particular Section shall also forfeit a specific monetary amount to any person who sues for it in the civil courts. This form of penalty was deleted in the 1960 consolidation of the Canada Elections Act. We are recommending that it be deleted from our Provincial legislation.

*Form of the Offences*

The offences provided for the existing legislation have been continued in a more simplified form. The offences of bribery and treating have been consolidated. Provision is made to exempt from the treating Section any food or drink given at a political meeting, or at a person's place of residence, or by a person supplying lunches to elections officers or agents at a polling station.

The Sections covering intoxicating liquor, personation and undue influence have been simplified and broadened. The provisions relating to offences by candidates have been extended. It is felt these latter provisions not only act as a prohibition for the candidate, but also assist to eliminate demands for donations and by pressure groups.

Some question arose as to what limitations should be placed upon publicity during election periods. The use of ribbons, emblems, public address systems, flags and banners liven up an election but creates a problem as far as cost is concerned. In many jurisdictions use of this type of publicity has been overdone. Not only has it been costly, but in many regards it infringes against the principle of the secrecy of the ballot in cases where people are forced to wear emblems and badges indicating their preference of candidate. We feel that this type of publicity should be continued to be controlled, especially on ordinary polling day.

*Fines*

As already mentioned, the subject of fines have been consolidated in one Section in the proposed legislation. A stiff maximum penalty has been imposed.

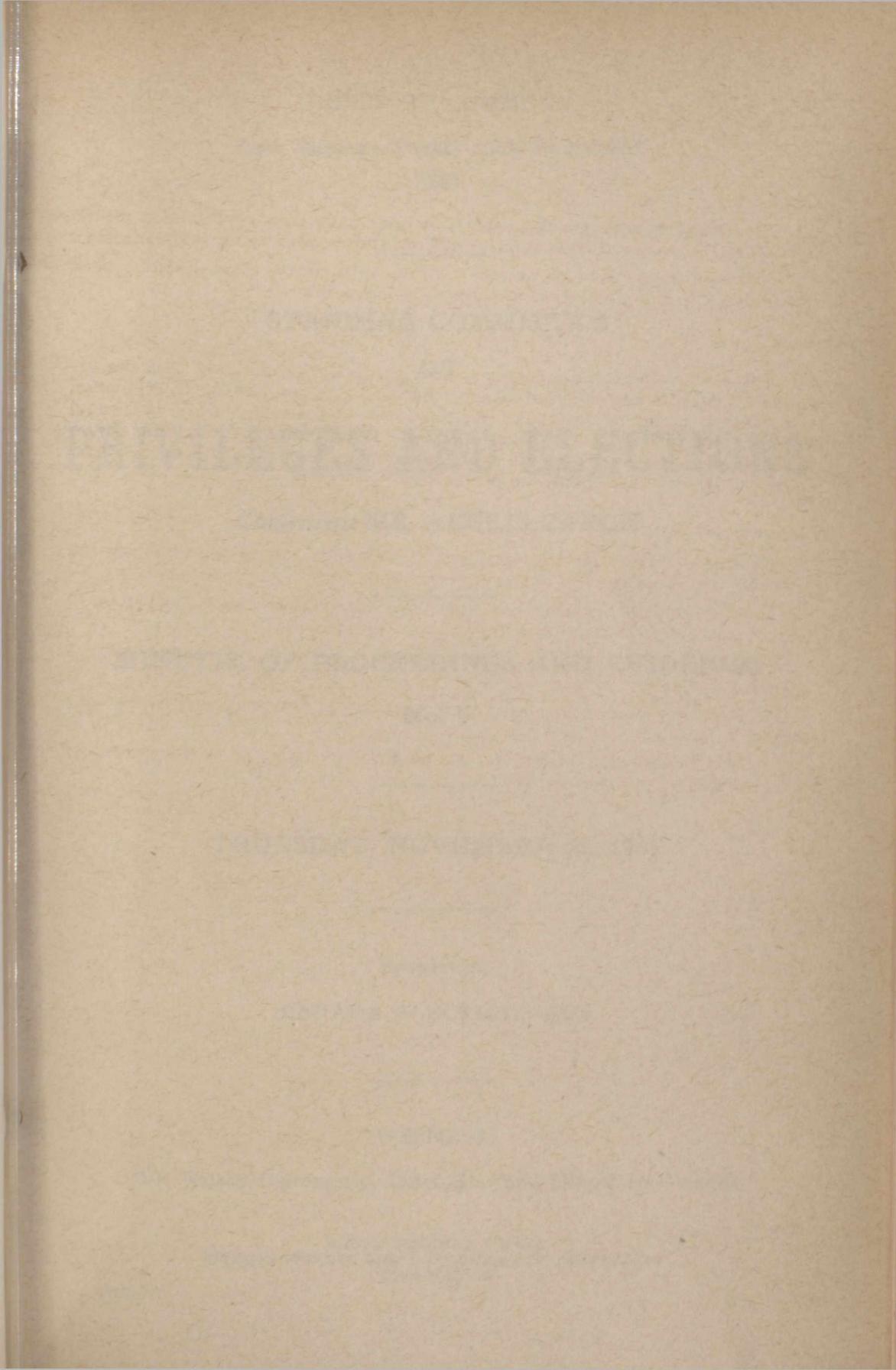
Offences arising from attempts or being an accessory have likewise been consolidated in one Section in the proposed legislation.

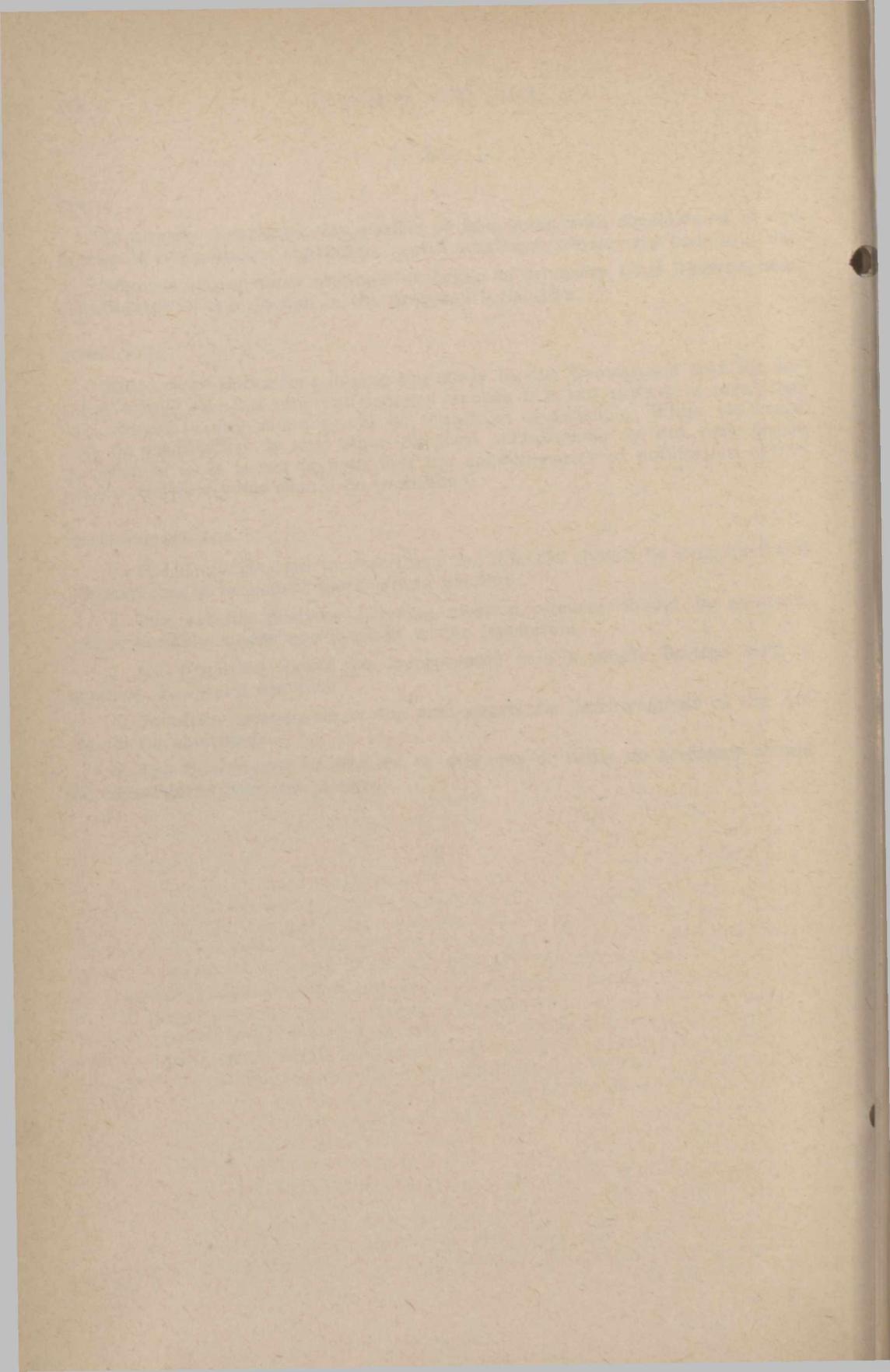
*Straw Vote*

There were indications during the study by the Commission that the so-called straw vote has inherent dangers because it is not subject to regulation nor control in any manner and is, therefore, undesirable. While we could find no prohibition in any other electoral jurisdiction, we did find severe criticism of it. It is our opinion that the announcement of publication of the results of straw votes should be prohibited.

*Recommendations*

1. The language used in describing the offences should be simplified and offences should be consolidated where possible.
2. The various Sections covering election offences should be grouped, where possible, under one heading in the legislation.
3. All penalties should be incorporated into a single Section with a common maximum sentence.
4. Penalties recoverable in the civil courts for infringements of the Act should be abolished.
5. The Commission of offences by attempts or being an accessory should be consolidated into one section.





HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

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THURSDAY, NOVEMBER 28, 1963

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Respecting

CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell

and Messrs.

Blouin,	Greene,	Moreau,
Brewin,	Grégoire,	Nielsen,
Cameron ( <i>High Park</i> ),	Howard,	Paul,
Cashin,	Jewett (Miss),	Rhéaume,
Chrétien,	Leboe,	Ricard,
Coates,	Lessard ( <i>Saint-Henri</i> ),	Richard,
Doucett,	Millar,	Rochon,
Drouin,	Monteith,	Turner,
'Girouard,	More,	Webb—29.

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

NOTE: 'Replaced Mr. Olson on November 27, 1963

ORDER OF REFERENCE

HOUSE OF COMMONS,  
WEDNESDAY, November 27, 1963.

*ORDERED*,—That the name of Mr. Girouard be substituted for that of Mr. Olson on the Standing Committee on Privileges and Elections.

*Attest*

LEON-J. RAYMOND,  
*The Clerk of the House.*



## MINUTES OF PROCEEDINGS

THURSDAY, November 28, 1963.

(19)

The Standing Committee on Privileges and Elections met at 9.21 o'clock a.m., this day. Mr. Alexis Caron presided.

*Members present:* Messrs. Brewin, Cameron (*High Park*), Cashin, Caron, Chretien, Doucett, Francis, Howard, More, Moreau, Nielsen, Pennell, Ricard, Richard, Rheaume, Webb.—(16).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Tuesday, November 26, its consideration of the Canada Elections Act and reverted to Section 49.

*On Section 49.*

After discussion, the Chief Electoral Officer undertook to prepare a draft amendment in connection with subsections (3) and (4).

*On Section 54.*

Allowed to stand.

*On Section 55.*

Allowed to stand.

*On Section 56.*

Allowed to stand.

*On Section 57.*

Allowed to stand.

*On Section 58.*

Adopted.

*On Section 59.*

Adopted.

*On Section 60.*

The following amendment was adopted:

(1) Subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

Mode of payment of fees and expenses.

(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:

By special warrants in certain cases.

(a) with regard to

- (i) polling stations other than advance polling stations the fees or allowances, fixed by the tariff of fees, established pursuant to subsection (1), for deputy returning officers and poll clerks, and for the rental of polling stations, and
- (ii) revising agents, the fees as fixed by the tariff of fees established pursuant to subsection (1),

shall be paid directly to each claimant by special warrants drawn on the Comptroller of the Treasury and finally issued by the returning officer for each electoral district; the necessary forms of warrants shall be furnished to each returning officer by the Chief Electoral Officer; such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, are negotiable without charge at any chartered bank in Canada; immediately after the official addition of the votes has been held, every returning officer shall fill in the necessary spaces in the warrants, affix his signature thereon, and despatch the warrants by mail to the deputy returning officers, poll clerks, landlords of polling stations, and revising agents entitled to receive them; and

By separate cheques in other cases.

- (b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa and sent direct to each person entitled to payment.

Accountable advance.

(3a) Notwithstanding anything in this section, an accountable advance may be made to an election officer, limited to an amount deemed necessary to defray such office and other incidental expenses as may be approved under the tariff of fees established pursuant to subsection (1).

(2) Subsection (5) of section 60 of the said Act is repealed and the following substituted therefor:

Responsibility of returning officer.

(5) The returning officer shall exercise special care in the certification of enumerators' accounts; any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses; in all such cases, the returning officer shall not certify the account of the enumerator concerned, but shall send it uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts; moreover, the Comptroller of the Treasury shall not pay any enumerator's account until after the revision of the lists of electors has been completed.

(3) Section 60 of the said Act is further amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

Payment of additional sums.

(6a) The Chief Electoral Officer may, in accordance with regulations made by the Governor in Council, in any case in which the fees and allowances provided for by the tariff are not sufficient remuneration for the services required to be performed at any election, or for any necessary service performed, authorize the payment of such sum or additional sum for such services as is considered just and reasonable.

On subclause (4) of Clause 30 of the draft amendment (Section 60 of the Act), the Committee adopted the following amendments:

on line 16, after the word "Act", the word *shall* is deleted and replaced by the word *may*.

on line 15, after the word "him" the following words are added: *or engage in any political activity during the period of his employment*.

Thereupon, the Committee adopted the following amendment, as already amended:

(4) Section 60 of the said Act is further amended by adding thereto the following subsection:

Forfeiture of right to payment.

"(8) Any election officer who fails to carry out any of the services required to be performed by him *or engaged in any political activity during the period of his employment* at an election pursuant to this Act may forfeit his right to payment for his services and expenses, and the Comptroller of the Treasury, upon the receipt of a certificate from the Chief Electoral Officer to the effect that an election officer named in the certificate has failed to carry out the services required to be performed by him at the election under this Act, shall not pay that election officer's account."

On Section 61.

Adopted.

Thereupon, the witness tabled and distributed to the Committee the following documents:

1—Loi électorale du Québec  
Quebec Elections Act

Section XXI  
Des dépenses électorales  
Division XXI  
Election Expenses.

2—Representation of the People, Act 1948 (United Kingdom)

### PART III

Corrupt and Illegal Practices and other Provisions as to Election Campaign.  
On motion of Mr. Nielsen, seconded by Mr. Rheume,

*Resolved*,—That these two documents be printed as Appendices to the Proceedings.

(The two documents are reproduced as Appendix "A" and Appendix "B" to today's Proceedings).

*On Section 62.*

After debate, Mr. Howard, seconded by Mr. Brewin, moved:

That we invite Prime Minister Pearson, or someone authorized by him, to appear before the Committee to outline the views which his Government may have regarding contributions from the Public Treasury towards the election expenses incurred by consolidated and/or political parties.

And discussion arising, the question being put on Mr. Howard's motion, it was agreed to. Yeas, 7; Nays, 6.

Section 62 was allowed to stand.

*On Section 63.*

Allowed to stand.

*On Section 64.*

Adopted.

*On Section 65.*

The witness read to the Committee excerpts of the Final Report of the Royal Commission on Provincial Elections (Nova Scotia, 1961).

The witness also quoted excerpts from his own Reports to the Speaker of the House of Commons, on the general elections held on the 18th day of June, 1962, and on the 8th day of April, 1963.

Thereupon, the Committee agreed to adjourn with a view to giving its members a better opportunity to study at length Clause 33 of the Draft amendments dealing with Sections 65 to 78 of the Act.

It being 11.47 o'clock a.m., and the examination of Mr. Castonguay continuing, the Committee adjourned until Friday, November 29 at 9.00 o'clock a.m.

## EVIDENCE

THURSDAY, November 28, 1963.

The CHAIRMAN: Gentlemen, we have a quorum.

At the last session of this committee we were studying clause 28 of the draft amendments.

Mr. HOWARD: What page, Mr. Chairman?

The CHAIRMAN: Page 24 of the draft amendment; page 228 of the act.

The other day Mr. Castonguay told us that under section 49, page 220, subclauses 3 and 4 were of no use whatsoever because more difficulties are created from that than from any other part of the electoral law.

I read it, and just for your information I say that; of course, you can do whatever you wish with regard to it. That is section 49, page 221, subsections 3 and 4 of the act.

Loud speakers, ensigns, banners, etc., prohibited on polling day.

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the ordinary polling day; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the ordinary polling day.

Flags, ribbons or favours not to be furnished or worn.

(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within two days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within two days before such day.

You can do whatever you wish with that. However, I thought subclause 4 could disappear completely and that we could perhaps keep only "no person shall furnish or supply any loudspeaker during the polling hours" in subsection 3.

I do not know what Mr. Castonguay may think about that.

Mr. NIELSEN: Do I correctly understand Mr. Castonguay to say these sections were of no use?

Mr. N. J. CASTONGUAY, (*Chief Electoral Officer*): I did not say they were of no use, but I suggested that they needed some updating, shall we say, to present standards and present campaigning. In some constituencies this is interpreted as "everything has to come down". In other constituencies we will have one candidate of a party objecting because there are stickers on a vehicle, and in another constituency we will have the opponents objecting because someone else has a

sticker on a vehicle. This is the most misunderstood section I have ever encountered. I do not know whether you have had the problem in your own constituency, but I have never seen anything like this section for causing misunderstanding and bitterness. It does cause bitterness.

My answer to anyone who asks me for interpretation is to say "go and see your own counsel". If their own counsel advises them to take action, they may lay information at the local police station because it is not, thank goodness, one of the sections I am empowered to enforce.

I hope the committee might clarify this or update it so the parties and constituents will be in a position to understand it. I can tell you now that they do not understand it at the moment.

Mr. DOUCETT: That is true.

Mr. FRANCIS: That is true.

Mr. HOWARD: Do you have an understanding or an interpretation of the meaning of this?

Mr. CASTONGUAY: No, I have not.

Mr. NIELSEN: Is this concerned with the use of posters and so on within two blocks?

Mr. CASTONGUAY: There is nothing on that in our legislation.

Many of them have a new set-up now and they put up a poster on a lawn right in front of a poll saying "Vote for X", "Vote for So and So."

In connection with this particular matter, in so far as the chief electoral officer and the returning officer are concerned, there is only one thing we have power to do and we only do it on this basis because we rent the premises. The returning officers are instructed to disallow any of this material on the premises of the polling station or on the face of the premises. They are instructed to remove everything. However, I do receive complaints because the signs are there the day before; we only read it to cover polling day, not the Sunday. We cannot tell the proprietor or landlord to take everything off for the whole period of the election campaign. That is one problem; but we have nothing in our act. There are some provinces which say there cannot be any literature within 100 feet of the polling station. However, this is a separate problem. This section deals with candidates; it deals with vehicles. Some people will come along and say "You cannot have a parade"; they get the police to stop the parade. In another situation, the police will come along and order candidates to take down signs, because it is an offence against the Canada Elections Act, section 49 (3) and (4).

This section is the bugbear of everybody. I hope, at this time when the committee is making a complete examination of the Canada Elections Act, that this section will be straightened out somehow.

The only thing which is understood in these two sections is the fact that a loud hailer on a vehicle is not permitted on polling day; this is understood, and nothing else.

Mr. MOREAU: I would agree with Mr. Castonguay that this matter of bumper stickers, and so on, is a very contentious one on polling day; but I would think we should treat loudspeakers and loud hailers on polling day very much the same as we do broadcasting and still prohibit them. That would be my point.

Mr. RICHARD: I believe everybody has the same difficulty on election day. I think we should make it clear in the act that there is no offence involved in leaving stickers on the windows of candidate's headquarters or in the windows of homes of individuals who happen to have stickers. That is not the kind of advertising which is supposed to be forbidden by this section. I can understand loudspeakers and stickers on vehicles; but in respect of signs

which have already been put up in a town on windows of stores, and so on, you cannot expect candidates to go around picking up these.

In my election it did not matter very much; but there was quite a fight the day before election day. The other candidate, on the night before, went around pulling out all his signs on Rideau street. On Sunday he got the proprietors of the stores to come out and take down the signs; then on election day he would say "I pulled my signs out". In this little case, Mr. Castonguay had quite a few telephone calls.

Mr. CASTONGUAY: I got them from every constituency. They all checked in on that one.

There is another thing. This problem is serious both to me and to the candidates. I think every member of the committee knows a candidate will reproduce a facsimile of the ballot paper and put a cross opposite his name. There is nothing in this act to prevent an elector walking into a poll with this thing. You should see the battles in the poll. There is nothing which prohibits him from going in with a facsimile of the ballot paper, marking his ballot paper, and coming out with it. This does not involve every party or one party; there is a different interpretation in the various constituencies within parties. In one constituency party X will object to this facsimile being used by another party, and that same party in another constituency will use this facsimile. There is no uniformity; it is permissible in the act. Those who are not using these facsimiles say this is not permitted, and then the dog fight starts in the poll.

You should either provide legislation which prohibits this in the poll or you should make a positive statement in the act saying it is permissible. I think some members here must have had this experience with facsimiles of the ballot paper being given to electors. It is permissible in the act.

Mr. NIELSEN: But you cannot display them in the polls.

Mr. CASTONGUAY: No.

Mr. NIELSEN: There are many many cases where an elector will go in and the returning officer will hand the ballot over. In many cases the voter will be illiterate, which is the case in respect of many of the Indian people. They will pull out this card and show it to the deputy returning officer, and the question arises whether that, in effect, is displaying this in the poll, when the elector is simply indicating the way he wants to vote.

Mr. CASTONGUAY: The best one I have heard about is the case of the scrutineer with a list inside the poll. As you know, there are these large posters with the photographs on them. Then, after they check off the name they make a motion like this, and there is the picture of the candidate. This one is used extensively.

Mr. MOREAU: Subsection (4) of section 49 of the act states:

No person shall furnish or supply any flag, ribbon, label or like favour to or for any person within intent that it be worn or used by any person within any electoral district on the day of election or polling, or within two days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label or other favour, as such badge, within any electoral district on the day of any such election or polling, or within two days before such day.

In my opinion, that probably is the most flagrantly violated section of the act. As you know, N.D.P. lapel buttons are worn in the polls. No one has a national emblem of this type and I am not trying to suggest that they are

worse in this connection than anyone else. However, the supporters do wear these lapel buttons and continue to wear them, as do the candidates, in the poll, and yet under this section of the act it is quite contrary to the legislation.

Mr. CASTONGUAY: Then, there is the white beret.

Mr. MOREAU: I have not run into that one.

The CHAIRMAN: That is in Quebec.

Mr. RICHARD: Then you have the problem where some candidates want to identify their agents; they say it is only for identification purposes but they put a red ribbon in the lapel to distinguish them from other members of the other parties.

Mr. NIELSEN: Would there not be quite a lot of disorder if subsection (4) were removed? It could generate the situation where you would have two or more supporters of two or more political parties outside the polls on the streets and sidewalks on polling day drumming up support for their particular candidates and, as the electors go in, handing out these badges, lapel buttons and so on, and in the course of this sort of thing tempers might arise and perhaps there might even be donnybrooks outside the door of the polling station.

Mr. MOREAU: Possibly in the Yukon.

Mr. FRANCIS: Could we all agree that this, as it applies to the 48 hours before polling day, is all nonsense? As a rule it is not enforceable. And, could we not take the approach in respect of election day that these certain things, by general agreement, could be prohibited?

Mr. NIELSEN: That is the section which I am looking at.

The CHAIRMAN: I think it should be there only during the hours of polling. After the polling is over it is no use at all.

Mr. PENNELL: It seems to me either these sections serve a useful purpose or they do not. If they do, surely we should be able to find the law under which to enforce it. I have not heard yet of the dominion government failing to pass a law if it wants to enforce something. Now, I am not saying it does serve a useful purpose but, if it does, we should enforce it and, if it does not, we should deal with it accordingly. What do you think would be accomplished by barring this? I am not asking a facetious question but is it the opinion that this would lead to irregularities.

Mr. CASTONGUAY: This section has not been changed for 30 years; whereas campaign strategy has changed a good deal in the last 30 or 40 years. It may be that the climate at that time required this legislation. Everyone reads this section now to mean stickers, cardboard signs, billboards and so on. I do not want to suggest that these should be removed; I am not in a position to say whether or not it serves a useful purpose. However, it does cause a great deal of confusion and bitterness, and it would seem to me that if the wording was brought up to date it may be enforceable and then it could be observed. It may be a wise decision to leave it there but I would suggest not in its present form.

Mr. NIELSEN: Have you ever tried to change the wording?

Mr. CASTONGUAY: We never have changed it. This is a political thing.

Mr. DOUCETT: Starting after "candidate" in subsection (4) of section 49, it says:

and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within two days before such day.

That refers to "any" person; it goes pretty far afield, as a result of which it would be a difficult matter to enforce.

Mr. MORE: Sometimes they put a button under their lapel and wear it that way. Does the act prohibit this? I do not think it does.

Mr. CASTONGUAY: No. It says flag, ribbon, label or like favour. In terms of favour I think they are thinking of something similar to cloth. It does not say a button. So, in my view, wearing a button, would be permissible.

Mr. MORE: But it says label.

Mr. CASTONGUAY: A label is not a pin you put on.

Mr. DOUCETT: This was made before the days of buttons.

Mr. CASTONGUAY: Yes, and before the advent of automobiles.

Mr. NIELSEN: Is not the purpose of this to prevent this sort of thing being worn in or around the polls? As it stands now, this section is so wide that any person is committing an offence who wears any flag, ribbon, label, like favour 50 or 60 miles from the poll.

The CHAIRMAN: He cannot after polling hours until 12 o'clock.

Mr. CASTONGUAY: If the committee will forgive me for trespassing, my present view would be that within a certain radius of a poll and in the poll nothing of this type could be worn. And, I would also suggest taking out these loud speakers on vehicles on polling days.

Mr. MOREAU: I do not think anyone should be allowed to load a bunch of automobiles with signs and park them all around the area.

Mr. CASTONGUAY: The only way it could be enforced is if it was forbidden within 100 feet of a polling station. Then, in this case, all they would have to do is back off 100 feet, but it could be enforced.

Mr. PENNELL: I am in complete agreement in respect of clarifying this section. However, I do think we should keep our polling stations as free from political influence as possible. In some cases there is a form of intimidation when the person going into the poll finds a preponderance of people, the returning officer, the poll clerk and so on on the same side of the fence. Visibly, they are in control of the whole poll, and there is a form of intimidation.

Mr. MOREAU: I feel we should try to prevent this from happening.

Mr. DOUCETT: On election day only?

Mr. MOREAU: On election day only.

Mr. FRANCIS: That is right.

Mr. WEBB: In the Peterborough election, though not in my riding, it was very apparent that there were many half-ton trucks with New Democratic Party signs on them. These trucks were packed right at the entrance to the polling station.

In my own case, I had supporters and workers coming to polls with bumper signs on their cars. One of the other candidates visited several polls and took pictures of the cars coming in with my signs on their bumpers. I imagine Mr. Castonguay received some of them.

Mr. CASTONGUAY: Not only from your constituency.

Mr. WEBB: I do not know how one could control this.

The CHAIRMAN: In my view, the only effective control is to rope off a certain area around the poll which would be controllable.

Mr. DOUCETT: Then a car bearing a sticker would not be allowed to go in there.

Mr. HOWARD: Does Mr. Castonguay have any knowledge of what the various provinces do?

Mr. CASTONGUAY: It seems to me that most provinces tackle this by taking an area around the poll. This is my suggestion, though it is not an original

one. I do not think any suggestion I have given to this committee is original. All the suggestions I have put forward have been taken from various elections acts.

In Australia I observed the provincial election in Queensland. The practice there is for all parties to set up a stand by the polling station, and they hand out literature. There is no scrutineer at all. I visited about 40 polling stations and did not see a scrutineer; they are all outside. When the poll is over, they go inside.

Mr. HOWARD: This is compulsory voting?

Mr. CASTONGUAY: Yes, this is compulsory.

Mr. MOREAU: I move that we refer these two sections of the act to Mr. Castonguay and ask him to prepare draft amendments for the consideration of the committee, prohibiting any emblems or signs, or anything in this nature, within 100 feet of the polling station.

The CHAIRMAN: Can one hold a candidate responsible if a man wears something to show he is a supporter of that candidate?

Mr. MOREAU: No, but he can be challenged by the agents of the candidate and asked to leave; and if he refuses, the law can be enforced. I would think the wishes of the committee are also that loudspeakers and other similar devices are to be prohibited on polling day.

The CHAIRMAN: Within the hours of polling.

Mr. CASTONGUAY: What similar devices? Let us be specific about this.

Mr. MOREAU: Loud hailers and loudspeakers on vehicles.

Mr. FRANCIS: And in parking lots.

Mr. MOREAU: Public address equipment.

Mr. CASTONGUAY: In committee rooms?

Mr. MOREAU: I would say everything on polling day. I would treat it similarly to broadcasting.

Mr. CASTONGUAY: I would like to receive explicit guiding lines from the committee on this matter.

Mr. NIELSEN: Let us say any amplifying device for carrying voice reproduction.

Mr. CASTONGUAY: On a vehicle?

Mr. NIELSEN: On a vehicle or carried by an individual, such as portable microphones.

Mr. FRANCIS: Shopping centres should be included.

Mr. MOREAU: None of this should be allowed on polling day.

Mr. CASTONGUAY: Bar them completely during the hours of poll on polling day.

Mr. MOREAU: Yes.

Mr. RICHARD: Are we being hypocritical? We do provide in the act for agents outside the poll and inside the poll. If we make this section too strict, they cannot identify themselves except by mouth; and I do not know how they can do that very well because there would be a bunch of agents at the door. We are stopping agents, perhaps, from identifying themselves altogether. As you say, in Queensland they are allowed to do that; they are allowed to distribute literature. They are frank about the fact that this is an election and people are fighting right at the door of the poll to elect their candidate.

Mr. NIELSEN: You do not need loud hailers for identification.

Mr. RICHARD: I am thinking of emblems.

Mr. FRANCIS: Can we say that a small pin will be allowed to an accredited agent of a candidate?

Mr. MOREAU: I wonder whether we should allow these in the polling stations. I do not think we should. I think we have the form of intimidation that I have indicated earlier.

Mr. MORE: I do not know what practices exist in other parts of the country, but it seems to me we do have the outside agents in a local poll and they are identifiable to people; they are generally known. These agents do not have any great display now and they do serve their purpose. I think we should keep it that way.

With regard to the amplification business, I do not think this should be allowed on voting day at all.

Mr. MOREAU: That is my view.

Mr. FRANCIS: Agreed.

The CHAIRMAN: But they do need amplifiers in the yards of stores for their normal business purposes.

Mr. MOREAU: If they are not carrying political broadcasts there is nothing wrong; that is fine.

Mr. NIELSEN: The reason I suggest "within the hours of polling" is that during summer elections we have our returns set up outside on blackboards and so on, and we use the amplifier to broadcast the results to the crowds.

Mr. MORE: That is after the hours of the poll.

Mr. NIELSEN: That is why I suggested the term "during the hours of poll".

The CHAIRMAN: In subsection (4) the provision was two days before polling day.

Mr. FRANCIS: During the hours of polling.

Mr. MOREAU: That is, of course, only for political purposes. We would not try to prohibit people from using public address systems for other purposes.

Mr. CASTONGUAY: I would like to point out one problem to the committee. There are many service clubs which conduct campaigns on polling day, not for any particular candidate but to get the people out to vote. Many cities have this. It may be a service club of the type everybody knows, and their purpose in going down with a vehicle on polling day is merely to say "get out and vote". Do you want to bar these service clubs?

Mr. MOREAU: We have laws against broadcasting. The same thing happens with radio stations. As long as they do not carry a political broadcast on polling day they may appeal to people to get out on polling day and vote, and they may remind them of the hours of voting. The same sort of regulations could be applied here.

Mr. DOUCETT: I think the time should be the same for loudspeakers or broadcasts—two days before. If there is any trouble, you have time to get it corrected before the election. If it is the night before, the trouble goes over until the morning and then the chief election officer has endless telephone calls.

Mr. MORE: What we are talking about is the use of these devices for slanted political propoganda, to my mind. You have, for example, the junior chamber of commerce. I think no organization identifiable with a political party should be able to use these devices at all. I have no objection to somebody broadcasting "get out and vote".

Mr. NIELSEN: The words in section 99 would cover this:

No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on the ordinary polling

day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election.

Mr. CASTONGUAY: We will not have any trouble in finding the words. What I need is the opinion of the committee regarding service clubs.

Mr. FRANCIS: I would like to see a saving clause, something to the effect that nothing shall prevent a non-political urging by these media of a higher proportion of voters going to poll.

Mr. NIELSEN: Including radios?

Mr. CASTONGUAY: What if a political party desires to do that? Would propaganda to the effect of "go out and vote" be dangerous within the hours of the poll?

Mr. PENNELL: In my riding one of the political parties had a truck with advertising on it. They said "Get up, go out, and vote", and they did not mention any party. However, if one looked out of the window one could see that sign on the truck. This is the sort of thing, I gather, to which you are referring when you say there will be dispute.

Mr. CASTONGUAY: It will. I think the reason I brought up the matter of the service clubs is, as Mr. More said, these are not slanted to any political party but are only in an effort to get the public out to vote. This is my understanding.

Mr. MORE: I think it should be banned in respect of any political group. If you have it so that a party can do it, you will have every party out with a truck and there will be nothing but raucous noise all day long.

Mr. MOREAU: No one should be able to use it for political purposes.

Mr. CASTONGUAY: It is clear to me.

Mr. RICHARD: I hope it is clear to you.

Mr. CASTONGUAY: Your wishes are clear, but I do not know whether or not my draft will be.

Mr. MOREAU: Certainly we will have a further opportunity to go into the draft when it is presented.

Mr. RICHARD: Yes; we can discuss it again.

Mr. NIELSEN: I have one further thought for Mr. Castonguay in respect of preparing this draft. When you open the door for exceptions, there always are possibilities for abuse. One of the possibilities I can see arising is a mobile unit hired from an individual for the specific purpose of being absolutely non-political in what is said over the loudspeaker—"go out and vote; the polling stations are located at such and such a place"—but all over the sides are great signs saying "Vote for John Doe". There is a possibility here, and this should be prohibited.

The CHAIRMAN: I think we stood sections 54, 55 and 56.

Mr. NIELSEN: Before we leave this, Mr. Chairman, I have an observation with relation to subsection (5), regarding the consumption of liquor. I think this prohibits the use of liquor, and prohibits bars being open at all on polling day. I think this is much too restrictive. The prohibition should apply only during the hours of polling, and when the polls close the bars should be permitted to open.

Mr. HOWARD: May I point out for my friend, with whom I agree, that Mr. Castonguay had the foresight to put this in another section of the act which we will get to later on.

Mr. CASTONGUAY: I think we should be a little more realistic. I do not believe this section is enforceable; I do not think it would stand up in court. I would suggest that perhaps a better approach would be that it be drafted in

this way; that is, whatever hours the provincial election act prescribes for the closing of the polls should be the hours observed in that province.

Mr. NIELSEN: It does not help us, because our law in the territory is the Canada Elections Act.

Mr. CASTONGUAY: We can make an exception for you. However, I think this is the best procedure; that is, the attorneys general observe the hours set in the provincial election act, and in some provinces the bars open at the close of the polls and in others it is the same as ours and open at midnight.

The CHAIRMAN: I think in Quebec it is the whole day.

Mr. CASTONGUAY: They open after six.

The CHAIRMAN: In the last election it was closed for the whole day.

Mr. CASTONGUAY: But before the law was that after the close of the polls the bars would open. It would seem to me to be a firmer approach if this were drafted to the effect that the hours of closing of bars would be those prescribed by the provincial legislation in the province where the election is held.

Mr. NIELSEN: I am speaking now just for myself and the Northwest Territories. Could you write in an amendment; could we have the agreement of the committee that an amendment be drafted to this subclause which would empower the respective territorial governments, if they so desire, to allow the bars to remain open after the polls close?

Mr. CASTONGUAY: That could be done, but I do not know whether or not it is the wish of the committee to have this section drafted.

The CHAIRMAN: Is it the wish of the committee that section 5 be redrafted too?

No objection!

Mr. HOWARD: I certainly have no objection, but it is in proposed clause 33.

Mr. CASTONGUAY: What I propose to do is submit this draft to you including subsections (3), (4) and (5). Then you will be able to deal with the whole question.

The CHAIRMAN: At the last meeting Mr. Nielsen asked us to stand sections 54, 55 and 56.

Mr. CASTONGUAY: The amendment is not prepared.

The CHAIRMAN: Then we will go on to section 57, penalty for neglect or refusal of returning officer to return elected candidate.

There is an amendment prepared by Mr. Castonguay. It is clause 29 in the draft bill.

29. Section 57 of the said Act is repealed and the following substituted therefor:

Delay, neglect or refusal of returning officer to return elected candidate an offence.

"57. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election is guilty of an offence against this Act."

Mr. CASTONGUAY: That should stand until we reach clause 33.

The CHAIRMAN: Section 58, report of the chief electoral officer.

Mr. CASTONGUAY: I have no amendment to suggest.

The CHAIRMAN: Section 59, custody of election documents by chief electoral officer.

Mr. CASTONGUAY: I have no amendment to suggest.

The CHAIRMAN: Section 60, fees and expenses of election officers.

Mr. CASTONGUAY: I have an amendment at page 25 of the draft bill, clause 30.

30. (1) Subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

Mode of payment of fees and expenses

"(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows: By special warrants in certain cases

(a) with regard to

(i) polling stations other than advance polling stations the fees or allowances, fixed by the tariff fees, established pursuant to subsection (1), for deputy returning officers and poll clerks, and for the rental of polling stations, and

(ii) revising agents, the fees as fixed by the tariff of fees established pursuant to subsection (1),

shall be paid directly to each claimant by special warrants drawn on the Comptroller of the Treasury and finally issued by the returning officer for each electoral district; the necessary forms of warrants shall be furnished to each returning officer by the Chief Electoral Officer; such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, are negotiable without charge at any chartered bank in Canada; immediately after the official addition to the votes has been held, every returning officer shall fill in the necessary spaces in the warrants, affix his signature thereon, and despatch the warrants by mail to the deputy returning officers, poll clerks, landlords of polling stations, and revising agents entitled to receive them; and

By separate cheques in other cases

(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa and sent direct to each person entitled to payment.

Accountable advance

(3a) Notwithstanding anything in this section, an accountable advance may be made to an election officer, limited to an amount deemed necessary to defray such office and other incidental expenses as may be approved under the tariff of fees established pursuant to subsection (1)."

(2) Subsection (5) of section 60 of the said Act is repealed and the following substituted therefor:

Responsibility of returning officer

"(5) The returning officer shall exercise special care in the certification of enumerators' accounts; any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses; in all such cases, the returning officer shall not certify the account of the enumerator concerned, but shall send it uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts; moreover, the Comptroller of the Treasury shall not pay any enumerator's account until after the revision of the lists of electors has been completed."

(3) Section 60 of the said Act is further amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

Payment of additional sums

"(6a) The Chief Electoral Officer may, in accordance with regulations made by the Governor in Council, in any case in which the fees and allowances provided for by the tariff are not sufficient remuneration for the services required to be performed at any election, or for any necessary service performed, authorize the payment of such sum or additional sum for such services as is considered just and reasonable."

(4) Section 60 of the said Act is further amended by adding thereto the following subsection:

Forfeiture of right to payment

"(8) Any election officer who fails to carry out any of the services required to be performed by him at an election pursuant to this Act shall forfeit his right to payment for his services and expenses, and the Comptroller of the Treasury, upon the receipt of a certificate from the Chief Electoral Officer to the effect that an election officer named in the certificate has failed to carry out the services required to be performed by him at the election under this Act, shall not pay that election officer's account."

The first amendment has to do with subsection (3), subsection (a) (i) and (ii).

We now pay deputy returning officers by warrants and I am suggesting that revising agents also be paid by warrants, because this will expedite payments to these revising agents. We pay them by cheque now. This is done by the returning officer. The Auditor General and the Comptroller of the Treasury approve of this. This definitely will expedite the payment of the accounts.

Mr. NIELSEN: Could you clarify the reason the Yukon and Northwest Territories were made an exception in subsection (3) (a) in the act?

Mr. CASTONGUAY: It was made an exception before, but now we do not want to make it an exception.

Mr. NIELSEN: Why was it made an exception?

Mr. CASTONGUAY: We had two different types of fees; one for the Yukon and Northwest Territories, and one for our other electoral districts. Now we

have one uniform tariff for everyone. Our warrants were not adaptable to the Yukon; now they are at the same rate; we have one fee for deputy returning officers and poll clerks in the Northwest Territories, the Yukon territories and the rest of Canada; all fees now are uniform.

Mr. NIELSEN: It is the same now?

Mr. CASTONGUAY: It is the same all over now. To print warrants for about 150 deputy returning officers was not economical. All these were sent by cheque from Ottawa. Now all these are uniform for D.R.O.'s and poll clerks. I think the agents should be able to pay the accounts and these people would not have to wait so long.

The other amendment I suggest is with regard to a problem which came up at the 1962 election. This is at page 26, (3a).

Notwithstanding anything in this section, an accountable advance may be made to an election officer, limited to an amount deemed necessary to defray such office and other incidental expenses as may be approved under the tariff of fees established pursuant to subsection (1).

The returning officers had been provided with a cash advance until 1962 to defray the expenses of the clerical help, locally. The cash advance was based on the total amount they received for clerical assistance. There has never been any danger of our losing anything because we never paid the fees until we recovered the cash advance.

In 1962, the Comptroller of the Treasury and the Auditor General discovered there was no statutory authority to give cash advances to returning officers for this purpose, even though we had been doing this for 40 years. So the Comptroller of the Treasury and the Auditor General agreed we would continue this practice in 1962 and in 1963, because one cannot expect returning officers to finance the elections. I gave an undertaking to the Auditor General and to the Comptroller of the Treasury that I would prepare an amendment to this act. We can give cash expenses based on travelling expenses, but the Auditor General felt this was not according to Hoyle. Prior to 1949, the Auditor General taxed, audited and paid all the accounts, and he used to give cash advances prior to 1949. This custom of defraying the expenses of the election existed for about 40 years. So we are all guilty of this offence, if it is an offence. This amendment will permit a practice that has been carried on for 40 years.

I suggest it is essential that we provide the returning officers with cash advances. Every control is there. We have never lost a cash advance. No funds have been lost. Everything in section 60 has been submitted to the Comptroller of the Treasury and to the Auditor General, and they have no suggestion to make. They approved of the whole clause 30. If any member has any doubt whether the Auditor General or Comptroller of the Treasury have seen this proposal, I can say that they have seen it and I have asked them if there is any improvement to be made to section 60. They say there is no further improvement that they can see now.

Mr. MOREAU: I move the adoption of the amendments.

Mr. NIELSEN: I would like to raise one point. I am just looking at the rules governing enumerators, and as I recall it is an offence for an enumerator to campaign while he or she is enumerating. Is that so?

Mr. CASTONGUAY: This has arisen.

Mr. NIELSEN: If that is so, it should be included as one of the reasons in sub-clause (5) for which an enumerator is refused payment.

Mr. CASTONGUAY: Once a person is appointed as an enumerator, revising officer, revising agent or deputy returning officer, that would bar him from taking part anywhere in this campaign, and then I do not know where we

would find election workers. So I have ruled—and I wish the committee would support me—while he is employed as such, that is during his period of employment as an enumerator, there is to be no political activity by that person. That means for a period of a week when he is employed as an enumerator. After this employment ceases, then he or she can participate in the election. The same applies to revising officers. The revising officers' period of duty is three days, and then a fourth day if there are any objections to be made. On those four days they are not to act in a partisan manner. Some judges have ruled in one way and others have ruled in another. As you know, revising officers are appointed by county court judges. Judges vary on this, but one judge has ruled that after he has appointed a person as a revising officer that person is to cease any political activity after the day of objection, that is the thirteenth day before polling day. Most judges will go along with my interpretation or ruling, that during the actual term of employment the revising officer is not to participate in any political activity.

If the committee disagreed with my rule, I wish they would help me to give the ruling they would like. This cannot be covered by the act.

Mr. NIELSEN: I agree that an enumerator, while he is performing his duties as an enumerator, should not be involved in a political campaign.

Mr. CASTONGUAY: Nor any election officer during his period of office.

Mr. NIELSEN: There is nothing to prevent him from licking envelopes at night while he is not enumerating. That is not my point. You have already gone over this and made your decision.

Mr. CASTONGUAY: No, I have pointed out what I have done. If the committee say I should follow a different policy, I wish they would express their opinion now.

Mr. DOUCETT: I think it covers the problem fairly well to say that they must be non-partisan during their employment.

Mr. CASTONGUAY: The returning officer, from the date of his appointment, is barred from any participation in any political matter. The act provides for that, but it does not provide for the other. It cannot so provide. I do not know how you can interpret it except for making a decision.

Mr. FRANCIS: This does not stop his wife and son from being active.

Mr. CASTONGUAY: I would not certify non-payment of an account because an enumerator had participated in some political activity after his activities in his period of employment.

Mr. MOREAU: It seems to me that an enumerator should be prohibited from campaigning while enumerating, but supposing during the period of enumeration there was a rainy day and the enumerator decided not to enumerate, or if he was enumerating and decided he wanted to go after 9 o'clock and work in the candidate's committee rooms on some materials, I do not see anything wrong with that.

Mr. CASTONGUAY: That has not been the complaint. As you know, the enumerators must have this list typewritten, and it is understood by everybody that some typing facilities are provided by the parties; and the parties agree between themselves. This is a practice that has been carried out among themselves. Very few enumerators can find the typists to type their lists. I do not consider that to be political activity because both candidates obtain the list and both type the list. I do not consider that to be a political activity. I do consider political activity to be when an enumerator goes to the door and leaves publicity for a party.

Mr. FRANCIS: Or leaves a membership card for a political party. We had such a case.

Mr. CASTONGUAY: When they are actually going from house to house and they start doing something beyond the actual enumeration, then it is a political activity. They are not supposed to be beating the drum for any political party.

Mr. NIELSEN: The ruling, as you stated it, was during the period while an enumerator was employed. By that I take it you mean that this prohibition exists only while the enumerator is employed and performing his duties as such.

Mr. CASTONGUAY: From the 49th day to the 44th day.

Mr. MOREAU: It seems to me that it should be "while he is carrying on his duties as an enumerator".

Mr. FRANCIS: I wonder if this is true. I think Mr. Castonguay has a point. The two enumerators go together from 9 to 12 in the morning, and they enumerate. If one of those enumerators were to call back in the afternoon, and conduct partisan activity, I think this is a violation, because the party activity would be confused with enumeration.

Mr. CASTONGUAY: I have ruled on another point. The enumerators in large metropolitan areas obtain information from the elector, and they will also have a slip and put on it the name of the person and so on. Both parties do this. This slip is for the political party. They do that; whether it is permissible or not I do not know. I ruled that it is permissible because it is not political propaganda, it is not campaigning.

Mr. FRANCIS: I do not think it is good. I do not like it.

Mr. MORE: I do not know how you can stop it. You have two people representing each party.

Mr. CASTONGUAY: You can stop it easily because you can order that they be confined only to the activities prescribed by the act, and that they must undertake no outside activity such as requiring information for candidates and political headquarters. This is easy to stop. When I say it is easy, I mean once this activity starts I receive the complaints right away. You cannot call on 100 houses without offending someone, and it does not take very long to reach me.

Mr. MOREAU: There is another problem with regard to this matter of typing extra lists for the enumerators and their own political purposes. This is all very fine if one happens to be appointing the enumerators, but for someone who represents a party who is not in the enumeration, it may be an undue disadvantage. I wonder if this is good practice to allow them to type extra copies, and so on.

Mr. CASTONGUAY: In my instructions, this is permissible providing it adds no cost by way of time and so on. The reason it is there is that prevention is unenforceable. My predecessor pointed out the problem to the committee. It was impossible to enforce the provision that extra copies must not be typed. How can one stand over the typewriter and make sure there are only four copies? My predecessor said that it was absolutely unenforceable; so support was given and it was put in the instructions. If one cannot police a thing—and I think every member of this committee will agree that this cannot be policed—you might just as well give it support.

Mr. NIELSEN: Mr. Castonguay, do you not feel that, if an enumerator is shown to have participated in political activities while he or she is employed, his account or her account should not be certified? Can you not write that into the subclause?

Mr. CASTONGUAY: We can write it in if you wish, but I think you would rather rely on the judgment of the chief electoral officer for this type of thing. The chief electoral officer occupies a position of trust, and I think if you rely on his judgment it would be better than legislation.

Mr. NIELSEN: Can you decertify if this is shown to have happened? Suppose the account comes in for payment and you have evidence to substantiate that this has happened, can you decertify?

Mr. CASTONGUAY: Once it has been paid, no. I have a section here in which I am asking to be given the power to cancel somebody's fees.

First, I need to know definitely if there is proof of any activity, and when I am satisfied that there is evidence that would stand up anywhere, then I would be prepared to certify that that enumerator be not paid.

Mr. NIELSEN: Have you that power?

Mr. CASTONGUAY: Not here, but I have if you look at page 27, subsection (4) where you will see it is stated that "any election officer who fails to carry out any of the services required to be performed by him at an election... shall forfeit his rights to payment."

Mr. NIELSEN: I am talking about an overt act not an omission.

Mr. CASTONGUAY: It provides for one "who fails to carry out any of the services required".

Mr. NIELSEN: That covers omissions but not overt acts.

Mr. CASTONGUAY: If one fails to discharge any of the services required by the act, then I have the power. The act requires that he does this in a non-partisan way. He takes an oath.

Mr. NIELSEN: He does not fail to carry on his services; he just adds.

Mr. CASTONGUAY: If the committee wishes to put it in there, this would be the section in which to have it.

Mr. NIELSEN: My own personal feeling is that it should be in there. If there is positive evidence to show an enumerator participates in political activities while employed as an enumerator, then you should have the power to decertify him.

Mr. DOUCETT: In subsection 8 it says:

... his services and expenses, and the comptroller of the treasury, upon the receipt of a certificate from the chief electoral officer ...

I thought you had full control.

Mr. CASTONGUAY: I did not have it before. That is why I am asking for this.

Mr. DOUCETT: Will this take out the Comptroller of the Treasury?

Mr. CASTONGUAY: He must be there. He actually pays. We tax the account and send it to the Comptroller of the Treasury for pre-audit and payment. He sends the cheque, and the Auditor General does an audit on both my taxation and the pre-audit of the Comptroller of the Treasury.

Mr. MOREAU: Would subsection (4) of the new amendment allow the chief electoral officer to direct that the election officer not be paid? Would this not give you power, if you had evidence that an enumerator acted improperly, to refuse to pay him?

Mr. CASTONGUAY: I think I would go along with Mr. Nielsen's suggestion, if it is the wish of the committee, that I shall not certify an enumerator's or an election officer's account if he engages in political activities, that is, that these words should be put in subsection (8).

Any election officer who fails to carry out any of the services required to be performed by him, or who engages in any political activity during the period of his employment.

If the committee wishes to do this, this is where we should deal with it.

Mr. FRANCIS: Then, you have to define the period of employment.

Mr. CASTONGUAY: I think the words "discretion of the chief electoral officer" would be better than trying to define a period of employment. On page 27 of the draft bill in the third line of subsection 8, I would suggest that instead of "shall" it should read "may".

Mr. NIELSEN: I agree with that.

Mr. CASTONGUAY: I suggest "shall" be removed. If that is left there, I might be criticized by the Auditor General or the Comptroller of the Treasury, because if somebody did not type his list to perfection, or something like that, it might be said that he did not perform his services.

Mr. NIELSEN: The suggestion is that we eliminate "shall" and substitute "may".

Mr. CASTONGUAY: I would prefer "may". Although the Comptroller of the Treasury, the Auditor General and I get on very well, they have their jobs to do.

Mr. DOUCETT: In subclause 4 it says:

This amendment allows the chief electoral officer to direct that election officers who have failed to carry out their duties shall not be paid.

You are suggesting the words "may not be paid" instead of "shall not be paid".

Mr. CASTONGUAY: That is the explanatory note. The section is on the other page.

Is it the wish of the committee that the word "shall" be changed to "may" and that after the words "any election officer who fails to carry out any of the services required to be performed by him" the following words be added "or engages in any political activity during the period of his employment at an election". Would that be satisfactory? Let us say we will prepare the amendment and I will come back to you with it.

Mr. FRANCIS: I would like to ensure that the period of employment is not uniform. In our case we had one or two outlandish polls which came from a poor description in the first place, and some enumerators were working a week longer than anyone else.

Mr. CASTONGUAY: This is why I find it is terribly difficult to define period of employment. I have the power to extend the period of anybody's employment. I think most of us can see that if we start to attempt to define period of employment, then we find there are places where we have to extend the enumeration and revision. If I have the power to extend these things, I should be given the discretion.

Mr. DOUCETT: Suppose you put in there "during the period of carrying out his duties".

Mr. CASTONGUAY: Or "engages in any political activity during the period of his employment at an election".

Mr. RHEAUME: "While performing the duties" would cover it.

Mr. CASTONGUAY: It is the same thing.

Mr. NIELSEN: The words "during period of employment" would allow the chief electoral officer sufficient flexibility if he wishes to disallow the expenses of an enumerator; but if we tighten this up, Mr. Castonguay will not have that flexibility. I like the wording "during the period of his employment", because it does give that flexibility.

Mr. MORE: As I understand it, this leaves a great area for misunderstanding. I would like to be clear about this. Where there is a team of enumerators doing a job, they watch each other. I would like to be clear what you mean by election activity. There are times when they are not calling at homes but are working

in the committee rooms stuffing envelopes, and so on. Also, they may telephone and say "We have a meeting tonight and we hope you will come out".

Mr. CASTONGUAY: I do not consider that to be election activity.

Mr. NIELSEN: It is not during the period of his employment?

Mr. CASTONGUAY: No. You must remember in so far as election officers, enumerators, deputy returning officers and poll clerks are concerned, I am terribly sympathetic and I accept errors of omission. For instance, we have 70,000 enumerators who are given 60 days to collect 10 million names. It is impossible to have perfection in this time. We cannot train these enumerators like census enumerators are trained. I have to be considerably lenient. I have to be satisfied this was a latent or an unlawful offence. I have to be lenient and I hope the members of the committee would be as lenient with me as I am with my election officers.

Mr. FRANCIS: Having heard this explanation, what is your view in respect of the enumerator who works in the morning on the enumeration and in the afternoon may be canvassing on behalf of a political party, separately or with other political organizers?

Mr. CASTONGUAY: My own view is that if this is not done while they are actually collecting names it is fine; this is my view. When the pair are going from house to house getting names and are doing this, then I think the members of the committee would feel this would be considered to be political activity. However, when they cease collecting names, then they can go to the committee rooms and work there, as you say, addressing envelopes, telephoning, and so on; this is fine. If I have the feeling correctly, I believe the members of the committee do not want these enumerators, when going from house to house, doing campaigning when they are in the exercise of their duties. This has been my feeling and I think it is the same feeling here.

Mr. RHEAUME: If we amended the section to read "during the period of employment" is there any way in which an explanation of this general feeling can be given in the instruction book itself? I can foresee hundreds of thousands of self-appointed lawyers in Canada immediately flooding your office with protests. Is there any way in which this might be forestalled?

Mr. CASTONGUAY: We can review the discussion which has taken place today, and adjust our instructions along those lines. Every time something new is adopted, I try to explain it by instructions. I have not had difficulty now with this problem except in isolated cases. It is not a problem which exists; it is only in isolated cases. The enumerators whom the candidates have appointed have been very good; it is only the odd case. On the whole, I think the enumerators perform their jobs in a very magnificent way considering the lack of training we are able to give them. I am sure most of them would like to have the opportunity of training in the discharge of their duties, not only to the satisfaction of the public, but also for their own satisfaction. In order to do that, we would have to extend the period of the election.

Mr. MORE: I am glad to hear this. I have never heard of a complaint in my constituency of enumerators breaking the law. Another thing is that I do not believe anybody who works as an enumerator wants to go back over the area he has worked as an enumerator. He will go somewhere else.

Mr. FRANCIS: They do it generally in my riding; this is the practice.

Mr. NIELSEN: It is poor strategy.

The CHAIRMAN: Would somebody move the amendment to subclause (8)?

Mr. NIELSEN: I so move.

The CHAIRMAN: It is moved by Mr. Nielsen and seconded by Mr. Rheaume that this subclause be amended as suggested.

Mr. CASTONGUAY: The words are:

...services required to be performed by him or engage in any political activity during the period of his employment.

This follows the fifteenth line:

...to be performed by him or engage in any political activity during the period of his employment.

That is the amendment.

Mr. MOREAU: I move the adoption of section 30 as amended.

Amendment agreed to.

The CHAIRMAN: Section 61, taxation of accounts.

Mr. CASTONGUAY: I have no amendment to that.

The CHAIRMAN: Is 60 carried? That is the one we first brought the amendment to. Is the whole of the amendment to 60 carried?

Amendment agreed to.

The CHAIRMAN: I am speaking of section 60. Is that carried? Is the whole amendment carried?

Amendment agreed to.

The CHAIRMAN: Section 61 and 62.

Mr. CASTONGUAY: I have an amendment to section 62, subsection (1):

62(1). Every candidate shall appoint an official agent, in this act termed "the official agent" whose name, address and occupation shall be declared to the returning officer, in the nomination paper in Form No. 27, by or on behalf of the candidate, on or before nomination day.

This amendment should stand.

Mr. HOWARD: All of section 62?

Mr. CASTONGUAY: No, just my draft amendment.

Mr. HOWARD: On section 62, Mr. Chairman, I think the suggestion that this should stand must be an appropriate one in view of all the problems that arise and the ideas that people have involving the field of expenditure by candidates and parties, and particularly campaign contributions, so-called slush funds, and the like.

I think every party has been concerned about this matter for many years, both here and in other countries. People are concerned about what should be done in a democracy to ensure that our process of elections is not subverted by use of money. We have had suggestions galore, ranging from limiting the amount that the candidate or party might expend to disclosure of the amount of contributions they receive, both as to amount and source. Latterly there has been the novel suggestion, put into effect in Quebec and in some states too, that contributions should be made from the public treasury to assist candidates to meet their election expenses, and coupled with that, a limitation on the amount of money the candidate or party may expend, based on the number of people who are registered voters.

I asked the Prime Minister about this in the house the other day, following an indication from Mr. Moreau that I would have to go elsewhere to find out what the Liberal party had in mind with regard to contributions from the public treasury.

Mr. MOREAU: I do not quite understand that, Mr. Howard. I would like you to elaborate a little.

Mr. HOWARD: At any rate, I asked the Prime Minister what were his intentions.

Mr. MOREAU: I am glad we have cleared that up.

Mr. HOWARD: I asked him about his intentions with regard to putting into effect what I understood to be a part of the Liberal program, which is in effect in Quebec. The Prime Minister said he could not comment on that because he had not yet received an invitation to appear here before the committee to give us his views on this particular question.

I think we should invite the Prime Minister, as he is Prime Minister and head of the government of Canada, to appear here or to designate someone else to appear here to outline to us the government's point of view and the plans they have for contributions from the public treasury to candidates and parties.

Mr. MOREAU: May I comment?

Mr. HOWARD: Will you just desist for one minute? I want to put this formally by way of motion.

I move that this committee invite Prime Minister Pearson to appear before the committee to outline the views which his government may have regarding contributions from the public treasury towards the election expenses incurred by candidates and/or political parties.

Mr. MOREAU: Mr. Howard, would you like to amend your motion to include "or some other designated person"?

Mr. HOWARD: Certainly I will include the phrase "or someone whom the Prime Minister may designate".

Mr. NIELSEN: "To speak for him" should perhaps be included.

Mr. MOREAU: Mr. Howard, I do not know what you were getting at in your earlier remarks in regard to what I was supposed to have said, but I think the general feeling is that such a measure would have to originate as a government bill I hardly think it would be within the scope of this committee's powers; it would be a money bill in essence. We might perhaps make a recommendation to the government.

Mr. HOWARD: May I deal with that one point before we go to something else?

We are dealing with the elections act, and already we have become involved in expenditures of money. We will make a report which will encompass, in legal phraseology, recommendations for changes in the act. It then falls upon the government in any event to introduce the bill, because it has control over the business of the order paper. There must be a government bill and if expenditures are involved in it—

Mr. MOREAU: I do not think we have put in any expenditures.

Mr. HOWARD: It does not matter whether we have or not. In any event, it will involve government action to bring in our recommendations, which will be in bill form. It will involve government action to introduce the bill and pilot the bill through the committee. If it involves expenditures by the treasury, then the rules say it must be preceded by resolution.

Mr. MOREAU: I would simply like to add, Mr. Howard—maybe I have not understood this correctly—that it is my impression there is a desire on the part of the government to separate these two things because of the sweeping nature of this sort of change. The desire is to try to get through the amendments on the election act if that will be possible. I do not think you indicated a time limit in your motion. Did you mean this session, next session or before we finish revising the act?

Mr. HOWARD: I obviously cannot include any reference to the next session because that is another committee. It must involve this session.

Mr. MOREAU: Would you insist upon this before we complete this revision of the election act and report to the house? I am just asking this for clarification.

Mr. HOWARD: It would be a little awkward to do it in any other way. If we are going to deal with machinery of the election act, let us put it all in one piece if possible.

Mr. FRANCIS: May I say a word or two here?

I think this is a very large subject. It is not concerned with just one clause of the act. I agree with the opinion of Mr. Moreau that this is possibly another piece of legislation, because we will have to do a great deal more than we have done so far.

I do not think there is full disclosure in the returns of many candidates on the amounts spent for private television, and I would favour an amendment to the Broadcasting Act compelling every radio and television station to disclose the moneys received or time purchased on behalf of candidates or political parties.

Mr. NIELSEN: What will you do about the C.B.C.?

Mr. FRANCIS: I am including the C.B.C.

Mr. NIELSEN: They are not paid.

Mr. FRANCIS: I think there is a method for coping with it. If we feel we must explore this area, that is fine; but I do not believe some of the returns filed by candidates accurately reflect the money private television stations have received for time purchased for individual candidates, and I think frequently time is paid for by other than those disclosed in the official returns.

I am thinking particularly of television stations because this is a big expenditure of money now, one of the things which frightens all of us. One method of coping with this problem would be, by law, to compel every station to file a return disclosing the sums it has received for time on behalf of a particular party or candidate. This would be an additional safeguard.

Once we open up this matter, I do not think you would disagree with me that a series of prohibitions has to be examined. I would prefer that this particular section be deferred while we go through the rest of the act, letting the committee decide at the end what procedure it wants to adopt for dealing with this very involved and complicated subject.

Mr. BREWIN: It seems to me, Mr. Chairman, that section 62, dealing with election expenses, is one of the key sections and one we have to look at very carefully. I propose that we ask the chief electoral officer to look at and obtain for us the legislation passed in other jurisdictions in regard to the limitation of and publicity for all campaign expenditures, not just on behalf of candidates but those made by central officers and so on. I believe there is legislation in Britain—though I have not studied it—and we have heard of some legislation in the province of Quebec along the lines mentioned by Mr. Howard.

This seems to me to be of central importance to the proper functioning of a democracy. Mr. Pickersgill the other day said we want to run our elections by rules of fair play; every party wants to do that. Unless one has some limitation and some clarity in respect to this matter of election expenditures, the dice are loaded, and I think this is a matter of very substantial importance.

There is one other matter which might be dealt with under section 62, and that is a matter which arose out of bill 42, the legislation in British Columbia which restricts the rights of certain types of organization to contribute not only to provincial elections but to federal candidates for elections. This came before the Supreme Court of Canada, as you may know; I think

it was the oil and chemical workers case. By a four to three decision it was held that this was valid legislation in the absence of federal legislation. I would like to have it made clear that all persons, corporations and associations, be they trade unions, cooperatives, or business organizations, can contribute to federal elections. I think it is very wrong that a province should step in and dictate that a certain type of organization cannot contribute to a federal election.

Mr. FRANCIS: What is Mr. Brewin's view about a private television station contributing to one particular candidate?

Mr. BREWIN: I think it is entirely wrong except if it were to do so in accordance with rules and subject to proper limitations, when it may be all right; but there should be publicity. It should be limited. It should be within overall limits of contributions. All contributions should be controlled and limited. I think this is a very essential subject, and I throw this out now because I think it would be very helpful indeed if we had the views and advice of the chief electoral officer, as well as of the Prime Minister if Mr. Howard's motion goes through.

Mr. MOREAU: I would like to comment. Mr. Howard, I do not wish to appear to be opposing the idea that we should get into this at all, because I favour this very strongly. What I am suggesting is that this is more than perhaps an amendment to the elections act. It is a whole new concept.

Mr. FRANCIS: That is right.

Mr. MOREAU: It is a whole new concept regarding the way in which we are going to handle this. I think it is a very broad problem and has many ramifications, including whether unions should be allowed to contribute or not.

I feel very strongly that the committee could begin now to limit the campaign expenses or to set up some ground rules to limit the campaign expenses, or even put some teeth into the act so the present limits can be enforced. It would seem to me that the question of involving the public treasury in campaign funds or in assisting candidates and parties is surely more than an amendment to the act. It certainly is not going to help Mr. Castonguay in the immediate problem he has, in that he would like to have forms printed to enable him to carry out an election if that were necessary.

It is for that reason I suggest we should not get into that subject, although it is one that many people, on our side of the house at least, favour very strongly, and somewhat modelled upon the Quebec legislation.

It seems to me it is too much to expect that we could complete this and make recommendations on a workable formula in the time available to us.

Mr. NIELSEN: I would like to make an observation. Generally, I am in agreement with Mr. Howard's motion to have the Prime Minister on behalf of the government, or some other person in authority on behalf of the government, inform this committee what the government intends to do about certain matters which were and have been discussed with regard to election expenses, and particularly the aspect that has been mentioned of election expenses coming in some measure from the public purse.

I do not see how this committee can intelligently deal with any amendments to this section when it comes to preparing our final report to the house. We might come up with conclusions in our final report that are absolutely contrary to the government's way of thinking, and it would result in a lot of useless discussion.

I do not agree with a good many theories that Mr. Brewin has expressed with regard to contributions of election expenses by corporations. I hold the view that if a person or corporation or any other group of individuals wishes to contribute and keep that contribution anonymous, that is their problem in this free society.

Mr. BREWIN: I did not say they could not contribute.

Mr. NIELSEN: I am not suggesting you did.

As to limitations, I think all these matters cannot be rolled into fabric as far as section 62 is concerned until we find out what the government intends to do.

One of the biggest problems that concerns me in connection with election expenses is the subtle and mischievous way in which the Canadian Broadcasting Corporation in their programming lean, in a partisan way, toward one political party in this country, and if we require a statement of election expenses for candidates or parties, then the Canadian Broadcasting Corporation will have great difficulty.

Mr. MOREAU: I did not realize your sense of fair play was so good, Mr. Nielsen.

Mr. NIELSEN: They will have great difficulty in making a true statement of just what it has cost that organization to support one political party. The very subtle manner in which they go about doing this, both collectively and individually, is something that cannot be accounted for in terms of dollars and cents, but it certainly can be accounted for in terms of influence on the electorate.

Generally, for those reasons, I am in agreement with Mr. Howard's motion. Perhaps it might even be extended to asking for the views of the other party leaders. I agree generally with the points made by both Mr. Moreau and Mr. Howard that the implications are so far reaching that we cannot treat the matter at all until we hear from these sources.

Mr. RICHARD: I do not agree altogether with that statement. Although election expense is very important, surely we were sent here by parliament, not by the government, to study the election act and make recommendations. We are not here to approve or discuss the suggestions which might be made by the Leader of the Opposition or the Prime Minister, or the leader of any other party. Surely we are here to study the act and to hear among others, the chief electoral officer or any other qualified person conversant with similar situations. Any recommendations we make will be studied, of course, by the government and also by parliament. I do not think it was the intention that the regularizing factor here would be the intentions of the Prime Minister or any party in parliament. Surely we should study this question, make our recommendations and then discuss them in parliament.

Mr. MORE: I certainly have some basis of agreement with Mr. Richard's remarks. I do not think the purpose of this committee is to study and argue about party policy. We are dealing with an act. I think the committee should be studying specific things like this, not party policy.

Mr. HOWARD: This is not designed to study or discuss party policy.

Mr. RICHARD: Nor to attempt to.

Mr. HOWARD: You wish to say something, Mr. Richard?

Mr. RICHARD: Just in case you should want to use my words—

Mr. HOWARD: Mr. Richard, I would never use your words.

The desire was to see if we could get the views of the heads of government in Canada. No one else is involved with the manner in which the public treasury is operating. If the Prime Minister has some views on this particular question of the expenditure of public funds, which is under his and his government's jurisdiction, we should know about it. It is not my thought, because of the complexities of it, that we should come to a conclusion at this particular stage of the hearing. I doubt very much, as Mr. Moreau said earlier, that we could.

It was my thought that if we could get some idea of the government point of view—I am not adverse to other party leaders coming too, but they do not

have a hold on the government purse strings, and the Prime Minister does—then we might have a companion motion made in our proceedings before we make a report, and we might well include in that report a recommendation that the specific matter of contribution expenses, the whole range of activities involved in spending money on an election campaign, be a specific study by the elections committee at the next session.

Mr. MOREAU: If you would care to make that a motion I would second it.

Mr. HOWARD: That was my thought, but in a preliminary way I thought we might obtain some ideas before we conclude our study now, in order that we might include them in section 62 if we feel it necessary.

Mr. MOREAU: If you were to agree, perhaps we could defer this discussion. We might stand this section or go on with the rest of the act and present our report to parliament. If there is sufficient time to do this before the adjournment, we could undertake to study it. In any case, I would be willing to second a motion, if you would like to make one, that in the next session we then go on to this whole study of election expenses, and the matter you have raised regarding payment of election funds and so on. I think it is very important and it is a very broad subject.

Our first responsibility, I feel, is to get the chief electoral officer off the hook, as it were, as far as printing of the election material is concerned. I would hope that we could get that job done. If we have time, I would not be against going into this other matter, certainly we would accept the recommendation that the government be asked to refer this to the committee at the next session if we do not have time at this.

Mr. CASTONGUAY: I had anticipated interest of the committee in this section, and I have the United Kingdom and the province of Quebec legislation pertaining to it. If the committee would like to have it I would be glad to give it to them.

On these two particular sections, I wish definitely to state to the committee that I have no views or opinions to give.

Mr. CAMERON (*High Park*): It does appear to me—ascribing all the highest motives I can to Mr. Howard's motion—to be out of order to ask the Prime Minister of Canada to appear before this committee and divulge what may be government policy. That is entirely beyond our scope. I think the motion is entirely out of order. The most you could do would be to invite the Prime Minister to come, but to move that he should come before this committee is far beyond our jurisdiction, and it is out of order.

The CHAIRMAN: Would you like to have this published as an appendix?

Mr. NIELSEN: I move that this be published as an appendix to the minutes.

Mr. RHEAUME: I second the motion.

Motion agreed to.

The CHAIRMAN: There is a motion by Mr. Howard, seconded by Mr. Brewin, that we invite Prime Minister Pearson, or someone who is authorized by him, to appear before the committee to outline the views which his government may have regarding contributions from the public treasury toward election expenses incurred by candidates and/or—political parties.

Those in favour? Those against?

There are 7 in favour and 6 against.

Motion agreed to.

Mr. HOWARD: Then, Mr. Chairman, we should not proceed to consider section 62 clause by clause because it impinges on that.

The CHAIRMAN: We will suspend 62 and 63, the two sections concerned with expenses.

Mr. PENNELL: I would like to make a motion; maybe I should have put it before. I move that this matter be referred for an opinion as to the propriety and legality of asking the Prime Minister to discuss policy with a committee before it is laid before the house.

I would ask that that motion be referred back for legal opinion.

Mr. NIELSEN: In the house the other day, in reply to Mr. Howard's question, the Prime Minister said he had not yet been invited before the committee and therefore could not answer Mr. Howard's question.

Mr. FRANCIS: Have any other committees adopted this procedure to have the government appear before them?

Mr. BREWIN: In the defence committee we have had three ministers of the government giving us their views as witnesses. We have had the minister of defence, the minister of external affairs, and the minister of defence production. Their opinions were very helpful to the committee.

Mr. PENNELL: I so move.

Mr. CAMERON (*High Park*): I second the motion.

I still think, Mr. Chairman, you should have ruled the motion out of order in the first place.

The CHAIRMAN: How is that?

Mr. NIELSEN: The vote has been taken now: you cannot rule it out of order.

The CHAIRMAN: It is in order because other committees have heard evidence from ministers. Other committees have asked ministers to appear. This motion is merely asking the Prime Minister or someone named by him to appear before this committee.

Mr. CAMERON (*High Park*): For a specific reason.

The CHAIRMAN: To give his opinion. He can appear or send someone else. I think it is in order.

Mr. NIELSEN: I for one, as far as Mr. Pennell's motion is concerned, have no objection whatsoever to seeking legal opinion whether or not it is proper for the Prime Minister to appear before a committee of the house or for the the committee to extend an invitation to him. That is all Mr. Howard's motion asks for. In any event, if the Prime Minister does not wish to appear, he can send someone to speak on his behalf. I would be prepared to support Mr. Pennell.

The CHAIRMAN: Have you written your motion?

Mr. PENNELL: I will let it rest.

The CHAIRMAN: Sections 62 and 63 are suspended until we have had the visit of the Prime Minister.

#### Section 64.

Mr. CASTONGUAY: I have no amendment on this.

The CHAIRMAN: Section 65.

65. Everyone is guilty of an offence against this act who

- (a) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;
- (b) without authority supplies a ballot paper to any person;
- (c) not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession;

- (d) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;
- (e) fraudulently takes a ballot paper out of the polling station;

Mr. CASTONGUAY: Mr. Chairman, as I explained at a previous meeting, the committee in 1960 requested in an informal manner that I undertake a revision of the penalty and offence sections of the act to bring these sections into line with the recent revision of the Criminal Code and to remove any of the informer clauses that the committee had omitted to remove in their recommendations to the house in 1960.

The CHAIRMAN: Excuse me, gentlemen, Mr. Castonguay is explaining something of importance and if you would like to understand what he is saying you will have to stop talking, because you cannot do both.

Mr. CASTONGUAY: I asked Mr. Anglin, the assistant chief electoral officer, with the legislative section of the Department of Justice, to undertake a revision. This took four or five months.

The committee did not give me any guiding lines along which to try to improve the penalty and offence sections, but I was rather impressed with the report of the royal commission on provincial elections in Nova Scotia, because in studying their elections act I found their penalty and offence sections were similar if not identical to ours. They made recommendations which the legislature of Nova Scotia adopted. I instructed Mr. Anglin and the Department of Justice to follow the recommendations that had been made by the royal commission to the legislature of Nova Scotia because this might be an accepted procedure. Also, my decision to follow the recommendations of the royal commission, in addition to the reason I gave you, was in order to try and strive for some uniformity in some areas between federal and provincial legislation.

I did give the findings of the recommendations of the royal commission to the committee and I think it is printed in the minutes, but I will read excerpts from the final report of the royal commission on provincial elections.

The commissioners were Mr. Justice Ralph Shaw, Arthur J. Meagher and Mr. Thomas P. Slaven.

#### Existing legislation.

The existing provincial legislation is similar to that found in other jurisdictions in Canada. The sections defining the various offences are scattered throughout each act, making it difficult to locate the applicable provisions. The sections are verbose and, in many cases, repetitive. Offences are set out in too great detail. In addition, each section generally covers attempts as well as the applicable penalties. The penalties range from the payment of a small fine to imprisonment without option of a fine. In other cases, civil penalties are provided. In some instances a guilty person is not only subject to criminal and civil penalties but also to the loss of civil rights, which is dealt with under 'Corrupt Practices'.

This would apply to our act. The next part comes under the heading of elimination of election offences from the election act.

It was suggested that the provisions of the Criminal Code are broad enough to cover the prosecution of any election offence that might arise, so that these provisions could be deleted from the elections act.

While this might be so, the deterrent effect of the various provisions in the elections act should be always kept in mind. Copies of the elections act are placed in the hands of five thousand or more election officers at election time. As a result, the various provisions of the act are brought to their attention. On the other hand, few of these officials would have access to the Criminal Code. We are therefore recommending that provisions covering offences be set out in the proposed elections act.

I do not quarrel with that finding at all.

The next paragraph comes under the heading of the language of the offences.

Officials of the crown agree that the wording of many of the sections defining the various offences is verbose and repetitive. With their assistance we have simplified the language of the section in the draft legislation. In addition, many of the offences have been combined into a single section.

This is what we have strived to effect.

At present the various offences are scattered throughout the Nova Scotia elections act and are difficult to locate. It should be possible to consolidate these provisions under one heading near the end of the act. In some cases, however, a particular offence is so closely related to a subject matter that it should remain under the applicable heading rather than under the consolidated heading of 'Other Offences'.

This applies to us also.

The commission then dealt with penalties, fines and imprisonment.

Few, if any, criminal charges have been laid under the provisions of the existing act during the past few years. It is generally agreed that corruption is becoming a minor consideration at elections. It is possible that the penalties incorporated in the existing act have had a satisfactory deterrent effect, but it is more likely that a new type of worker is taking over the operation of the election machinery. The use of such media as radio and television has changed the whole nature of political campaigns.

It would simplify the language of the legislation if the penalty provisions are deleted from each section and consolidated into one section. We have so recommended. The existing legislation provides for a wide range of penalties. For example, a maximum penalty of forty dollars or one month's imprisonment in default, is provided for certain types of bribery covered by section 88; but six months' imprisonment without option of fine is provided for other acts of bribery under section 87. The commission is of the opinion that a stiff maximum penalty should be set out in the legislation for all election offences. The presiding justice then would have the discretion to vary it according to the facts of each case. Also the potential severity of any penalty may have a greater deterrent effect than a small monetary fine. We are recommending that anyone who is guilty of an offence against the act is liable to a fine not exceeding two thousand dollars, or to imprisonment for a term not exceeding two years, or both of them.

#### Penalties—Civil Penalties.

The existing legislation provides in many cases that a person who infringes a particular section shall also forfeit a specific monetary amount to any person who sues for it in the civil courts. This form of penalty was deleted in the 1960 consolidation of the Canada Elections Act. We are recommending that it be deleted from our provincial legislation.

In this particular instance, only one was left by the committee in 1960, and I have taken care of it here in this draft.

#### Form of the Offences.

The offences provided for the existing legislation have been continued in a more simplified form. The offences of bribery and treating

have been consolidated. Provision is made to exempt from the treating section any food or drink given at a political meeting, or at a person's place of residence, or by a person supplying lunches to elections officers or agents at a polling station.

The committee did this in 1960 for the federal act.

The sections covering intoxicating liquor, personation and undue influence have been simplified and broadened. The provisions relating to offences by candidates have been extended. It is felt these latter provisions not only act as a prohibition for the candidates, but also assist to eliminate demands for donations and by pressure groups.

We do not have to worry about this; it is covered.

Some question arose as to what limitations should be placed upon publicity during election periods. The use of ribbons, emblems, public address systems, flags and banners liven up an election but create a problem as far as cost is concerned. In many jurisdictions use of this type of publicity has been overdone. Not only has it been costly, but in many regards it infringes against the principle of the secrecy of the ballot in cases where people are forced to wear emblems and badges indicating their preference of candidate. We felt that this type of publicity should be continued to be controlled, especially on ordinary polling day.

Fines.

As already mentioned, the subject of fines has been consolidated in one section in the proposed legislation. A stiff maximum penalty has been imposed.

Offences arising from attempts or being an accessory have likewise been consolidated in one section in the proposed legislation.

They then made a recommendation in regard to a straw vote.

There were indications during the study of the commission that the so-called straw vote has inherent dangers because it is not subject to regulation nor control in any manner and is, therefore, undesirable. While we could find no prohibition in any other electoral jurisdiction, we did find severe criticism of it. It is our opinion that the announcement of publication of the results of straw votes should be prohibited.

I must inform the members of this committee that the Nova Scotia committee did not adopt this straw vote.

The commission then deals with recommendations.

1. The language used in describing the offences should be simplified and offences should be consolidated where possible.
2. The various sections covering election offences should be grouped, where possible, under one heading in the legislation.
3. All penalties should be incorporated into a single section with a common maximum sentence.
4. Penalties recoverable in the civil courts for infringements of the act should be abolished.
5. The commission of offences by attempts or being an accessory should be consolidated into one section.

Then they recommended the adoption of prohibition against straw votes.

That is the report of the royal commission.

When you see my draft bill you will see that, naturally, we have put the sections affected in numerical sequence as they appear in the act, but if you look at my 1962 report, you will find them there as they will appear in the act, and this might help a great deal. However, for the purposes of this draft bill I have to deal with each section and you will see them consolidated at the end.

If you agree in principle, I suggest you might consider clause 33. As you know, I am not a graduate in law but my assistant is, and he did the work on this subject with the justice department. I would ask the committee if they would kindly ask questions of my assistant in respect to this matter.

The CHAIRMAN: Where do we find this?

Mr. CASTONGUAY: Clause 33 is the one you should deal with in principle to decide whether the manner in which I proceeded with the penalty and offence sections meets with the approval of the committee. I suggest that once the committee has dealt with the question in principle, if I have proceeded in a way with which the committee would approve, then it can be dealt with section by section. If the committee approves in principle we could start with the beginning of the act and go back to all the sections which have been allowed to stand until we deal with the matter of principle, and then carry the study right through.

There is one thing I did not tell the committee. It is that I could not concur in the recommendation for the very stiff penalty of \$2,000. The one in the bill which I recommend is \$1,000 because in the Criminal Code, where it is not specifically provided in a section, \$500 is the maximum penalty there. So I thought I would put in what I considered to be a compromise between \$2,000 and \$1,000, but it is not a definite form of recommendation. It is just my own personal view. I obtained this personal view in this way: when we do get a conviction and where the judge must impose a fine, the stiffer the penalty, the greater is the tendency on the part of the judge to suspend sentence. The deterrence of a minimum and maximum sum does not seem to go down too well with the judges when they have these election offences. So I want the committee to know that \$1,000 is not a maximum penalty. It is only my own personal view. I do not want you to think it is the best compromise between the Criminal Code and the Nova Scotia recommendations.

Mr. NIELSEN: First of all I would like to know what the Department of Justice feels about the \$1,000 maximum and the observations that you put in your section. I have not studied them too carefully, but you could design them so that a suspended sentence would not be possible, similar to the case of the impaired driving section in the Criminal Code, where prison sentences are provided.

Mr. CASTONGUAY: In my discussion with the officers of the legislative section of the Department of Justice, they gave no opinion. They have no opinion about it. I put the \$1,000 in there just to give you an idea of how you can compromise between the Criminal Code and the Nova Scotia recommendations. I do not think that justice would give you an opinion. I do not think that justice would have any strong view on this at all. I do not think you could get an opinion on this particular thing. I am only giving you my impression gained from cases where we have had prosecutions and convictions.

Mr. RHEAUME: I wonder if Mr. Castonguay could give us some information on what experience he has had with this. What is the situation historically? Have there been many convictions?

Mr. CASTONGUAY: I do not want to give the impression that there have been many prosecutions. If you are interested in the history of it, I think you will find it in the minutes of proceedings for 1960, where they are all listed.

In the last election, in my report to the Speaker, I set out the offences which I investigated and stated the action that was taken by the courts. If

you like, I can give you the report I made to the Speaker. I now read from my 1962 report at page 3 as follows:

On March 22, 1962, it was made to appear to me that an offence had been committed under section 17 (14) of the Canada Elections Act by the returning officer in the electoral district of Bellechasse and such alleged offence was investigated by the Royal Canadian Mounted Police. No evidence obtained during such investigation substantiated the allegations made against the returning officer, or established complicity on the part of any person.

It was made to appear to me that offences under section 17 of the Canada Elections Act had been committed in the electoral district of Vancouver Centre. I nominated Mr. Lloyd G. McKenzie, Q.C., of Victoria, British Columbia, as commissioner to conduct an inquiry into the alleged offences. I received the report of the commissioner on August 27, 1962, which is attached and marked as appendix E.

It was made to appear to me that offences under sections 17 and 100 of the Canada Elections Act had been committed by election officers in the electoral district of Trinity. I nominated Mr. Ernest J. R. Wright, Q.C., of London, Ontario, as commissioner to conduct an inquiry into the alleged offences. I received the report of the commissioner on September 20, 1962, which is attached and marked as appendix F. One of the enumerators failed to attend at the inquiry after being ordered to do so by the commissioner. As a result, he was charged under section 10 of the Inquiries Act and a conviction was obtained.

Mr. DOUCETT: What would that penalty be?

Mr. CASTONGUAY: I think the fine was \$50 in this particular case.

It was alleged that offences under section 17 (18) of the Canada Elections Act had been committed by persons in the electoral districts of Carleton and York West in the Province of Ontario, and Chambly-Rouville and St. Ann in the Province of Quebec. Such alleged offences were investigated by the Royal Canadian Mounted Police but the evidence obtained did not substantiate the allegations made.

In the electoral district of Cartier, in the province of Quebec, an investigation was carried out by the Royal Canadian Mounted Police to ascertain whether section 98 (2) of the Canada Elections Act had been violated. As insufficient evidence was produced no further proceedings were taken.

In the electoral district of Rosedale, in the province of Ontario, as a result of alleged offences, an investigation was carried out by the Royal Canadian Mounted Police and subsequently charges were laid under section 17 (18) of the Canada Elections Act, which charges were eventually dismissed by the magistrate who heard the case.

In the electoral district of Parkdale, in the province of Ontario, as a result of complaints received, and after investigation by the Royal Canadian Mounted Police, charges were laid under section 17 (19) of the Canada Elections Act and a conviction was obtained.

In the electoral district of Quebec-Montmorency, in the province of Quebec, alleged offences under section 72 of the Canada Elections Act were investigated by the Royal Canadian Mounted Police and, as a result of the investigation, instructions have been issued to counsel to lay the necessary charges.

In the electoral district of Hull, in the province of Quebec, as a result of information given to me, an investigation was carried out by the Royal Canadian Mounted Police. Their report is now in my hands and I have

asked counsel, in the light of what is set out in the said report, to advise me as to whether or not charges should be laid against one of the persons concerned.

The CHAIRMAN: What happened there?

Mr. CASTONGUAY: Nothing. Counsel advised me that the evidence was insufficient to prosecute. That is the extent of the 1962 report.

Now, the 1963 one seemed to be less. In 1963:

It was made to appear to me that offences under section 74 of the Canada Elections Act had been committed in the electoral district of Springfield in the province of Manitoba. I nominated Mr. H. J. Riley, Q.C., of Winnipeg, Manitoba, as commissioner to conduct an inquiry into the alleged offences. I received the report of the commissioner on April 25, 1963, which is attached and marked as appendix C.

It was also made to appear to me that an offence, under section 106 of the Canada Elections Act, had been committed by the newspapers *Le Droit*, published in the city of Ottawa, and the *Telegram*, published in the city of Toronto. An investigation was carried out by the Royal Canadian Mounted Police and, subsequently, charges were laid against such newspapers and the persons responsible for contravening the provisions of the said section.

Mr. MOREAU: What were the penalties, may I ask?

Mr. CASTONGUAY: I think the penalty in the case of the *Telegram* was \$350 on the individual, that is, the managing editor was fined \$350, and was deprived of his right to vote for five years; because of his illegal practice he is barred from voting for five years; and in the case of *Le Droit*, there were two fines of \$100 each, approximately. I am speaking only from memory. The managing editor and the person who wrote the story were fined.

Mr. MOREAU: Did they both lose their voting privileges?

Mr. CASTONGUAY: Yes, for five years.

Mr. MOREAU: I wonder how many newspapers these stories sold.

Mr. CASTONGUAY:

In the electoral districts of Cartier, Papineau, and Québec-Montmorency in the province of Quebec, alleged offences under section 17 of the Canada Elections Act were investigated by the Royal Canadian Mounted Police and, as a result of the investigation, instructions have been issued to counsel to lay the necessary charges against two enumerators in the electoral district of Québec-Montmorency. In the electoral districts of Cartier and Papineau, the evidence obtained was insufficient to warrant further action.

In the electoral district of Argenteuil-Deux-Montagnes in the province of Quebec, alleged offences under section 72 of the Canada Elections Act were investigated by the Royal Canadian Mounted Police. Their report is now in my hands and I have asked counsel, in the light of what is set out in that report, to advise me as to whether or not charges should be laid against the person concerned.

That is the extent of the offences at two general elections.

Mr. RHEAUME: Your opinion would be that the suggested penalties you have arrived at and recommended to the committee would be adequate as deterrents in view of the very sensitive problem?

Mr. CASTONGUAY: I would prefer the committee to look at the recommendation and consider it seriously—I mean the recommendation of the royal commission in Nova Scotia. They considered it in depth. I think a professor of

law from Dalhousie University was one of the members of the commission. I am only expressing a personal opinion as administrator of the act and as the officer who has the right to investigate matters and to lay charges. But I would prefer it if the committee did not rely on my recommendations, because there are more learned people, especially in the case of the Nova Scotia commission, whose opinions I would prefer the committee to consider rather than those of my own. My own are too personal.

Mr. DOUCETT: I am satisfied.

Mr. MOREAU: Apart from the penalty provisions which read up to \$1,000, would you say that the amendments you propose here follow the Nova Scotia recommendations?

Mr. CASTONGUAY: Yes, there is no change in substance to any of the provisions that exist now in the act. But we do have another offence when deputy returning officers make a premature count at an advance poll. That is the only additional offence. In substance there is no change in the existing provisions of the act with respect to offences and penalties in the Canada Elections Act. There is no change. But I do suggest that under the penalty section which is here on page 34, section 78—this is the penalty section:

78. (1) Everyone who is guilty of an offence against this act is liable on summary conviction to

- (a) a fine not exceeding one thousand dollars,
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

(2) Any candidate at an election or official agent of such a candidate who commits a breach of any of the provisions of section 66, 68, 69, 70 or 72 is guilty of a corrupt practice.

You will see that under (a) the fine is not exceeding \$1,000 and under (b) imprisonment for a term not exceeding two years. That is the same as the Nova Scotia recommendations.

The CHAIRMAN: On this section we have Bill 26 from Mr. Leduc which has just been sent to this committee.

Mr. CASTONGUAY: I had that in my report after the 1962 elections when they started these premature counts, and you will find a recommendation that an offence and penalty be provided, and I made that recommendation in my 1962 report.

Mr. FRANCIS: Do you not think that the tendency is to send out too large and bulky material? It seems to me that just a small amount should be sufficient for an advanced poll.

Mr. CASTONGUAY: The committee recommended that voting at an advanced poll be extended to everyone, and they put the voting at the 9th and 7th days. Every member of the committee had some doubt as to whether there would be a premature count. I gave specific instructions to the returning officer to see the deputy returning officers personally. I think in this particular instance, in one year we had over 20 of them who made premature counts. But they were all told not to count until polling day. The excuses they gave were: (1) there were five ladies in the poll. The returning officer went in one hour before the poll closed and said "There shall be no counting, ladies. You count the ballots on the ordinary polling day." But the curiosity of these five ladies was such that they had a private count, swearing that they would not tell anything to anybody. These ladies were hardly out of that poll one hour when I received a phone call complaining that a premature count had been made.

Another one was this: a fellow who acted as deputy returning officer at an advanced poll in 1962 carried out his duties well. But he said on the Monday that he felt ill, and this compelled him to make the count that day, even though he knew he had to wait. I leave it to your assessment to decide if these were valid excuses.

One was a secretary treasurer of a municipality. Another one claimed that he counted the votes because the poll clerk insisted that he do so; that the deputy returning officer was wrong and that the poll clerk was right. Despite the protests of the agents in the poll, that poll clerk did not yield. That was some power in a poll clerk!

Mr. MOREAU: Are there any suggestions as to his weight and other physical qualities?

Mr. CASTONGUAY: I do not know. In this case the returning officer had taken every step he could to prevent a premature count by the deputy returning officer. He had warned all the deputy returning officers not to count, but despite that warning, the count was made.

Here a provincial returning officer made the count when acting as a federal deputy returning officer. Here was a high school principal who made the count. So you see, we took every precaution. We took more precautions in 1963, and we reduced them in 1963. But we still find a few clowns who counted prematurely. That is the reason I think we will always find them, as long as we permit premature counting of ballot papers before the ordinary polling day. Sometimes it is beyond the capability of anyone to resist the temptation of peeking at the ballots and making a count.

Mr. MOREAU: Would it help if the privilege provisions in the act were sent in the form of special instructions to the deputy returning officers?

Mr. CASTONGUAY: They were given to all 1,800 of them in 1963. They were given specific instructions.

Mr. MOREAU: I mean about the penalty.

Mr. CASTONGUAY: We can stress that to them. But in my opinion, I do not care what you make the penalty, there will be premature counts in the next election and I will bet my hat on it. If you have 1,800 deputy returning officers, you will still have it happen. I do not know of any system anywhere which allows premature counting of the ballot papers before polling day where you can prevent leakage of that type. It may come through curiosity.

Mr. NIELSEN: Why should we have it before polling day?

Mr. CASTONGUAY: It is essential. I think it has worked very well. We had a problem before when only certain classes of people were entitled to vote at an advanced poll. But the committee recommended that the same privilege be given to every elector if he had reason to be away from home. This problem could be cured only by absentee voting, with a permanent list. I think it worked well, because there were 23 deputy returning officers in 1962, and only nine in 1963 who made a premature count to my knowledge. I imagine if anyone did it, it would come to my attention, because this is a rather sensitive field. I would go along with this, that it worked well. I hope the committee realizes that no matter how severe the penalty, no matter what penalty you put in, you cannot cure it. We may be able to reduce it next time, and we may end up with two cases; but there will always be one. I can guarantee that.

Mr. RHEAUME: To get it down to eight or nine is a good indication that you are catching up.

Mr. CASTONGUAY: Of course the press helped a great deal through publicity given to it. The only penalty I could impose on them was to say, arbitrarily, you are not going to be paid, and that is what I did. But the press gave a

great deal of publicity to it, especially when the count was made on a Saturday. So the boys on Monday received a warning through the press, who gave it a great deal of publicity. If somebody counts prematurely in an election I hope he does so on a Saturday so that the press can help out with respect to such a thing happening again on the following Monday.

Mr. PENNELL: It says in section 78, subsection 2 of your draft act:

(2) Any candidate at an election or official agent of such a candidate who commits a breach of any of the provisions of section 66, 68, 69, 70 or 72 is guilty of a corrupt practice.

But when you look at section 70, it says:

70. Everyone is guilty of an offence against this act who . . .

I wonder about the significance, having said everyone is guilty of an offence, and then you go back and say that any candidate is guilty of an offence. This confuses me just glancing at it.

Mr. E. A. ANGLIN, Q.C. (*Assistant Chief Electoral Officer*): That has to do with corrupt practice.

Mr. PENNELL: Oh yes, I see. I apologize.

Mr. CASTONGUAY: This has been given a great deal of thought. We spent four or five months on it. I mean Mr. Anglin and the Department of Justice. I do not want you to think that this was a problem like some of the amendments we prepared in a hurry to meet the wishes of the committee. I am satisfied that justice and Mr. Anglin gave this every consideration. I had some part in it as far as suggesting what should be put in with regard to a maximum penalty. I made the penalty following the recommendations of the Nova Scotia royal commission. But again, that maximum penalty is something I would like the committee to decide, and not to let my own proposal have any influence on the committee.

Mr. NIELSEN: On the general question of your instructions in connection with these various sections, did you consider that any of the offences should carry with them a mandatory penalty, or merely attract a discretionary penalty? Did you give any consideration to that aspect at all?

Mr. ANGLIN: No, other than what is set out in section 78. Discretionary means the discretion of the presiding officer.

Mr. CASTONGUAY: The Nova Scotia recommendations did not include that.

Mr. NIELSEN: I would think if a person entered a polling booth displaying firearms, he should suffer a mandatory penalty. But if a person should walk out of a polling station with a ballot, it should be discretionary.

Mr. ANGLIN: With the sections scattered throughout the book you will find some cases which are indictable offences, while other cases are matters of summary conviction. There is no section per se, in itself, which calls for a mandatory sentence. All these sections now have punishments under section 78, and it is entirely at the discretion of the presiding magistrate, when he finds a person guilty, whether he should fine him up to the maximum, or whether he should give him a jail sentence, or whether he gives him both. There is nothing here, you will see, which says anything whatsoever about a suspended sentence. It is inherent, but it is not spelled out as it is in some acts, such as the Motor Vehicles Acts which were referred to.

Mr. NIELSEN: My suggestion would be that we go through the amendments and the draft bill clause by clause. I do not know if the committee wishes to start with this at a quarter-to-twelve. I would not wish to see all the offence sections simply adopted by motion. So I propose we go through it clause by clause.

Mr. CASTONGUAY: I have supplied you with my 1962 and 1963 reports, and in the back of the 1962 report you have them all together, not spread all over the place as in this bill. You can get a better perspective of what we propose to do by looking at them in a proper form. Naturally here we have had to put them in consecutive order, section by section. But in the back of my 1962 report you will find them placed in a way that the members can get them in capsule form. If any member wishes a copy, I have them here.

Mr. MOREAU: Perhaps we might adjourn to give us a chance to go through them on our own, and then if any member wishes to raise a question about it, he could do so at our next meeting. Otherwise we might be prepared to accept them as a motion. It might save a little time.

The CHAIRMAN: Is that a motion to adjourn?

Mr. MOREAU: I so move, in view of the instructions that we would have this. Perhaps it would save as much time as we might spend here in the next 15 minutes.

The CHAIRMAN: The committee is now adjourned.

The committee adjourned.

## APPENDIX "A"

1963

Loi électorale de Québec  
Quebec Elections Act

## SECTION XXI

## Des dépenses électorales

## DIVISION XXI

## Election Expenses

«372. 1. Dans la présente loi, l'expression «dépenses électorales» signifie tous frais encourus pendant une période électorale pour favoriser ou défavoriser, directement ou indirectement, l'élection d'un candidat ou celle des candidats d'un parti ou pour diffuser ou combattre le programme ou la politique d'un candidat ou d'un parti ou pour approuver ou désapprouver des mesures préconisées ou combattues par eux ou des actes accomplis ou proposés par eux ou par leurs partisans. Dans le présent article le mot «candidat» comprend toute personne qui devient subséquemment candidat ou qui est susceptible de le devenir.

2. Ne sont pas considérées comme dépenses électorales:

a) la publication dans un journal ou autre périodique d'articles éditoriaux, de nouvelles, de chroniques ou de lettres de lecteurs, à la condition que cette publication soit faite de la même façon et d'après les mêmes règles qu'en dehors de la période électorale, sans paiement, récompense ou promesse de paiement ou de récompense, qu'il ne s'agisse pas d'un journal ou autre périodique institué pour les fins de l'élection ou en vue de l'élection et que la distribution et la fréquence de publication n'en soient pas établies autrement qu'en dehors de la période électorale;

b) la diffusion par un poste de radio ou de télévision d'une émission de nouvelles ou commentaires, à la condition que cette émission soit faite de la même façon et d'après les mêmes règles qu'en dehors de la période électorale, sans paiement, récompense ou promesse de paiement ou de récompense;

c) les frais indispensables pour tenir dans un district électoral une convention pour le choix d'un candidat; ces frais indispensables doivent comprendre la location d'une salle et la convocation des délégués mais ne peuvent inclure aucune publicité;

d) les dépenses raisonnables faites par un candidat ou toute autre per-

«372. 1. In this act, the expression "election expenses" means all the expenditures incurred during an election period to promote or oppose, directly or indirectly, the election of a candidate or that of the candidates of a party or to propagate or oppose the program or policy of a candidate or party or to approve or disapprove the steps recommended or opposed by them or the things done or proposed by them or their supporters. In this section the word "candidate" includes any person who subsequently becomes or is likely to become a candidate.

2. The following shall not be deemed election expenses:

a. the publishing in a newspaper or other periodical of editorials, news, reports or letters to the editor, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper or other periodical is not established for the purposes of the election or with a view to the election and that the circulation and frequency of publication thereof do not differ from what obtains outside the election period;

b. the transmission by a radio or television station of a broadcast of news or comment, provided that such broadcast be made in the same manner and under the same regulations as outside the election period, without payment, reward or promise of payment or of reward;

c. the necessary cost of holding a convention in an electoral district for the selection of a candidate; such necessary cost must include the rental of a hall and the convening of delegates but cannot include any publicity;

d. the reasonable expenses incurred by a candidate or any other person, out

sonne, à même ses propres deniers, pour se loger et nourrir pendant un voyage pour fins électorales, si ces dépenses ne lui sont pas remboursées;

e) les frais de transport d'un candidat.

3. Les frais encourus, avant une élection, pour des écrits, objets ou matériels publicitaires utilisés, pendant l'élection, aux fins visées par la définition de l'expression «dépenses électorales» sont des dépenses électorales. (nouveau)

373. 1. Pendant une élection, personne autre que l'agent officiel d'un candidat ou d'un parti reconnu ne doit faire des dépenses électorales.

2. Il est interdit à qui que ce soit de recevoir ou exécuter une commande de dépenses électorales qui n'est pas faite par un tel agent officiel ou en son nom par son agence de publicité reconnue par le président général des élections.

3. Personne ne peut, pour des dépenses électorales, réclamer ou recevoir un prix différent de son prix régulier pour semblable travail ou fourniture en dehors de la période électorale, ni accepter une autre rémunération, ni y renoncer.

4. Tout individu peut cependant fournir sans rémunération ses services personnels et l'usage de sa voiture à la condition qu'il le fasse librement et non comme partie de son travail au service d'un employeur.

5. Un candidat peut payer lui-même les dépenses personnelles qu'il fait à l'occasion d'une élection, jusqu'à concurrence d'une somme de deux mille dollars. Les dépenses qu'il peut ainsi payer font partie de ses dépenses électorales mais ne doivent comprendre aucune publicité et le candidat doit en remettre à son agent officiel un état détaillé.

6. Sous réserve de l'article 60 de la Loi du service civil, rien dans le présent article ne vise les services fournis par un fonctionnaire du service civil. (nouveau)

7. Aucun officier d'élection ni aucun employé d'un officier d'élection ne peut agir comme agent officiel.

374. Tout imprimé de la nature d'une annonce, d'un prospectus, d'un placard, d'une affiche, d'une brochure, d'une plaquette ou d'une circulaire et ayant trait

of his own money, for his lodging and food during a journey for election purposes, if such expenses are not reimbursed to him;

e. a candidate's transportation costs.

3. The expenditures incurred before an election for literature, objects or materials of an advertising nature, used during the election for the purposes contemplated by the definition of the expression "election expenses" are election expenses. (new)

373. 1. During an election, no person other than the official agent of a candidate or of a recognized party shall incur election expenses.

2. It is forbidden for any person to accept or execute an order for election expenses not given by such an official agent or in his name by his publicity agency recognized by the chief returning-officer.

3. No person shall claim or receive for election expenses a price different from his regular price for similar work or merchandise outside the election period, nor shall he accept a different remuneration or renounce the same.

4. Any individual may however contribute without remuneration his personal services and the use of his vehicle provided that he does so freely and not as part of his work in the service of an employer.

5. A candidate may himself pay his personal expenses incurred on the occasion of an election, up to the amount of two thousand dollars. The expenses he may so pay shall form part of his election expenses but must not include any publicity and the candidate must send a detailed statement thereof to his official agent.

6. Subject to section 60 of the Civil Service Act, nothing in this section relates to the services rendered by a functionary of the civil service. (new)

7. No election officer or employee of an election officer shall act as an official agent.

374. Every printed advertisement, prospectus, placard, poster, pamphlet, handbill or circular relating to any election shall bear the name and address of

à une élection doit porter le nom et l'adresse de l'imprimeur et de la personne pour le compte de qui il est fait ou publié.

Toute annonce ayant trait à une élection publiée dans un journal ou autre publication, doit mentionner le nom et l'adresse de la personne qui la fait publier; ces nom et adresse doivent être mentionnés au début ou à la fin de toute émission radiophonique ou de télévision commanditée ayant trait à une élection.

Tout ce qui constitue des dépenses électorales doit être considéré comme ayant trait à une élection. (nouveau)

375. 1. Un parti politique désirant faire des dépenses électorales doit, par écrit signé de son chef reconnu, nommer un agent officiel.

2. La nomination d'agent officiel d'un parti est remise au président général des élections avec une preuve à la satisfaction de ce dernier que le signataire est le chef reconnu du parti.

3. La nomination d'agent officiel n'est acceptée que si le parti avait au moins dix candidats officiels aux dernières élections générales ou s'il démontre qu'il aura ce nombre à celles qui sont en cours. En ce cas, si après la clôture de la présentation des candidats il n'a pas atteint ce nombre, la nomination de son agent officiel se trouve par le fait même annulée et il cesse d'être un parti reconnu.

4. Le chef reconnu d'un parti peut nommer deux ou trois agents officiels au lieu d'un seul et il peut en tout temps, par écrit remis au président général des élections, révoquer toute nomination d'agent officiel. Ces agents sont solidairement responsables de toute infraction à l'article 379.

5. Le président général des élections publie dans la Gazette officielle de Québec un avis de toute nomination ou révocation d'agent officiel de parti. (nouveau)

376. 1. Tout candidat est tenu d'avoir un agent officiel.

2. Si l'agent officiel désigné dans le bulletin de présentation décède, démissionne ou devient incapable d'agir, il est tenu d'en nommer immédiatement un autre par écrit remis au président d'élection.

3. Il peut, de la même manière, révoquer son agent officiel et en nommer un autre.

its printer and of the person on whose behalf it was printed or published.

Every advertisement relating to an election published in a newspaper or other publication shall mention the name and address of the person who has it published; such name and address must be mentioned at the beginning or at the end of any sponsored radio or television program relating to an election.

Anything that constitutes election expenses shall be deemed to relate to an election. (new)

375. 1. A political party wishing to incur election expenses shall appoint, by a writing signed by its recognized leader, an official agent.

2. The appointment of an official agent of a party shall be delivered to the chief returning-officer with proof to the satisfaction of the latter that the signatory is the recognized leader of the party.

3. The appointment of official agent shall not be accepted unless the party had at least ten official candidates at the last general elections or it is shown that it will have that number at those in progress. In such case if, after the close of nominations of candidates it has not attained such number, the appointment of its official agent shall be ipso facto cancelled and it shall cease to be a recognized party.

4. The recognized leader of a party may appoint two or three official agents instead of one and may at any time, by a writing delivered to the chief returning-officer, revoke any appointment of an official agent. Such agents shall be jointly and severally responsible for any infringement of section 379.

5. The chief returning-officer shall publish in the Quebec Official Gazette a notice of every appointment or revocation of an official party agent. (new)

376. 1. Every candidate must have an official agent.

2. If the official agent mentioned in the nomination-paper dies, resigns or becomes unable to act, he must appoint another forthwith by a writing delivered to the returning-officer.

3. He may in the same manner dismiss his official agent and appoint another.

4. Le président d'élection est tenu d'informer sans délai le président général des élections de toute nomination et de tout remplacement d'agent officiel.

5. Si un remplacement d'agent officiel a lieu avant le jour du scrutin, le président d'élection doit en afficher un avis avec chaque avis de scrutin. (nouveau)

377. 1. Un agent officiel qui désire commander des dépenses électorales par l'entremise d'une agence de publicité doit en informer par écrit le président général des élections.

2. S'il est démontré à sa satisfaction qu'il s'agit d'une agence de bonne foi, le président général des élections fait publier dans la Gazette Officielle de Québec un avis que l'agence ainsi désignée est reconnue comme mandataire de cet agent officiel.

3. Toutes dépenses électorales commandées par l'agence ainsi désignée sont réputées commandées par l'agent officiel.

378. 1. Tout paiement de dépenses électorales s'élevant à dix dollars ou plus doit être justifié par une facture détaillée.

2. Une facture détaillée doit fournir toutes les indications nécessaires pour vérifier chacun des services ou fournitures et le tarif ou prix unitaire d'après lequel le montant est établi.

3. Toute personne à laquelle un montant est dû pour dépenses électorales doit faire sa réclamation à l'agent officiel au plus tard dans les trente jours suivant le jour du scrutin, sinon cette personne est déchu du droit de recouvrer sa créance.

4. Si l'agent officiel est décédé et n'a pas été remplacé, la réclamation doit être transmise au chef du parti ou au candidat lui-même, dans le même délai, suivant le cas. (nouveau)

379. 1. Les dépenses électorales doivent être limitées de façon à ne jamais dépasser pour un parti au cours d'élections générales vingt-cinq cents par électeur dans l'ensemble des districts électoraux où ce parti a un candidat officiel.

2. Pour chaque candidat, les dépenses électorales doivent être limitées de façon à ne jamais dépasser:

a) au cours d'élections générales, soixante cents par électeur dans le dis-

4. The returning-officer must immediately inform the chief returning-officer of every appointment and replacement of an official agent.

5. If an official agent is replaced before polling-day, the returning-officer must post up a notice thereof with each notice of a poll. (new)

377. 1. An official agent who wishes to order election expenses through a publicity agency must so inform the chief returning-officer in writing.

2. If it is shown to his satisfaction that it is a bona fide agency, the chief returning-officer shall cause to be published in the Quebec Official Gazette a notice that the agency so designated is recognized as the mandatory of such official agent.

3. All election expenses ordered by the agency so designated shall be deemed to be ordered by the official agent.

378. 1. Any payment for election expenses of ten dollars or more must be proved by an itemized invoice.

2. An itemized invoice must provide all the particulars required for auditing each item of work or material and the rate or unit price used for computing the amount.

3. Every person to whom an amount is due for election expenses must present his claim to the official agent not later than within the thirty days following polling-day, otherwise such person shall forfeit the right to recover his claim.

4. If the official agent has died and has not been replaced, the claim shall be forwarded within the same delay to the leader of the party or to the candidate himself, as the case may be. (new)

379. 1. Election expenses must be limited so as never to exceed, for a party during general elections, twenty-five cents per elector in the aggregate of the electoral districts in which such party has official candidate.

2. The election expenses for each candidate must be limited so as never to exceed:

a. during general elections, sixty cents per elector in the electoral dis-

trict électoral jusqu'à 10,000, ensuite, cinquante cents par électeur jusqu'à 20,000 et quarante cents par électeur au-delà de ce nombre;

b) au cours d'autres élections, les montants ci-dessus augmentés de vingt-cinq cents par électeur.

3. Pour chaque candidat dans les districts électoraux d'Abitibi-Est, Duplessis et Saguenay, le maximum ci-dessus fixé est augmenté de dix cents par électeur.

380. Le président général des élections rembourse, jusqu'à concurrence de quinze cents par électeur inscrit, les dépenses électorales encourues et acquittées par l'agent officiel de chaque candidat dont les représentants ont droit, en vertu de l'article 219, à la même rémunération qu'un greffier ou qui, d'après le recensement officiel des votes donnés à l'élection, a obtenu vingt pour cent des votes valides donnés.

Ce remboursement est fait jusqu'à concurrence de vingt-cinq cents par électeur dans les districts électoraux d'Abitibi-Est, Duplessis et Saguenay.

Pour avoir droit au remboursement, l'agent officiel du candidat doit produire un état en la forme prescrite par le président général des élections et cet état doit être accompagné d'une déposition assermentée et des factures, reçus ou autres pièces justificatives, ou copie certifiée de tels documents, lesquels sont ensuite transmis au président d'élection. (nouveau)

381. Pour les fins des deux articles précédents, le nombre d'électeurs est le total inscrit sur les listes préparées par les énumérateurs avant revision.

Chaque président d'élection est tenu de déterminer ce nombre total par l'addition des chiffres inscrits par les énumérateurs sur chaque liste et, aussitôt que possible après la fin de l'énumération, il doit en transmettre un certificat au président général des élections ainsi qu'à chaque candidat.

Le président général des élections doit, lors d'une élection générale, déterminer le nombre d'électeurs inscrits dans la province par l'addition des chiffres fournis par les présidents d'élection, en dresser un certificat, en transmettre copie à chaque chef de parti reconnu et le faire publier dans la Gazette officielle de Québec.

trict up to 10,000 and then fifty-cents per elector up to 20,000 and forty cents per elector in excess of that number;

b. during other elections, the above amounts increased by twenty-five cents per elector.

3. For each candidate in the electoral districts of Abitibi East, Duplessis and Saguenay, the maximum fixed above shall be increased by ten cents per elector.

380. The chief returning-officer shall reimburse, up to fifteen cents per listed elector, the election expenses incurred and paid by the official agent of each candidate whose agents are entitled, under section 219, to the same remuneration as a poll-clerk or who, according to the official addition of the votes cast at the election, has obtained twenty per cent of the valid votes cast.

Such reimbursement shall be made up to twenty-five cents per elector in the electoral districts of Abitibi-East, Duplessis and Saguenay.

To be entitled to reimbursement, the official agent of the candidate must produce a statement in the form prescribed by the chief returning-officer and such statement must be accompanied by an affidavit and invoices, receipts or other vouchers, or certified copies of such documents, which shall afterwards be forwarded to the returning-officer. (new)

381. For the purposes of the preceding two sections, the number of electors shall be the total entered on the lists prepared by the enumerators before the revision.

Each returning-officer must determine such total number by adding the figures entered by the enumerators on each list and, as soon as possible after the close of the enumeration, he shall forward a certificate thereof to the chief returning-officer and to each candidate.

The chief returning-officer, at a general election, shall determine the number of electors entered in the province by totalling the figures furnished by the returning-officers, make a certificate thereof and send a copy thereof to each leader of a recognized party and have such certificate published in the Quebec Official Gazette.

382. L'agent officiel d'un candidat doit, dans les soixante jours qui suivent celui où le président d'élection a proclamé élu l'un des candidats, remettre au président d'élection ou déposer à son domicile un rapport de dépenses électorales suivant la formule 65.

Ce rapport doit être accompagné des factures, reçus et autres pièces justificatives qui n'ont pas été transmis au président général des élections ou de copies certifiées de tels documents, ainsi que d'une liste de ces documents et d'une déposition sous serment suivant la même formule.

Dans les dix jours de la réception de chaque rapport de dépenses électorales, le président d'élection doit publier, suivant la formule prescrite par le président général des élections, un sommaire portant la signature de l'agent officiel dans un journal publié en langue française et dans un journal publié en langue anglaise, dans le district électoral ou à proximité.

Le président d'élection doit conserver tous les rapports et déclarations ainsi que les factures et pièces justificatives et, pendant les heures ordinaires de bureau, dans les cent quatre-vingts jours suivants permettre à tout électeur de les examiner et d'en prendre des extraits ou copies.

A l'expiration de cette période, le président d'élection doit remettre les factures et pièces justificatives au candidat si ce dernier lui en fait la demande, sinon il peut les détruire. (nouveau)

383. Chaque agent officiel d'un chef de parti reconnu doit, dans les cent vingt jours suivant celui fixé par le rapport des brefs d'élection, remettre au président général des élections un rapport de dépenses électorales suivant la formule 65.

Ce rapport doit être accompagné des factures, reçus et autres pièces justificatives ainsi que d'une déposition sous serment suivant la même formule.

Dans les quinze jours de la réception de chaque rapport de dépenses électorales, le président général des élections doit publier dans la Gazette officielle de Québec, un sommaire de ce rapport portant la signature de l'agent officiel.

Le président général des élections doit conserver tous les rapports et déclarations ainsi que les factures et pièces justificatives et, pendant les heures

382. The official agent of a candidate, within the sixty days following that on which one of the candidates was declared elected by the returning-officer, shall deliver to the returning-officer or leave at his domicile a return of election expenses in the form 65.

Such return must be accompanied by the invoices, receipts and other vouchers that have not been sent to the chief returning-officer or by certified copies of such documents, and by a list of such documents and an affidavit in the same form.

Within ten days after receiving each return of election expenses, the returning-officer shall publish, in the form prescribed by the chief returning-officer, a summary bearing the signature of the official agent in a newspaper published in the French language and in a newspaper published in the English language, in the electoral district or in its vicinity.

The returning-officer shall keep all the returns and declarations as well as the invoices and vouchers and, during ordinary office hours within the ensuing one hundred and eighty days, shall permit any elector to examine the same and make extracts or copies thereof.

At the expiration of such period, the returning-officer shall deliver the invoices and vouchers to the candidate if the latter so requests, otherwise he may destroy them. (new)

383. Each official agent of a leader of a recognized party, within the one hundred and twenty days following that fixed for the return of the writs of election, shall deliver to the chief returning-officer a return of election expenses in the form 65.

Such return must be accompanied by the invoices, receipts and other vouchers and by an affidavit in the same form.

Within fifteen days after receiving each return of election expenses, the chief returning-officer shall publish in the Quebec Official Gazette a summary of such return bearing the signature of the official agent.

The chief returning-officer shall keep all the returns and affidavits as well as the invoices and vouchers and, during ordinary office hours within the

ordinaires de bureau, dans les cent quatre-vingts jours suivants permettre à tout électeur de les examiner et d'en prendre des extraits ou copies.

A l'expiration de cette période, le président général des élections doit remettre les factures et pièces justificatives au chef reconnu du parti si ce dernier lui en fait la demande, sinon il peut les détruire. (nouveau)

384. Si le rapport et la déclaration prescrits à l'article 382 ou à l'article 383 ne sont pas produits dans le délai fixé, le candidat ou le chef de parti, suivant le cas, devient incapable de siéger ou voter à l'Assemblée législative tant que ces rapport et déclaration n'ont pas été remis et qu'il n'a pas été excusé du retard par ordonnance d'un juge. (nouveau)

385. Si un rapport ou une déposition renferme quelque erreur, le candidat ou le chef de parti peut obtenir d'un juge la permission de corriger cette erreur en démontrant qu'elle a été faite par inadvertance.

Si un candidat ou un chef de parti démontre à un juge que l'absence, le décès, la maladie, l'inconduite d'un agent officiel ou toute autre cause raisonnable empêche la préparation et la production d'un rapport prescrit par l'article 382 ou 383, ce juge peut rendre toute ordonnance qu'il croit nécessaire pour permettre au requérant d'obtenir tous les renseignements et documents nécessaires pour la préparation du rapport et de la déclaration et accorder le délai additionnel nécessaire en l'occurrence.

Le défaut de se conformer à une ordonnance rendue en vertu du présent article est punissable de la même manière que le défaut de comparaître pour rendre témoignage devant le tribunal. (nouveau)

386. Un agent officiel doit avoir acquitté, avant de remettre le rapport et la déclaration prescrits à l'article 382 ou à l'article 383, toutes les réclamations reçues dans le délai prescrit à l'article 378 à moins qu'il ne les conteste et ne les y mentionne comme telles.

Il est interdit à l'agent officiel et au chef de parti ou candidat de payer une réclamation ainsi contestée, sauf en exécution d'un jugement obtenu d'un tribunal compétent par le créancier après audition de la cause et non sur confession de jugement ou convention de règlement.

ensuing one hundred and eighty days, shall permit any elector to examine the same and make extracts or copies thereof.

At the expiration of such period, the chief returning-officer shall deliver the invoices and vouchers to the recognized party leader if the latter so requests, otherwise he may destroy them. (new)

384. If the return and affidavit prescribed by section 382 or by section 383 are not produced within the delay fixed, the candidate or party leader, as the case may be, shall be disqualified from sitting or voting in the Legislative Assembly until such return and affidavit have been delivered and he has been excused for the delay by order of a judge. (new)

385. If a return or an affidavit contains any error, the candidate or party leader may obtain permission from a judge to rectify such error on establishing that it was made through inadvertence.

If a candidate or party leader establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and production of a return prescribed by section 382 or 383, such judge may make any order he deems necessary to enable the applicant to obtain all the information and documents necessary to prepare the return and affidavit and grant such further delay as the circumstances may require.

Failure to comply with an order made under this section shall be punishable in the same manner as failure to appear to testify before the court. (new)

386. Before filing the return and affidavit prescribed by section 382 or 383, an official agent must have paid all the claims received within the delay prescribed by section 378 unless he contests the same and mentions them therein as contested.

It is forbidden for the official agent and the party leader or candidate to pay a claim so contested, except in execution of a judgment of a competent court in favour of the creditor after the hearing of the case and not upon a confession of judgment or an agreement of settlement.

Un juge peut cependant permettre le paiement d'une réclamation contestée ou d'une réclamation qui n'a pas été produite dans le temps prescrit, s'il lui est démontré que la contestation ou le retard à la production découle d'une erreur ou d'un oubli de bonne foi et que le paiement ne portera pas les dépenses à un montant excédant la limite fixée à l'article 379. (nouveau)

387. Le juge compétent pour statuer sur toute demande, en vertu des trois articles précédents, est, s'il s'agit d'un candidat autre qu'un chef de parti, le juge auquel une demande de recomptage doit être présentée et, s'il s'agit d'un chef de parti, le juge en chef de la province.

Aucune telle demande ne peut être entendue sans avis d'au moins trois jours francs au président général des élections et à chacun des autres candidats à l'élection dans le district électoral ou, s'il s'agit d'un chef de parti, à chacun des autres chefs de partis reconnus. (nouveau)

388. Quiconque siège ou vote à l'Assemblée législative contrairement à l'article 384 est passible d'une amende de cinq cents dollars et des frais, pour chaque jour qu'il siège ou vote ainsi. (nouveau)

389. Est coupable d'une manœuvre frauduleuse, tout agent officiel qui fait des dépenses électorales dépassant le maximum fixé à l'article 379 ou remet un rapport faux ou une déposition fautive ou produit une facture, un reçu ou autre pièce justificative falsifiée ou, après la production de son rapport, acquitte une réclamation autrement que ne le permet l'article 386.

Est également coupable d'une manœuvre frauduleuse, le candidat ou le chef de parti dont l'agent officiel s'est rendu coupable de l'un des actes ci-dessus énumérés ou qui fait, acquitte ou permet quelques dépenses électorales autrement que de la façon permise par la présente loi.

Toute personne coupable d'une manœuvre frauduleuse visée par le présent article est passible d'une amende de cent à mille dollars et d'un emprisonnement d'un à douze mois; son élection, si elle a été élue, est nulle, et elle encourt en outre l'incapacité prévue à l'article 409.

Le candidat ou le chef de parti déclaré coupable d'une manœuvre frau-

A judge may nevertheless authorize the payment of a contested claim or of a claim not produced within the prescribed time, if it is established before him that the contestation or delay in filing results from a bona fide error or oversight and that the payment will not increase the expenses to an amount exceeding the limit fixed by section 379. (new)

387. The judge having jurisdiction to take cognizance of an application under the preceding three sections shall be, in the case of a candidate other than a party leader, the judge to whom an application for a recount must be presented and, in the case of a party leader, the chief justice of the Province.

No such application may be heard without notice of at least three clear days to the chief returning-officer and to each of the other candidates for election in the electoral district or, in the case of a party leader, to each of the other recognized party leaders. (new)

388. Whosoever sits or votes in the Legislative Assembly contrary to section 384 shall be liable to a fine of five hundred dollars and costs, for each day on which he so sits or votes. (new)

389. Every election agent who incurs election expenses exceeding the maximum fixed by section 379 or files a false return or affidavit or produces a falsified invoice, receipt or other voucher or, after the filing of his return, pays a claim otherwise than as permitted by section 386, shall be guilty of a corrupt practice.

A candidate or party leader whose official agent has been guilty of any of the above mentioned acts or who incurs, pays or authorizes any election expenses otherwise than as permitted by this act, shall also be guilty of a corrupt practice.

Every person guilty of a corrupt practice under this section shall be liable to a fine of one hundred to one thousand dollars and to imprisonment for one month to twelve months; his election, if he has been elected, shall be null and he shall also incur the disqualification provided in section 409.

A candidate or party leader found guilty of a corrupt practice committed

duleuse commise par son agent officiel à son insu est exempt de l'amende et de l'emprisonnement et n'encourt pas l'inhabilité prévue à l'article 409. (nouveau)

390. Toute contravention aux dispositions de la présente section, autre qu'une manœuvre frauduleuse visée par l'article précédent, est une infraction punissable d'une amende de cent à cinq cents dollars et d'un emprisonnement n'excédant pas six mois.

Est coupable d'une infraction visée au présent article, toute personne qui la permet ou tolère ou y participe de quelque manière. (nouveau)

by his official agent without his knowledge shall be exempt from the fine and imprisonment and shall not incur the disqualification provided by section 409. (new)

390. Any infringement of the provisions of this division, other than a corrupt practice contemplated in the preceding section, shall be an offence punishable by a fine of one hundred to five hundred dollars and imprisonment not exceeding six months.

Every person is guilty of an offence under this section who permits, tolerates or participates in any way in the commission thereof. (new)

## APPENDIX "B"

11 &amp; 12 Geo. 6.

Representation of the People  
Act, 1948.

Ch. 65.

## PART III.

Corrupt and Illegal Practices and other Provisions  
as to Election Campaign.  
Parliamentary elections.

Limit of, and return and declarations as to, expenses.

"32.—(1) Parts III and IV of the First Schedule to the parliamentary corrupt practices Act (which limit the amount of election expenses) shall cease to have effect, and for any reference in that Act to the maximum amount specified in the said Part IV (which deals with the aggregate amount of the permitted expenses) there shall be substituted a reference to the following maximum amount, namely—

- (a) in relation to an election in a county constituency, four hundred and fifty pounds together with an additional twopence for each entry in the register of parliamentary electors to be used at the election;
- (b) in relation to an election in a borough constituency, four hundred and fifty pounds together with an additional penny halfpenny for each such entry as aforesaid:

Provided that, if the said register is not published before the day of publication of the notice of election, then for any reference in this subsection to an entry in the register there shall be substituted a reference to an entry in the electors lists therefor as first published which gives the name of a person appearing from those lists to be entitled to be registered.

(2) The said maximum amount shall not be required to cover the candidate's personal expenses as defined in the said Act, but shall cover the whole of any fee paid to the candidate's election agent.

(3) For the forms of declaration as to election expenses set out in Part I of the Second Schedule to the said Act there shall be substituted the form set out in Part II of the Ninth Schedule to this Act.

(4) Notwithstanding anything in the said Act, no declaration or return as to election expenses shall be required under that Act in the case of a person—

- (a) who—
  - (i) is a candidate at an election as defined by section sixty-three thereof; but
  - (ii) is so only because he has been declared by others to be a candidate; and
- (b) who has not consented to the declaration or taken any part as a candidate in the election.

(5) No penalty shall be recoverable except by the Crown under subsection (5) of section thirty-three of the said Act (which penalises a Member of Parliament sitting or voting when the return and declarations as to his election expenses have not been sent in in time).

(6) In Northern Ireland paragraphs (a) and (b) of subsection (I) and subsection (2) of this section shall not apply and—

- (a) the maximum amount referred to in the said subsection (I) shall (subject to the proviso to that subsection) be the same as at the passing of this Act, namely, twopence for each entry in the register of parliamentary electors to be used at the election; and
- (b) the said maximum amount shall not be required to cover either the candidate's personal expenses as defined in the said Act or (to an amount not exceeding in the case of an election in a county constituency seventy-five pounds and in the case of an election in a borough constituency fifty pounds) the fee, if any, paid to his election agent.

(7) This section shall apply for the purposes of the first general election after the passing of this Act and any subsequent election.

Use of motor vehicles for conveying electors to poll.

33.—(1) Subject to the provisions of this section, a person shall not, with a view to supporting or opposing the candidature of any individual as against any other or others at a parliamentary election, either let, lend or employ, or hire, borrow or use, any motor vehicle for the purpose of the conveyance of electors or their proxies to or from the poll, and a person knowingly acting in contravention of this subsection shall be guilty of an illegal practice within the meaning of the parliamentary corrupt practices Act:

Provided that—

- (a) the court before whom a person is convicted under this subsection may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the said Act; and
  - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this subsection committed without his consent or connivance by an agent other than his election agent.
- (2) Where it is shown—
- (a) that a motor vehicle was employed for the purpose aforesaid; and
  - (b) that at the time when it was so employed there was to the knowledge of any person employing or using it for that purpose displayed on it or on a trailer drawn by it any placard, colours or other thing indicating a preference for or against any candidate at the election;

it shall be presumed until the contrary is shown that that person was so employing or using it with a view to supporting or opposing the candidature of some individual as against some other or others.

(3) Nothing in this section shall—

- (a) render unlawful anything made lawful by subsection (3) of section fourteen of the parliamentary corrupt practices Act (which relates to the use of vehicles by electors at their joint cost); or
- (b) prevent any person employing a motor vehicle for the purpose of conveying to or from the poll himself or any member of the same household, or borrowing a motor vehicle from a member of the same household to be employed for that purpose; or
- (c) prevent a candidate at an election or some person on his behalf employing a motor vehicle for the purpose of conveying any person to or from the poll, if the conditions hereafter mentioned in this section are complied with, or borrowing a motor vehicle to be employed for that purpose from any person; or

(d) prevent a person lending or using a motor vehicle in a case in which it is lawfully borrowed or employed by virtue of either of the last two foregoing paragraphs.

(4) The conditions under which a motor vehicle may be employed under the said paragraph (c) by or on behalf of a candidate are the following:—

(a) the motor vehicle shall be registered in the prescribed manner with the returning officer, and there shall be prominently displayed thereon a placard indicating that it is so registered;

(b) the number of motor vehicles so employed shall not exceed in a county constituency one for every fifteen hundred electors or in a borough constituency one for every twenty-five hundred electors.

(5) Regulations made with respect to the registration of motor vehicles with the returning officer under this section may make provision as to the retention, destruction and inspection of the register and the right to take or receive copies thereof, and as to the fees (if any) payable for the exercise of any right under the regulations.

(6) For the purposes of this section—

(a) the expression “motor vehicle” means any mechanically propelled vehicle constructed or adapted for use on roads;

(b) the expression “member of the same household” includes a visitor spending the night before or after the day of the poll in the same dwelling house and a person employed by a member of the household at the dwelling house unless so employed exclusively for the purpose of that member’s trade, profession or business; and

(c) the number of electors shall be taken to be the same as the number of entries in the register or electors lists by reference to which the maximum amount of the candidate’s election expenses is determined, any residual fraction of fifteen hundred or, in a borough constituency, twenty-five hundred being treated as a complete fifteen or twenty-five hundred, as the case may be.

Candidate’s right to send election address post free.

34.—(1) A candidate at a parliamentary election shall subject to regulations of the Postmaster General, be entitled to send free of any charge for postage to each elector one postal communication containing matter relating to the election only and not exceeding two ounces in weight.

(2) He shall also, subject as aforesaid, be entitled to send free of any charge for postage to each person entered in the list of proxies for the election one such communication as aforesaid for each appointment in respect of which that person is so entered.

(3) A person shall not be deemed to be a candidate for the purposes of this section unless he is shown as standing nominated in the statement of persons nominated, but until the publication of that statement any person who declares himself to be a candidate shall be entitled to exercise the right of free postage conferred by this section if he gives such security as may be required by the Postmaster General for the payment of postage should he not be shown as standing nominated as aforesaid.

(4) For the purposes of this section, the expression “elector” means a person who is registered as a parliamentary elector in the constituency in the register to be used at the election or who, pending the publication of that register, appears from the electors lists therefor as corrected by the registration officer to be entitled to be so registered.

Candidate's right to use certain schools and halls for election meetings.

35.—(1) Subject to the provisions of this section, a candidate at a parliamentary election shall be entitled for the purpose of holding public meetings in furtherance of his candidature to the use at reasonable times between the receipt of the writ and the date of the poll of—

- (a) a suitable room in the premises of any school to which this section applies;
- (b) any meeting room to which this section applies.

(2) This section applies—

- (a) in England and Wales, to county schools and voluntary schools of which the premises are situated in the constituency or an adjoining constituency; and
- (b) in Scotland, to any school of which the premises are so situated, not being an independent school within the meaning of the Education (Scotland) Act, 1946;

9 & 10 Geo. 6 c. 72.

but a candidate shall not be entitled under this section to the use of a room in school premises outside the constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this section applies.

(3) This section applies to meeting rooms situated in the constituency, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable.

(4) Where a room is used for a meeting in pursuance of the rights conferred by this section, the person by whom or on whose behalf the meeting is convened—

- (a) may be required to pay for the use of the room a charge not exceeding the amount of any actual and necessary expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting; and
- (b) shall defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.

(5) A candidate shall not be entitled to exercise the rights conferred by this section except on reasonable notice and this section shall not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

(6) The provisions of the Fifth Schedule to this Act shall have effect with respect to the rights conferred by this section and the arrangements to be made for their exercise.

(7) For the purposes of this section (except those of paragraph (b) of subsection (4) thereof), the premises of a school shall not be taken to include any private dwelling house, and in this section—

- (a) the expression "meeting room" means any room which it is the practice to let for public meetings; and
- (b) the expression "room" includes a hall, gallery or gymnasium.

(8) This section shall not apply to Northern Ireland.

Use of committee rooms in schools

36.—(1) Paragraph (d) of section twenty of the parliamentary corrupt practices Act (which prohibits the use for a committee room of the premises of a public elementary school in receipt of an annual parliamentary grant), shall—

- (a) in England and Wales, apply to the premises of all schools maintained or assisted by a local education authority and all other schools in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school; and
- (b) in Scotland, apply to the premises of all schools other than independent schools within the meaning of the Education (Scotland) Act, 1946; and
- (c) in Northern Ireland, apply to the premises of all schools other than independent schools within the meaning of the Education Act (Northern Ireland), 1947.

(2) For the purposes of the said section twenty and of this section, the premises of a school shall be taken to include any dwelling house which forms part thereof and is occupied by a person employed for the purposes of the school.

Election propaganda

37.—(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary election, use, or aid, abet, counsel, or procure the use of, any wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of arrangements made with the British Broadcasting Corporation for it to be received and retransmitted by that Corporation.

(2) No person shall for the purpose of promoting or procuring the election of any candidate at a parliamentary election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive.

(3) Any offence under this section shall be an illegal practice within the meaning of the parliamentary corrupt practices Act:

Provided that the court before whom a person is convicted of an offence under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of that Act.

(4) Where any act or omission of an association or body of persons, corporate or unincorporated, is an illegal practice under this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves that the act or omission took place without his consent or connivance and that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances."

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

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FRIDAY, NOVEMBER 29, 1963

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Respecting

CANADA ELECTIONS ACT

---

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

Brewin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Coates,  
Doucett,  
Drouin,  
Francis,  
Girouard,

Greene,  
Howard,  
Jewett (*Miss*),  
Leboe,  
Lessard (*Saint-Henri*),  
Millar,  
Monteith,  
More,  
Moreau,

Nielsen,  
Paul,  
Rhéaume,  
Ricard,  
Richard,  
Rochon,  
Rondeau,  
Turner,  
Webb—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

FRIDAY, November 29, 1963.  
(20)

The Standing Committee on Privileges and Elections met at 9.20 o'clock a.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Messrs. Brewin, Caron, Doucett, Drouin, Greene, Howard, Lessard (*Saint-Henri*), Nielsen, Pennell, Ricard, Rhéaume, Rochon, Webb.—(13).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's Office.

Also, a Parliamentary Interpreter and interpreting.

The Chairman read a report of the Subcommittee on Agenda and Procedure, which held a meeting on Thursday, November 28th. The following schedule of meetings was recommended for the week starting on December 2nd:

*Monday*—8.00 p.m. to 10.00 p.m.

*Tuesday*—9.00 a.m. to 12.00 noon

*Thursday*—9.00 a.m. to 12.00 noon.

*Friday*—9.00 a.m. to 11.00 a.m

And debate arising thereon, on motion of Mr. Rochon, seconded by Mr. Ricard,

*Resolved*,—That the meetings in the morning should start at 10.00 o'clock instead of 9.00 o'clock.

The Committee then resumed from Thursday, November 28, its consideration of the Canada Elections Act.

*On Section 65.*

At the suggestion of the witness, the Committee adopted in principle Clause 33 of the Draft Amendments and reverted to Draft Amendments which had been allowed to stand.

*On Section 7.*

The following amendment was adopted:

Subsection (3) of section 7 of the said Act is repealed and the following substituted therefor:

Returning officers to act under penalty.

(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do is guilty of an offence against this Act.

*On Section 17.*

The following amendments were adopted:

(3) Subsection (14) of section 17 of the said Act is repealed and the following substituted therefor:

Illegal arrangements with regard to election printing an offence.

(14) Everyone is guilty of an offence against this Act who

(a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act, or

(b) pays, agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act.

(4) Subsections (17), (18) and (19) of section 17 of the said Act are repealed and the following substituted therefor:

Liability of enumerators.

(17) Any enumerator is guilty of an offence against this Act who wilfully and without reasonable excuse,

(a) includes in any list of electors prepared by him the name of any person whom he has not good reason to believe has the right to have his name included,

(b) omits to include in any list prepared by him the name of any person whom he has good reason to believe has the right to have his name included, or

(c) gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person whom he has good reason to believe is not qualified or competent to vote at the election.

Obstructing enumerator or revising agent an offence.

(18) Everyone is guilty of an offence against this Act who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this Act.

Amalgamation of polling divisions.

(19) After the completion of the enumeration or of the revision of the lists of electors, as the case may be, a returning officer may, upon the prior approval of the Chief Electoral Officer, where there appears on the list of electors of a polling division in his electoral district less than two hundred names whether by reason of a mistake or miscalculation in the number of electors estimated by him when establishing the polling division or for any other reason whatsoever, amalgamate the polling division with one or more adjacent polling divisions in the electoral district.

Official list.

(20) The lists of electors for the two or more amalgamated polling divisions referred to in subsection (19) shall be deemed to be the official list for the new polling division created by the amalgamation.

*On Section 22.*

On Clause 15 of the Draft Amendments, line 40, Mr. Nielsen, seconded by Mr. Howard, moved that the word "knowingly" be deleted. Adopted. Subsection (4) of Section 22 was adopted, as amended.

Subsection (4) of section 22 of the said Act is repealed and the following substituted therefor:

False statement of withdrawal of candidate.

(4) Everyone is guilty of an illegal practice and of an offence against this Act who, before or during an election, for the purpose of procuring the election of another candidate, publishes a false statement of the withdrawal of a candidate at the election.

*On Section 29.*

To be repealed.

*On Section 38.*

To be repealed.

*On Section 44.*

The following amendment was adopted:

Subsection (3) of section 44 of the said Act is repealed and the following substituted therefor:

Offence.

(3) Everyone is guilty of an illegal practice and of an offence against this Act who contravenes or fails to observe any provision of this section.

*On Section 45.*

The following amendment was adopted:

Section 45 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Recording of printed serial number an offence.

(3a) Every person who makes any written record of the printed serial number appearing on the back of the counterfoil of a ballot paper is guilty of an offence against this Act.

*On Section 46.*

The following amendment was adopted:

Subsection (4) of section 46 of the said Act is repealed and the following substituted therefor:

Illegal vouching an offence.

(4) Every elector is guilty of an illegal practice and of an offence against this Act who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election.

*On Section 49.*

The following amendment was adopted:

Subsections (5) and (6) of section 49 of the said Act are repealed and the following substituted therefor:

Offence.

(5) Everyone who violates, contravenes or fails to observe any of the provisions of this section is guilty of an offence against this Act.

On Section 52.

The following amendment was adopted:

Subsection (7) of section 52 of the said Act is repealed and the following substituted therefor:

Not obeying summons of returning officer an offence.

(7) Any person is guilty of an offence against this Act who refuses or neglects to attend on the summons of a returning officer issued under this Act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations.

On Section 57.

The following amendment was adopted:

Section 57 of the said Act is repealed and the following substituted therefor:

Delay, neglect or refusal of returning officer to return elected candidate an offence.

57. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election is guilty of an offence against this Act.

On Section 65.

The following paragraphs were adopted:

(a) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;

(b) without authority supplies a ballot paper to any person;

On paragraph (c)

On motion of Mr. Nielsen, seconded by Mr. Howard,

*Resolved*,—That on line 35, after the word "has", the words "*without authority*" be added.

The following amendment was adopted, as amended:

(c) not being a person entitled under this Act to be in possession of an official ballot paper or of any ballot paper, has *without authority* any such official ballot paper or any ballot paper in his possession;

On paragraph (d)

The following amendment was adopted:

(d) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;

On paragraph (e)

The following amendment was adopted:

(e) fraudulently takes a ballot paper out of the polling station;

On paragraph (f)

On motion of Mr. Nielsen, seconded by Mr. Rheaume,

*Resolved*, That in line 1, the word "due" be deleted.

The following amendment was adopted as amended:

- (f) without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election;

On paragraph (g)

On motion of Mr. Nielsen, seconded by Mr. Rheaume,

*Resolved*, That in line 6, the words "otherwise than authorized by this Act" be deleted.

The following amendment was adopted, as amended:

- (g) being a deputy returning officer fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election:

On paragraph (h)

On motion of Mr. Ricard, seconded by Mr. Nielsen,

*Resolved*, That in line 10, the words "*without authority*" be substituted for the words "with fraudulent intent".

The following amendment was adopted as amended:

- (h) without authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

On paragraph (i)

On motion of Mr. Nielsen, seconded by Mr. Rheaume,

*Resolved*, That in line 14, before the word "prints" the word "*fraudulently*" be inserted.

Also in line 15, the words "without authority" be deleted.

The following amendment was adopted, as amended:

- (i) being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;

On paragraph (j)

On motion of Mr. Nielsen, seconded by Mr. Pennell,

*Resolved*, That in line 18, the words "except as authorized by the Act" be deleted.

The following amendment was adopted, as amended:

- (j) being a deputy returning officer, places upon any ballot paper, any writing, number or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby;

On paragraph (k)

The following amendment was adopted.

- (k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

On paragraph (l)

The following amendment was adopted.

- (l) attempts to commit any offence specified in this section.

*On section 66.*

Allowed to stand.

*On Section 67.*

On motion of Mr. Rheaume, seconded by Mr. Nielsen,

*Resolved*, That in lines 22, 23 and 24 the words "*the period commencing at eight o'clock in the forenoon and ending at seven o'clock in the afternoon*" be deleted.

and in line 22, following the word "during", the words "*the hours the polls are open*" be added.

The following amendment was adopted, as amended:

Liquor not to be sold on polling day.

Everyone is guilty of an offence against this Act who at any time during the hours the polls are open on ordinary polling day sells, gives, offers or provides any fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held.

It being 10.45 o'clock a.m., the examination of the witness still continuing, the Committee adjourned until Monday, December 2, at 8.00 o'clock p.m.

Marcel Roussin,  
*Clerk of the Committee.*

## EVIDENCE

FRIDAY, November 29, 1963.

The CHAIRMAN: Gentlemen, we have a quorum; will you please come to order.

Your steering committee met yesterday afternoon and at this time I would like to read to you their report.

Meeting of the subcommittee on procedure and agenda.  
Thursday, 4.00 o'clock, p.m.

*Members present:* Miss Jewett, Messrs. Caron, *Chairman*, Pennell and Nielsen.

1. The chairman read to the subcommittee some letters received in connection with the Canada Elections Act.
2. Mr. Pennell read a letter from Kitchener.
3. The letter from Mr. Wright, Ottawa; The chairman will acknowledge receipt and inform Mr. Wright that once his research is completed, he is invited to inform the committee accordingly.
4. Schedule of meetings for the week of December 2.

It is submitted that the committee could meet:

On Monday 8.00 p.m. to 10.00 p.m.

Tuesday 9.00 a.m. to 12.00 noon.

Thursday 9.00 a.m. to 12.00 noon

Friday 9.00 a.m. to 11.00 a.m.

for a total of 10 hours in 306W.B.

The CHAIRMAN: Is it the wish of the committee that this report be adopted?

Mr. DOUCETT: Mr. Chairman, three hours seems a long time to sit at one time. You mentioned 9 a.m. to 12 noon sittings; that takes in the whole morning and, to me, it is a bit too long.

Mr. LESSARD (*Saint-Henri*): Did you say 9 a.m. to 12 noon each morning?

Mr. PENNELL: Yes, that is what the chairman said, except Fridays.

Mr. LESSARD (*Saint-Henri*): If we sit these hours we will not have any time to look after our own business.

Mr. RICARD: What Mr. Lessard said is true; if we do sit these hours there will be no time left to conduct our own business.

The CHAIRMAN: We all are aware of that difficulty; and I share your problem.

Mr. HOWARD: But is not this our business as well?

The CHAIRMAN: Part of our business, yes, and possibly the most important part of it.

We are going to try to complete our meetings by December 10 in order that Mr. Castonguay can complete his printing. That is the reason why we are spending so much time at these meetings.

Mr. LESSARD (*Saint-Henri*): If I may move an amendment, Mr. Chairman, I would suggest that we sit from 10 a.m. until 12 noon in order that we may have an opportunity to look at our mail and peruse the work we have ahead of us.

If I could have a seconder for my motion I will move that we sit from 10 a.m. until 12 noon.

Mr. RICARD: I second the motion.

The CHAIRMAN: It has been moved by Mr. Lessard and seconded by Mr. Ricard that this committee sit from 10 a.m. to 12 noon instead of 9 a.m. to 12 noon. All those in favour? Opposed?

Motion agreed to.

Gentlemen, we are on clause 33 of the draft amendments and section 65 in the act.

Mr. PENNELL: What page, Mr. Chairman?

The CHAIRMAN: It is page 243 in the act and page 28 in the draft amendments.

33. The heading preceding section 65 and sections 65 to 78 of the said act are repealed and the following heading and sections substituted therefor:

*"Other Offences.*

Offences.

65. Everyone is guilty of an offence against this act who
- (a) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;
  - (b) without authority supplies a ballot paper to any person;
  - (c) not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession;
  - (d) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;
  - (e) fraudulently takes a ballot paper out of the polling station;
  - (f) without due authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election;
  - (g) being a deputy returning officer fraudulently puts, otherwise than as authorized by this act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
  - (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
  - (i) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;
  - (j) being a deputy returning officer, places upon any ballot paper, except as authorized by this act, any writing, number or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby;
  - (k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or
  - (l) attempts to commit any offence specified in this section.

Mr. NIELSEN: I have a problem in this connection which, I am sure Mr. Castonguay is aware of. It is in regard to subclause (c), which reads as follows:

Everyone is guilty of an offence against this section who

- (c) not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession.

I am sure the northern ridings are not alone in respect of this problem. Difficulty often is experienced in getting the ballot boxes to the deputy returning officers who are appointed. Prearrangements sometimes may have to be altered on the flight, so you may end up with a ballot box changing hands two and possibly three times, from pilot to pilot of a chartered airplane, and by the time it gets to the second or third man he has no authority whatsoever to be in possession of that ballot box.

The original authorization for signing is made out to pilot A and pilot C winds up taking the ballot boxes. Under this section pilot C would be guilty of an offence as he was in possession of ballot papers in that ballot box, even though there was no other way to get the ballot box there. I do not know how you would protect an individual who goes out of his way to be helpful, as in a case like that and, at the same time, not retain the protection of the act.

Mr. CASTONGUAY: We had this problem in connection with the first election we held in Newfoundland, when one ballot box ended up at a big mail order department.

In so far as any chief electoral officer is concerned, he would not institute any proceedings against persons for that type of thing; it is part of the delivery.

Mr. NIELSEN: Yes, but the delivery is authorized.

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: You have a specific written authorization from the returning officer to the carrier who is usually designated as an agent for the purpose of carrying the ballot box, and that has to be returned to the returning officer.

Mr. CASTONGUAY: This problem exists to some extent in all these districts named in schedule 3. It exists in other districts to a greater extent. I do not know how long this particular provision has been in the act. There was a time when we used to deliver them with pack horses and dog teams, and when this means of transport was used they used to change hands often.

Mr. NIELSEN: Although I have made a technical observation perhaps from a practical point of view I am worrying too much.

In your knowledge has there ever been a conviction under this section?

Mr. CASTONGUAY: There never has been any proceedings taken under this section in respect of a situation such as you have mentioned.

Mr. NIELSEN: Has there ever been any abuse or suspicion of abuse by unauthorized carriers doing away with ballot papers or something like this?

Mr. CASTONGUAY: None has come to my knowledge nor to the knowledge of my predecessors. We have never experienced any difficulty of the type you mentioned.

Mr. PENNELL: With deference to Mr. Nielsen, it seems to me that the cardinal rule in respect of criminal offences is that you have to prove intent or mens rea to get a conviction. I know it does not have the words "intent" or "mens rea" in the section but in my brief experience I have found that the courts will lean backwards on this. As you know, the onus is on the crown to prove intent even though in respect of this section "intent" is not a required ingredient.

Mr. NIELSEN: I considered that, if you read the subclauses you will find the word "fraudulently" in all with the exception of clause (d), so that intent is written into the other subclauses.

Perhaps the following might be considered:

Not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper fraudulently has any such official ballot paper or any ballot paper in his possession.

Mr. CASTONGUAY: The only case I can recall is one wherein a book of ballot papers was taken from the ballot box of a deputy returning officer; that book contained 50 ballot papers, and the investigation showed that this book turned up in possession of a person other than a deputy returning officer. Proceedings were taken against this person and a conviction was obtained. Now, this is the only case I can recall. But, someone stole it; and, he was not the person who originally stole the ballot papers but the last one found with them.

Mr. NIELSEN: Why did he have them; was it for a fraudulent purpose?

Mr. CASTONGUAY: This was not established; he had them. It is very difficult to establish the purpose.

Mr. NIELSEN: Yet he was convicted?

Mr. CASTONGUAY: Yes, he was convicted because of this section here. But, the ballots were originally stolen from the deputy returning officer's home while he was absent from his home. The only case we could make against him was the fact he had these ballot papers in his custody.

Mr. NIELSEN: Are there very many instances of ballot boxes having the seals broken upon delivery to the deputy returning officers by transporting agents?

Mr. CASTONGUAY: I never have heard of a case since we adopted the seal; possibly some of them will come back where the seal has not been put in far enough.

Mr. NIELSEN: I am referring to before elections when the ballot boxes are distributed to the deputy returning officers.

Mr. CASTONGUAY: No, I never have heard of a case of that type.

Mr. RICARD: I would like to put a question for clarification; why do we use two different sets of words in (c), namely "of an official ballot paper" and "or of any ballot paper"?

Mr. CASTONGUAY: There are two types of ballot papers, one of which is the official. At one election in 1957 we ran into about 1,000 counterfeit ballot papers in one of the electoral districts.

Mr. RICARD: Then why not identify it as such?

Mr. CASTONGUAY: In this particular case I was amazed that only one of the 900 got by the deputy returning officer, and this speaks very well for certain people. I must say that this was a very good reproduction of the ballot papers.

Mr. NIELSEN: Was that not in Montreal?

Mr. CASTONGUAY: I do not think I should say where it was. I think the subclause reads this way to distinguish between the official ballot paper and the unofficial ballot paper.

Mr. RICARD: Then why not identify it as such, so that it will be clear? Does one refer to a counterfeit?

Mr. CASTONGUAY: It may not be a counterfeit ballot paper; it could be a ballot paper stolen.

Mr. RHEAUME: Would this prevent the practice, which sometimes creeps into those electoral ridings where people have difficulty reading and writing English, where it has been tradition that the parties manufacture facsimilies of the ballot paper once the official nominations are in and put an "X" opposite the candidate they want the person to vote for. Does that constitute a ballot paper?

Mr. CASTONGUAY: No.

Mr. RHEAUME: But it looks like one.

Mr. CASTONGUAY: No, it would not constitute a ballot paper because the "X" is usually printed on the ballot paper opposite the name of the candidate who is circulating these.

The CHAIRMAN: Are there any further questions in respect of clause 33?

Mr. HOWARD: Clause 33 really takes in a number of proposed sections.

The CHAIRMAN: Yes.

Mr. HOWARD: There is 65, 66 and 67. Some of us may be more interested in number 67 at page 30.

Mr. CASTONGUAY: I guess I have too much on my mind but I forgot that we had proposed that the hours for selling or dispensing spirits or beer would be not as they are now. Now, it is the whole day of polling day so, in effect, I put in just "during the hours that the polls are open all taverns and bars are to be closed". The objections to that were that there were two or three provinces that closed all day and others interpreted this as opening the bars after the polls closed. This would bring uniformity in it.

Mr. HOWARD: Could it not be that this might be out of our jurisdiction? I suggest that we might word this in this way: that the taverns and bars would be closed as is required by provincial regulations, that is by the provincial Liquor Act, as it relates to elections.

Mr. CASTONGUAY: We had some discussion on this and my assistant and I thought that the federal parliament could legislate on this particular matter.

Mr. HOWARD: It could?

Mr. CASTONGUAY: Yes, it could. For instance, if there is any doubt, the attorneys general of the provinces can still keep on interpreting it as they have in the past because some have interpreted they can open the bars after the polls close, while our federal legislation says that it will be all day long. This would fit into the scope of every provincial law and I think it is a better way to meet this problem than to tie it in with the Provincial Elections Act.

Mr. HOWARD: I misunderstood you; I thought you suggested it be tied in.

Mr. CASTONGUAY: Well, I mislead the members of the committee in this connection. It was unintentional, but I had quite a few things on my mind and I forgot about it.

Mr. LESSARD (*Saint-Henri*): Before closing this, Mr. Chairman, when there is an advance poll, especially in Montreal, there are some problems involved. At the advance poll during the last election in Montreal we had considerable trouble; in many places there were polls right across the road from the taverns and there was a great deal of abuse one way or another. People were being brought in to vote and they were back and forth all day long. Could anything be done in connection with that matter?

Mr. CASTONGUAY: Do you mean the tavern was open all day long?

Mr. LESSARD (*Saint-Henri*): Yes, on the day of the advanced poll. We had 300 or 400 voters at some of our advanced polls.

Mr. CASTONGUAY: The only way it could be cured would not meet with the wishes of too many people. You would have to apply the same closure and I do not think anyone would buy that. We only have 1,800 advanced polls in Canada, and to close the taverns on Saturday and Monday for these 1,800 advanced polls would not be too popular.

Mr. NIELSEN: Mr. Chairman, I have some observations to make in respect of section 67, and I was wondering, for the sake of order, if we could proceed with sections 65, 66 and then 67?

Mr. CASTONGUAY: I think you would have to start with section 65 and then go through. We have stood a lot of clauses until we got to clause 33. I would suggest you adopt clause 33 in principle, and then go back to all the ones we have stood until we reach clause 33.

Perhaps you want to do this as you have suggested, clause by clause.

Mr. NIELSEN: I have some observations to make with regard to subclause h, i and k as well as in respect of all of section 5 and all of section 66.

The CHAIRMAN: Are we agreed in principle in respect of 33? If so, we will go back to the other sections and return to 33 later.

Mr. HOWARD: I think we can agree, so long as by doing so we are not losing the right to deal with 33 later on. I think that is Mr. Nielsen's contention.

Mr. CASTONGUAY: We now move to page 2, clause 3 of the draft bill.

3. Subsection (3) of section 7 of the said act is repealed and the following substituted therefor:

(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the chief electoral officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do is guilty of an offence against this Act.

Mr. CASTONGUAY: That is the clause we have studied. There is no substantive change. This is part of the consolidation of the penalty offence. You will notice on the righthand side of the draft bill the old subsection.

Mr. NIELSEN: With regard to the subclause, I think that a failure to comply on the part of the returning officer might well affect the outcome of the election. I am not aware of any section in the act which would provide that if such a failure on the part of the returning officer to comply with subclause 3 resulted or affected the outcome of the election it would be grounds for controverting the election. I think this should be the case, because if there is a failure on the part of an election officer which does affect the outcome of the election, surely this should be grounds for controverting the election and holding a by-election.

Mr. CASTONGUAY: We have not experienced a case of this type.

Mr. NIELSEN: You have had good returning officers.

Mr. CASTONGUAY: That is exactly right. Over the last 30 or 40 years there has not been a case to my knowledge where a returning officer has failed to comply with this provision, or where a failure to comply has affected the outcome of an election. These returning officers are responsible people. I am in charge of them and if there is any breakdown I step in immediately. We have had cases of deaths, for instance, in the middle of an election.

Mr. NIELSEN: The only point in this regard, Mr. Castonguay, is this. If you place subclause 3 in the legislation anticipating that there might be such a failure, then perhaps we should look ahead with the same anticipation in respect of a remedy if such a situation develops.

Mr. CASTONGUAY: This provision is not new. All we have taken out of the old provision is the penalty offence. This is the same old section. It is not a new section. This is part of the revision and all we have done is take the penalty part out of this because it goes into the consolidation.

Mr. NIELSEN: We are amending the subclause.

Mr. CASTONGUAY: We are amending the subclause.

Mr. RICARD: Mr. Chairman, what is the reason for crossing off that \$1,000 penalty?

Mr. CASTONGUAY: We have made a general revision of the penalty offence procedures. Now there is one appearing at page 34, section 78. These are the penalties for every offence under the Canada Elections Act.

Mr. RICARD: I was at the committee when that was originally put in the act.

Mr. CASTONGUAY: The clauses to which you are referring at this stage are those clauses in respect of which we have extracted the penalties. We now have one uniform penalty section. We have not changed the substance of any clause that you will be dealing with. All we have done is remove the penalty.

Mr. NIELSEN: Mr. Chairman, perhaps Mr. Castonguay would consider the validity of the point I have made.

Mr. CASTONGUAY: I realize such a thing can happen the first time, but keeping in mind the powers of the chief electoral officer, I cannot see how this could happen.

Mr. NIELSEN: If there was a failure you would intervene?

Mr. CASTONGUAY: I have intervened in the case of failures, and I do not mean intentional failures, but deaths and illnesses. Any chief electoral officer who cannot cope with such a situation does not deserve to be in office. I have the powers to order an investigation immediately. I have the powers to suspend an officer and replace him. I frankly feel we should get a new chief electoral officer if this should happen because the chief electoral officer has the power to cope with the situation.

Mr. NIELSEN: All right.

The CHAIRMAN: Carried?

Some hon. MEMBERS: Carried.

Section agreed to.

Mr. CASTONGUAY: We turn to page 7, section 17, subsection 14 at the bottom of the page. There is no change in substance.

(3) Subsection (14) of section 17 of the said Act is repealed and the following substituted therefor:

Illegal arrangements with regard to election printing an offence.

(14) Everyone is guilty of an offence against this Act who

- (a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act, or
- (b) pays, agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act.

The CHAIRMAN: Is it carried?

Some hon. MEMBERS: Carried.

Agreed to.

Mr. CASTONGUAY: Page 8 at the top of the page, clause 4, subsection 17 and subsection 18.

Liability of enumerators.

"(17) Any enumerator is guilty of an offence against this act who wilfully and without reasonable excuse,

- (a) includes in any list of electors prepared by him the name of any person whom he has not good reason to believe has the right to have his name included,

- (b) omits to include in any list prepared by him the name of any person whom he has good reason to believe has the right to have his name included, or
  - (c) gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person whom he has good reason to believe is not qualified or competent to vote at the election.
- Obstructing enumerator or revising agent an offence.

(18) Everyone is guilty of an offence against this act who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this act.

Mr. NIELSEN: Mr. Chairman, I am again concerned about the remedy if an enumerator acts fraudulently and the outcome of the election is affected. Nowhere else in the act that I am aware of is there a provision which makes a failure by an enumerator grounds for controverting an election if that failure affects the outcome of the election. I do not think Mr. Castonguay has as tight control over election officers in this regard, particularly if there is connivance.

Mr. CASTONGUAY: Mr. Nielsen, would section 83 appearing at page 251 allay your fears in regard to these matters?

Mr. NIELSEN: I am familiar with that section, but nowhere in that section is reference made to the failure of an enumerator either knowingly or unknowingly. This does not concern me directly in my riding, but it certainly should be of concern to individuals in larger urban ridings. I remember one case in Toronto, where a complete block of residents in fictitious residences were placed on the enumeration list, and the block in question was an open lot. I believe that occurred in 1957 or 1958.

Mr. CASTONGUAY: To affect this election these fictitious people must have voted, and proof shown that they had voted. This was not done during the enumeration, Mr. Nielsen. This was a new technique carried out during the period of revision.

Mr. NIELSEN: Mr. Castonguay, supposing the enumerator knowingly left 100 names off the list, or perhaps 50 names off the list and the majority was 45, we would then have a fraudulent act on the part of an enumerator yet there is no remedy.

Mr. CASTONGUAY: There are many safeguards. If this is done in a rural area the electors still can vote.

Mr. NIELSEN: I am not concerned with rural areas.

Mr. CASTONGUAY: If this were done in an urban area it could be corrected because the lists are mailed and posted and there is a period of revision. You must also remember that I have the power to extend revision in an urban area. I have done this and extended the period up until the Saturday preceding a polling day, not in cases where enumerators knowingly or willfully omitted names, but did so purely by mistake. I have on occasions extended the period of revision, in order to correct major mistakes of this type, up until the Saturday before a general election.

Mr. DOUCETT: You receive complaints in respect of names left off the list rather than names being put on; is that right?

Mr. NIELSEN: I am not proposing any amendment. There is, of course, the additional safeguard of having two enumerators.

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: You have two enumerators, one from each side.

Mr. CASTONGUAY: Every opportunity is given to an elector to have his name placed on the list up to 16 days before polling day in urban areas, so that mistakes of this type usually are turned up by the agents of the candidates

or the organizations of the candidates in an electoral district. I am not suggesting that we discover every major mistake made by enumerators, but I think most of these errors are turned up in the days shortly before polling day. I do not think there are any major mistakes missed. Certainly there is the odd name of an elector omitted, but as far as major mistakes are concerned, it would be awfully difficult to leave them buried until the day of an election.

The CHAIRMAN: Carried?

Some hon. MEMBERS: Carried.

Section agreed to.

The CHAIRMAN: Clause 15 at page 17 is the next item.

15. Subsection (4) of section 22 of the said act is repealed and the following substituted therefor:

False statement of withdrawal of candidate.

(4) Everyone is guilty of an illegal practice and of an offence against this act who, before or during an election, for the purpose of procuring the election of another candidate, knowingly publishes a false statement of the withdrawal of a candidate at the election.

Mr. NIELSEN: Speaking as a candidate, Mr. Chairman, I should like to see that word "knowingly" taken right out of the section. I should like to make this suggestion in respect of one or two other of the clauses. "Everyone is guilty of an offence who for the purpose of procuring the election of another candidate, knowingly or not, publishes a false statement of the withdrawal of a candidate". It is the intent in this case which is important and such an act must be done knowingly. This is a dirty low down trick, and if it is done it should be an offence and punishable.

Particularly in rural areas where isolation is a factor, a rumour like this can be very disastrous to the outcome of an election. I cannot think of a better example of a riding where this could happen than Mr. Rheaume's riding in the Northwest Territories where he can only go once during his campaign to Alert. If he visits there early in his campaign and then a rumour of this type is started he cannot possibly get back to refute it. I think it should be an offence whether an individual makes such a statement knowingly or not. I think a man who makes such a false statement should be punished.

The CHAIRMAN: Do you wish to delete the word "knowingly"?

Mr. NIELSEN: I so move, Mr. Chairman.

Mr. CASTONGUAY: I should like to refer to one problem in this regard as I see it. In respect of the two newspapers which published the results of the two advanced polls during the last election, these newspapers might have in good faith published those facts, and you may run into difficulty in this regard. I used the expression "in good faith" because the newspapers may have felt their information was correct but did not have a chance to verify it.

Mr. NIELSEN: Yes, but that point is not relevant to this section. This section refers to a rumour for the purpose of procuring the election of another candidate, and that is the *mens rea* or criminal intent. It says: "... knowingly publishes a false statement of the withdrawal of a candidate ..." and there is no reference to advanced polls. I do not think this can be stretched that far.

Mr. CASTONGUAY: I am not trying to relate it to advanced polling, Mr. Nielsen.

Mr. ROCHON: In the case of someone making a false statement for the purpose of embarrassing a candidate, are you suggesting the candidate might suffer?

Mr. NIELSEN: Yes.

Mr. HOWARD: This may not be the case in Montreal, but in the Yukon, Northwest Territories and other remote areas this is a decided possibility.

The CHAIRMAN: Such a statement might not have any effect when a candidate is able to talk to the voters daily, but it might have an effect in remote areas.

Mr. CASTONGUAY: I am not trying to relate this to advanced polls, I am just stating that if a newspaper, from a credible source, has information to the effect that candidate X has withdrawn, and publishes this information, can the newspaper be prosecuted?

Mr. NIELSEN: No, because there is protection in respect of newspapers provided by the words ". . . for the purpose of procuring the election of another candidate . . .". If there is proof that a newspaper has published certain information for that purpose, then the newspaper will have committed an offence under the section, in my opinion. However, there is protection provided for a bona fide newspaper in the words ". . . for the purpose of procuring the election of another candidate . . .". The defence of an accused charged under this section is the denial on the part of the accused that he made or published such a statement for the purpose of procuring the election of another candidate. I am suggesting that we delete the word "knowingly".

The CHAIRMAN: Mr. Nielsen has moved, seconded by Mr. Howard that the word "knowingly" be deleted from subsection of section 22.

Mr. ROCHON (*Interpretation*): I should like to have some information about penalties.

Mr. CASTONGUAY (*Interpretation*): That is in the clause.

The CHAIRMAN: The penalty is set forth at page 34 of the draft amendments under clause 78 which reads:

Everyone who is guilty of an offence against this act is liable on summary conviction to

- (a) a fine not exceeding one thousand dollars;
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

Mr. ROCHON (*Interpretation*): This is a precedent of which I do not approve. A candidate could make some arrangement with someone else in his constituency and that fellow could carry out poor publicity for him, and he could sue that man.

Mr. ROCHON: He would have the chance to go back once or twice to his community.

Mr. NIELSEN: There is no provision in the act for a civil suit; all this section does is create an offence if someone for the purpose of procuring the election of a particular candidate publishes a false statement on the withdrawal of that candidate, and if anyone does that it is an offence under the act.

I will have other representations to make under the new section 82: if a candidate or official agent, does this, it is an illegal action and constitutes grounds for controverting the election.

Mr. PENNELL: You say there are two ingredients, Mr. Nielsen; firstly, it is done for a purpose and, secondly, it must be done knowingly.

Mr. NIELSEN: Yes.

Mr. PENNELL: And, if it is done for the purpose, as outlined, he is guilty?

Mr. NIELSEN: Yes. To my mind the only defence to the case could be that he did not do it to controvert the election.

Mr. PENNELL: I am trying to find out for what other reason he would do it.

Mr. NIELSEN: I would suggest this is another reason for deleting the word "knowingly".

The CHAIRMAN: If the members back there are speaking for the record, would they please speak up so that the reporter can put down what they say. Is everyone agreed that we take out the word "knowingly" in this section?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: The next one is on page 19, clause 17, which states:

Section 29 of the said act is repealed.

It is now on page 28, new section 65. There is no change at all in the substance of this.

The CHAIRMAN: If there is no objection, carried.

Mr. CASTONGUAY: Page 21 is the next one, clause 20:

Section 38 of the said act is repealed.

It is now 68 (g) on page 31 of the draft bill.

Induces or procures any other person to vote in an election knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election.

That is the way it is now and there is no change in substance.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: Then, the same page, clause 22:

Offence.

22. Subsection (3) of section 44 of the said act is repealed and the following substituted therefor:

(3) Everyone is guilty of an illegal practice and of an offence against this act who contravenes or fails to observe any provision of this section.

The CHAIRMAN: If there is no objection, carried.

Mr. CASTONGUAY: The next one is on page 22; in the middle of the page you get a new subsection, (3 a):

Every person who makes any written record of the printed serial number appearing on the back of the counterfoil of a ballot paper is guilty of an offence against this act.

This is new. As you know, the counterfoil of the ballot paper is left on the ballot paper until the ballot paper is returned to the deputy returning officer; he tears it off and then drops the ballot paper in the ballot box. When he tears that counterfoil off there is a number on it. But, there is not one on the ballot paper when he gets the ballot paper back. The deputy returning officer checks the number on the counterfoil against the one on the stub in the ballot book; if it is the same one he tears the counterfoil off and puts the ballot paper in the ballot box.

It has been brought to my attention that in some places they leave the counterfoil on and someone takes a record of that number and puts it on the list of electors, so when they count the ballot papers at night they should have a complete record of how everyone voted.

Mr. DOUCETT: Would they not have to leave them all on?

Mr. CASTONGUAY: All, or just a few, inadvertently. They might leave three or four on and just take the numbers of those three or four. May I say, this is not general, and I do not want you to get that impression. However, I do feel it should be in there.

Mr. NIELSEN: You mean left under section 45?

Mr. CASTONGUAY: It will be in section 45. It is at page 22 now of the draft bill and it will be included in section 45 by a new (3a). I think anyone in a poll who takes the number off that counterfoil and puts it on a list and keeps a record is not doing it only for the fun of it.

Mr. NIELSEN: I agree wholeheartedly with the principle but I think the amendment should be under section 44 which covers the secrecy provision.

Mr. CASTONGUAY: Well, this is a matter of drafting.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: The next is at page 23, and clause 24 is the first one.

24. Subsection (4) of section 46 of the said Act is repealed and the following substituted therefor:

Illegal vouching an offence.

(4) Every elector is guilty of an illegal practice and of an offence against this act who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election.

Mr. HOWARD: Is it an offence for a person to take the oath? I believe it is.

Mr. CASTONGUAY: Yes, it is.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: Clause 25 on the same page is next.

25. Subsections (5) and (6) of section 49 of the said act are repealed and the following substituted therefor:

Offence.

(5) Everyone who violates, contravenes or fails to observe any of the provisions of this section is guilty of an offence against this Act.

The CHAIRMAN: Carried.

Mr. BREWIN: What has happened to subsection 5; the old subsection 5 deals with spirituous and fermented liquors and I would like to know where it got to. It has not disappeared, has it?

Mr. CASTONGUAY: No; it is in section 67 now.

Mr. HOWARD: Mr. Mather wants us to include tobacco in that section as well.

The CHAIRMAN: Clause 25, carried.

Mr. CASTONGUAY: Then, the same page, clause 27.

27. Subsection (7) of section 52 of the said act is repealed and the following substituted therefor:

Not obeying summons of returning officer an offence.

(7) Any person is guilty of an offence against this act who refuses or neglects to attend on the summons of a returning officer issued under this act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: The next is clause 29 at page 25.

29. Section 57 of the said act is repealed and the following substituted therefor:

Delay, neglect or refusal of returning officer to return elected candidate an offence.

57. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election is guilty of an offence against this act.

Mr. CASTONGUAY: There is no change at all in substance.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: Then we go to page 28, and then I think we have done all the sections we have allowed to stand up to clause 33. So, everyone after that is on its own. We deal with page 28 and then you are dealing with section 65.

Mr. NIELSEN: I wonder if it would be possible for the committee to consider favourably my suggestion in subclause (c). The subsection reads as follows:

Not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession.

I would ask that the word "fraudulently" be inserted before the word "has", in the third line of that subclause.

Mr. CASTONGUAY: I have no objection to that. From my point of view, this is a matter of choice by the committee. I have no problems which would be resolved by the insertion of this word.

Mr. NIELSEN: In this connection I am thinking of an accused person who might be quite innocently in possession of ballot papers through an act of assistance to the election machinery and for the proper functioning of that machinery.

The case which you stated, Mr. Castonguay, resulted in a conviction of someone who merely had in his possession ballot papers.

Mr. CASTONGUAY: Yes, that had previously been stolen.

Mr. NIELSEN: But the person who had them in his possession was convicted. I do not know what the circumstances were and I am not familiar with the case itself, but in respect of a person charged with having ballot papers in his possession it would seem proper that it should be shown before he is liable to be convicted that he had those ballot papers in his possession for a fraudulent purpose.

If it is the wish of the members of this committee that it should be an offence merely to have a ballot paper or ballot papers in their possession, then my amendment should not be adopted, but if the committee feels there must be some criminal intent on the part of any person who has ballot papers in his possession then my amendment should be adopted for the protection of accused persons.

Mr. HOWARD: If this would protect the individual in the circumstances related by Mr. Nielsen, where the individual participates in transmitting a

ballot box to the deputy returning officer, as is the case all across the north pretty well, I believe it should go in; he needs it.

The CHAIRMAN: But if it is for the protection of one who has 50 ballots in his possession that would not be the same thing at all.

Mr. NIELSEN: I think the fact he would have 50 in a book in his possession would give an indication of fraud immediately, but as Mr. Castonguay said it was not at issue in that particular case. Fraud did not have to be shown in that case, but I think it could have been.

Mr. CASTONGUAY: I do not think it could have been in this particular case.

The book of 50 ballots was stolen from the ballot box that was in the custody of a deputy returning officer at his own home. Through the investigation carried out by the R.C.M.P. these ballot papers were located in the house of another person, and he did not have any reasonable excuse for having these ballot papers, so we did not have to prove intent of fraud; he just merely had them. It would have been difficult in this case perhaps to prove fraud.

Mr. PENNELL: He could be charged under other sections of the criminal code.

I suggest he might be charged under the old "possession" section; if they were stolen then he would be in recent possession and he would have to give an explanation for it.

Mr. CASTONGUAY: But we did not have to use that; we only charged him under this section.

Mr. BREWIN: Would it be better if we did not put the word "fraudulently" in, but something to the effect: "without reasonable justification". "Fraudulently" is a pretty darn hard thing to prove sometimes, and it might enable someone to really commit an offence and get off because of the difficulty of establishing an actual state of mind, whereas if you put in "without justification" then it would be up to him. That would still protect the person who was conveying these, one who had been asked to do something by the deputy returning officer, and it would be justified. Of course, leaving the obligation on him to explain the situation rather than leaving the obligation on the crown to prove a state of mind, would be a very difficult problem.

Mr. GREENE: Perhaps you might put in a definite or presumption section: for the purpose of this act it shall be presumed to be fraudulent, if he does not show a justifiable cause.

Mr. PENNELL: I appreciate Mr. Green's remarks. However, I think the general rules in respect of interpretation of when there are presumptions and when there are not presumptions will cover this act adequately.

Mr. NIELSEN: I like Mr. Brewin's suggestion precisely because I do not think we should be so restricted we cannot lay by the heels offenders under the act.

Mr. Brewin, I wonder if instead of inserting the word "fraudulently" before the word "has" we inserted the words "without authority", would that meet the point, because at least there is some semblance of authority in the case of an individual transporting a ballot box in the circumstances we have described. That would protect the carriers but make it awfully hard for the accused because there would still be an obligation on his part to explain why he has these ballot papers.

The CHAIRMAN: It has been moved by Mr. Brewin and seconded by Mr. Nielsen that the word "fraudulently"—

Mr. CASTONGUAY: No; you are adding words.

Mr. NIELSEN: I will withdraw my original motion if Mr. Howard will withdraw as seconder of the motion.

Mr. HOWARD: The chairman has withdrawn it.

The CHAIRMAN: Then we will change it. It has been moved by Mr. Nielsen and seconded by Mr. Howard that in respect of subsection (c) the words "without authority"—

Mr. CASTONGUAY: The words "without authority" are to be inserted after the words "ballot paper" in the 35th line.

Mr. NIELSEN: So the whole subclause will read as follows:

Not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper has, without authority, any such official ballot paper or any ballot paper in his possession.

Mr. CASTONGUAY: Yes.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Amendment agreed to.

The CHAIRMAN: We will read this so the secretary will know the one to which we are referring. It states: "not being a person entitled under this act to be in possession of an official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession;" and you are suggesting that the words "without authority" should be added. That is, "without authority any such ballot paper or any ballot paper in his possession".

Mr. GREENE: I wonder whether that would solve Mr. Rheaume's problem? This definitely refers to ballot papers and would exclude those little cards which are passed around but which look very much like ballot papers. Perhaps a person passing around those cards could be charged under this section.

Mr. CASTONGUAY: A ballot paper is defined and there is no problem in this regard.

The CHAIRMAN: Is subclause (c) carried with the amendment?

Some hon. MEMBERS: Carried.

Subclause agreed to.

The CHAIRMAN: We shall consider subclause (d) which reads "fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;"

Some hon. MEMBERS: Carried.

Subclause agreed to.

The CHAIRMAN: We shall move to (e), "fraudulently takes a ballot paper out of the polling station;"

Some hon. MEMBERS: Carried.

Subclause agreed to.

The CHAIRMAN: We shall move to subclause (f) "without due authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers when in use for the purpose of the election;"

Mr. NIELSEN: Mr. Chairman, I question the use of two words in that subclause. I do not see any necessity for the word "due". I do not see any difference between "due authority" and "authority". I also question the necessity of the word "takes".

Mr. CASTONGUAY: We have experienced goon squads walking into polling stations and, whether stealing or taking, have removed ballot papers and put them in ballot boxes or have taken them out of the polling station.

Mr. DOUCETT: They took them without authority.

Mr. CASTONGUAY: They certainly took them without authority, yes. I agree that the word "due" does not add very much, but I should like to see the word "takes" left in.

The CHAIRMAN: Do you wish to delete the word "due"?

Mr. NIELSEN: I move that we delete the word "due".

The CHAIRMAN: It has been moved by Mr. Nielsen, seconded by Mr. Rheume that the word "due" in subclause (f) be deleted. Shall subclause (f) be adopted as amended?

Some hon. MEMBERS: Agreed.

Motion agreed to.

The CHAIRMAN: We shall consider subclause (g), "being a deputy returning officer fraudulently puts, otherwise than as authorized by this act, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election,"

Mr. NIELSEN: Mr. Chairman, there is a complete phrase in this subclause which I suggest is useless and I refer to the phrase "otherwise than as authorized by this act." I think these words should be deleted so that the subclause would read: "being a deputy returning officer fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election". If a returning officer does such a thing in any way other than as authorized by this act he is doing it fraudulently.

Mr. BREWIN: Mr. Chairman, I would put this the reverse way. This act surely does not authorize the fraudulent actions of deputy returning officers.

Mr. NIELSEN: That is right.

The CHAIRMAN: Mr. Nielsen, you are moving that we delete the words "otherwise than as authorized by this act"?

Mr. NIELSEN: Yes.

The CHAIRMAN: Mr. Nielsen has moved seconded by Mr. Rheume, that the words in the second line of subclause (g) "otherwise than as authorized by this act" be deleted.

Mr. NIELSEN: Did the committee reporter get Mr. Brewin's remarks of a moment ago, because they are important if and when the courts look back on these proceedings, which they may well do?

The CHAIRMAN: Is subclause (g) adopted as amended?

Some hon. MEMBERS: Adopted.

Subclause agreed to.

The CHAIRMAN: We will now move to subclause (h), "with fraudulent intent, prints any ballot or what purports to be or is capable of being used as a ballot paper at an election".

Mr. RICARD: Mr. Chairman, in respect of subclause (h), because of the words "with fraudulent intent", any person who takes it upon himself to print some ballots automatically in my opinion has the intent of printing them for use in an improper manner in contravention of the law. Perhaps we could replace those words with "without authority to print".

Mr. CASTONGUAY: Mr. Chairman, Mr. Anglin has an observation to make in this regard.

Mr. E. A. ANGLIN, Q.C. (*Assistant chief electoral officer*): If you make that change you are placing an authorized printer in a difficult position. An authorized printer prints ballot papers under the authority of the returning officer.

Mr. RHEAUME: Mr. Chairman, Mr. Nielsen has a suggestion which will overcome this difficulty.

Mr. NIELSEN: Mr. Chairman, I suggest that we delete the words "with fraudulent intent" and substitute the words "without authority" we will cover authority. The authority for printing ballot papers is very detailed in the act, and this is the only way this should be done. If we delete the words "with fraudulent intent" and substitute the words "without authority" we will cover the situation. Here again, anyone who prints a ballot paper, as Mr. Ricard has pointed out, unless he is duly authorized so to do under the act, should be guilty of an offence whether any intent is apparent or not. If someone does print ballot papers without authority he commits an offence.

Mr. CASTONGUAY: I agree as long as the printer who has a contract to do so is protected.

The CHAIRMAN: Mr. Ricard, seconded by Mr. Nielsen, moves that the words "with fraudulent intent" be substituted by the words "without authority". Does subclause (h) as amended carry?

Some hon. MEMBERS: Carried.

Motion agreed to.

The CHAIRMAN: We shall consider subclause (i), "being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;"

Mr. NIELSEN: Mr. Chairman, we are again dealing with the question of intent. I do not know whether it has ever occurred, Mr. Castonguay, but what about a printer who quite innocently prints an over-run? This subclause would make him guilty of an offence, and although he is authorized to print 6,000 but prints an extra page of 50 on an over-run, or two pages, he would be guilty of an offence. I feel such a printer should be protected by inserting the word "fraudulently".

Mr. CASTONGUAY: That is a good point. Such a situation has never occurred, or there has never been any prosecution under this provision.

Mr. RHEAUME: I think printers destroy all the extra ballots.

Mr. NIELSEN: They may destroy the extra ballots, but the offence is in having the extra.

Mr. CASTONGUAY: They are supposed to return the extras.

Mr. RHEAUME: I think there are words in that section which are unnecessary.

Mr. CASTONGUAY: If you have a desire to protect the printer along those lines I would agree with you, and that can be done by changing it to read "fraudulently prints without authority".

Mr. NIELSEN: Do we need to include the words "without authority", or could we just leave it "being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;"?

Mr. CASTONGUAY: Yes, that is all right.

Mr. NIELSEN: I think that would protect a bona fide printer in respect of an innocent act of this type.

Mr. CASTONGUAY: You are suggesting that we add "fraudulently" and delete the words "without authority".

The CHAIRMAN: Mr. Nielsen has moved, seconded by Mr. Rheaume, that we add the word "fraudulently" and delete the words "without authority" so that the subclause will read: "being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print."

Mr. NIELSEN: I think it should read "fraudulently prints".

The CHAIRMAN: Is that subclause as amended carried?

Some hon. MEMBERS: Carried.

Motion agreed to.

The CHAIRMAN: We shall consider subclause (j) which reads, "being a deputy returning officer, places upon any ballot paper, except as authorized by this act, any writing, number or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby;"

Mr. NIELSEN: Mr. Chairman, I am sorry to appear to be raising observations in respect of every one of these subclauses, but Mr. Brewin's observation would apply in this regard. Surely a returning officer cannot be authorized by the act to put any writing on a ballot paper that might identify the elector, and that is the implication that might be arrived at from a reading of this subclause.

It seems to me that the offence should be related to a returning officer putting any mark on a ballot paper except as authorized by the act. If a returning officer puts any mark on the paper except that authorized by the act he is guilty of an offence. I do not think we should be concerned as to why such a returning officer put a mark on a ballot, because it is an offence for him to do so. I suggest that we should change the subclause to read: "being a deputy returning officer, places upon any ballot paper any writing, number or mark so that the elector to whom such ballot paper is to be, or has been, given may be identified thereby;"

The CHAIRMAN: Mr. Nielsen, would you write out that amendment? It is quite long and I want to be sure we have it right.

Mr. NIELSEN: Mr. Pennell has suggested that perhaps we could simply delete the words "except as authorized by this act" and accomplish our purpose. We want to catch the deputy returning officer who has the intent of identifying an elector by putting a mark on a ballot other than authorized by the act.

The CHAIRMAN: It has been moved by Mr. Nielsen, seconded by Mr. Pennell, that we delete the words "except as authorized by this act". Is the subclause carried as amended?

Some hon. MEMBERS: Agreed.

Mr. HOWARD: I will vote yes so that someone votes, otherwise it is a tie. Amendment agreed to.

The CHAIRMAN: We shall consider subclause (k), "manufacturers, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of an election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated;"

Mr. RICARD: Mr. Chairman, I think the word "knowingly" should be included in this subclause. A manufacturer may be asked by a third party to manufacture a certain device without any knowledge of its use, and he could be prosecuted. I suggest the word "knowingly" should be inserted at the beginning of this subclause in order to protect such an individual.

Mr. NIELSEN: Mr. Castonguay, have there been any prosecutions under this provision?

Mr. CASTONGUAY: No. All our ballot boxes are manufactured by the industrial section of the penitentiary division.

Mr. RHEAUME: They are honest.

Mr. HOWARD: What is the cost, Mr. Castonguay?

Mr. CASTONGUAY: Our cost is \$2.59 per ballot box.

Mr. HOWARD: Is the cost \$2.59 per ballot box?

Mr. CASTONGUAY: Yes. We are not using plywood in them.

Mr. HOWARD: Why do you not make the compartments out of metal?

Mr. CASTONGUAY: We cannot find any B.C. fir.

Mr. DOUCETT: I understand this is a safety clause. This has never been used. It would be very difficult for someone to accomplish such a thing without the assistance of a returning officer.

Mr. BREWIN: On the other hand, Mr. Chairman, it would be extraordinarily difficult to manufacture such a device without having some knowledge of its use. It does not seem to me that a person could unknowingly manufacture a ballot box containing some secret compartments without being aware of the intended use.

Mr. RHEAUME: I think the fact that the manufacturers themselves cannot vote is an added safeguard.

Mr. NIELSEN: Mr. Chairman, I must make an urgent phone call and I have some remarks in respect of section 66. I will only be away for a moment.

The CHAIRMAN: Is subclause (k) accepted without amendment.

Some hon. MEMBERS: Agreed.

Subclause agreed to.

The CHAIRMAN: We will consider subclause (l), "attempts to commit any offence specified in this section."

Some hon. MEMBERS: Agreed.

Subclause agreed to.

The CHAIRMAN: We will stand section 66 until Mr. Nielsen returns.

We will now refer to the proposed amendments to section 67 as appearing on page 30 of the draft amendments.

Liquor not to be sold on polling day.

67. Everyone is guilty of an offence against this Act who at any time during the period commencing at eight o'clock in the forenoon and ending at seven o'clock in the afternoon on ordinary polling day sells, gives, offers or provides any fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held.

The CHAIRMAN: Are you satisfied in this regard, Mr. Brewin?

Mr. BREWIN: I am very well satisfied, Mr. Chairman.

Mr. RHEAUME: Mr. Chairman, we are going to have some change in regard to the Northwest Territories again by spelling out specific times. We are going to get into difficulties.

Mr. CASTONGUAY: The polling hours would be set by whatever amendment we provide in your area. The polling hours would be uniform.

Mr. RHEAUME: They are uniform now and this is where the problem occurs.

Mr. ANGLIN: I was under the impression that when we were discussing this provision we were going to confine this provision to covering the opening of ballot boxes without covering other operations, in which case the hours of polling would be at different times. The hours of polling would be set by central standard time, or whatever it happens to be.

Mr. RHEAUME: That is the situation at this time.

Mr. ANGLIN: Yes, but ballot boxes would not be opened at Frobisher bay until the ballot boxes at the furthestest point west are opened.

Mr. RHEAUME: You have a problem when you say "between eight o'clock in the forenoon and ending at seven o'clock in the afternoon on ordinary polling day".

Mr. ANGLIN: Yes, but the hotels and like places would be closed in the area while voting was taking place in that area. These places would be closed in area A while voting was taking place in that area, and closed in area B while voting was taking place in that area.

Mr. RHEAUME: We are running into the same difficulty as before. If you do not allow the sale of liquor, as set out in section 67, and you describe it in terms of time—that is, specific time—then, in fact, the bars at Frobisher bay will be open during the time they are still voting, if you set it by time.

Mr. CASTONGUAY: In any event, whatever the members approve there could be a consequential amendment made to section 67 to apply to this section 67; we would have to put a subsection in to cover the problem. Whatever solution is arrived at which would meet your particular wishes in so far as the opening of the ballot boxes and so on are concerned, that solution hinges on what will be inserted in here. This applies already in all provinces of Canada, and in respect of any solution we arrive at in respect of your particular electoral district we could make a consequential amendment when we solve the other problem.

Mr. RHEAUME: But, if it said: "during the hours that the polls are open" rather than specifying the time; it would not change it in every province and it would prevent the necessity of putting a subsection in for my own constituency. If you said just: "during the hours the polls are open" I think that would handle it.

Mr. CASTONGUAY: Yes, that would achieve that.

Mr. NIELSEN: Would it help if you deleted the words: "within an electoral district"?

Mr. CASTONGUAY: Well, we have Saskatchewan and perhaps there are four electoral districts on two different time zones.

Mr. NIELSEN: I see.

Mr. CASTONGUAY: I think Mr. Rheaume's suggestion would cure it completely.

The CHAIRMAN: Would you write out your motion, Mr. Rheaume, in order that we may have it?

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, I raised a question awhile ago about the advance poll; I wonder if Mr. Castonguay could make a study on that matter?

Mr. HOWARD: Let us wait until we get through with this other matter.

Mr. LESSARD (*Saint-Henri*): Well, Mr. Rheaume is writing down his amendment and I thought in the meantime we could have a word on it.

Mr. HOWARD: And in the midst of that the amendment is presented; I think we should withhold the interjection of another thought at this time.

The CHAIRMAN: It does not matter because once he brings the amendment in we stop and consider the amendment.

Mr. RHEAUME: The effect of my amendment if I could give you a suggestion on it, would be:

Everyone is guilty of an offence against this act who at any time while the polls are open on ordinary polling days, sells, gives, offers or provides . . .

and, so on.

Mr. CASTONGUAY: Would you prefer "during the hours the polls are open" on ordinary polling days?

Mr. RHEAUME: Yes, on ordinary polling days; delete all the other words.

The CHAIRMAN: The Clerk will read the proposed amendment to section 67.

The CLERK: The amendment will read: "Everyone is guilty of an offence against this act who, at any time during the hours the polls are open on ordinary polling day, sells, gives, offers or provides fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held."

The CHAIRMAN: Are there any objections to that suggested amendment?

Amendment agreed to.

The CHAIRMAN: We will now revert to the proposed changes in section 66 as appearing on page 29 and 30.

Treating of any person.

66. (1) Everyone is guilty of an offence against this Act who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

(2) Subsection (1) does not apply to  
Official agent may furnish refreshment.

(a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or

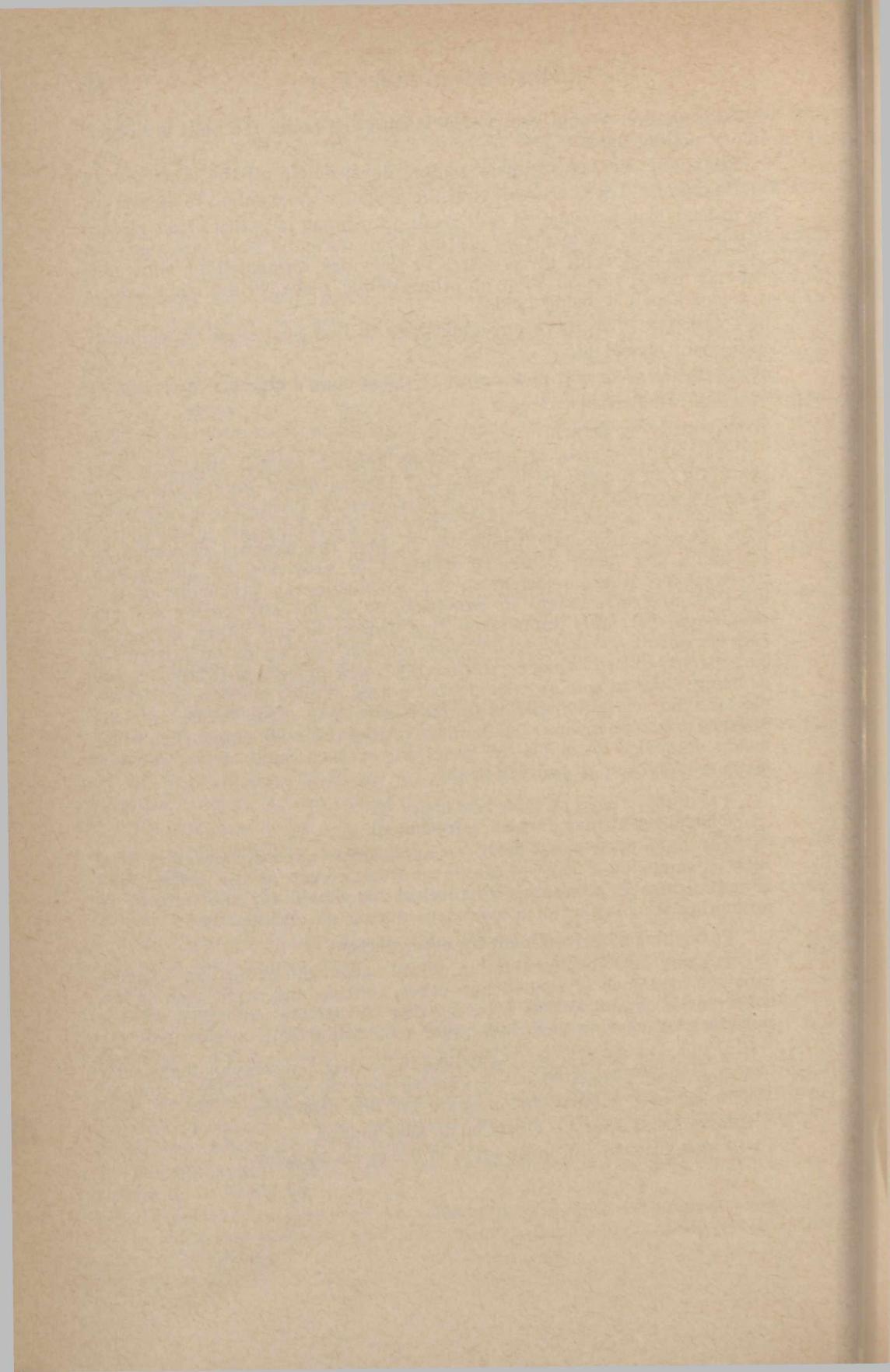
Furnishing of refreshment by other persons.

(b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election.

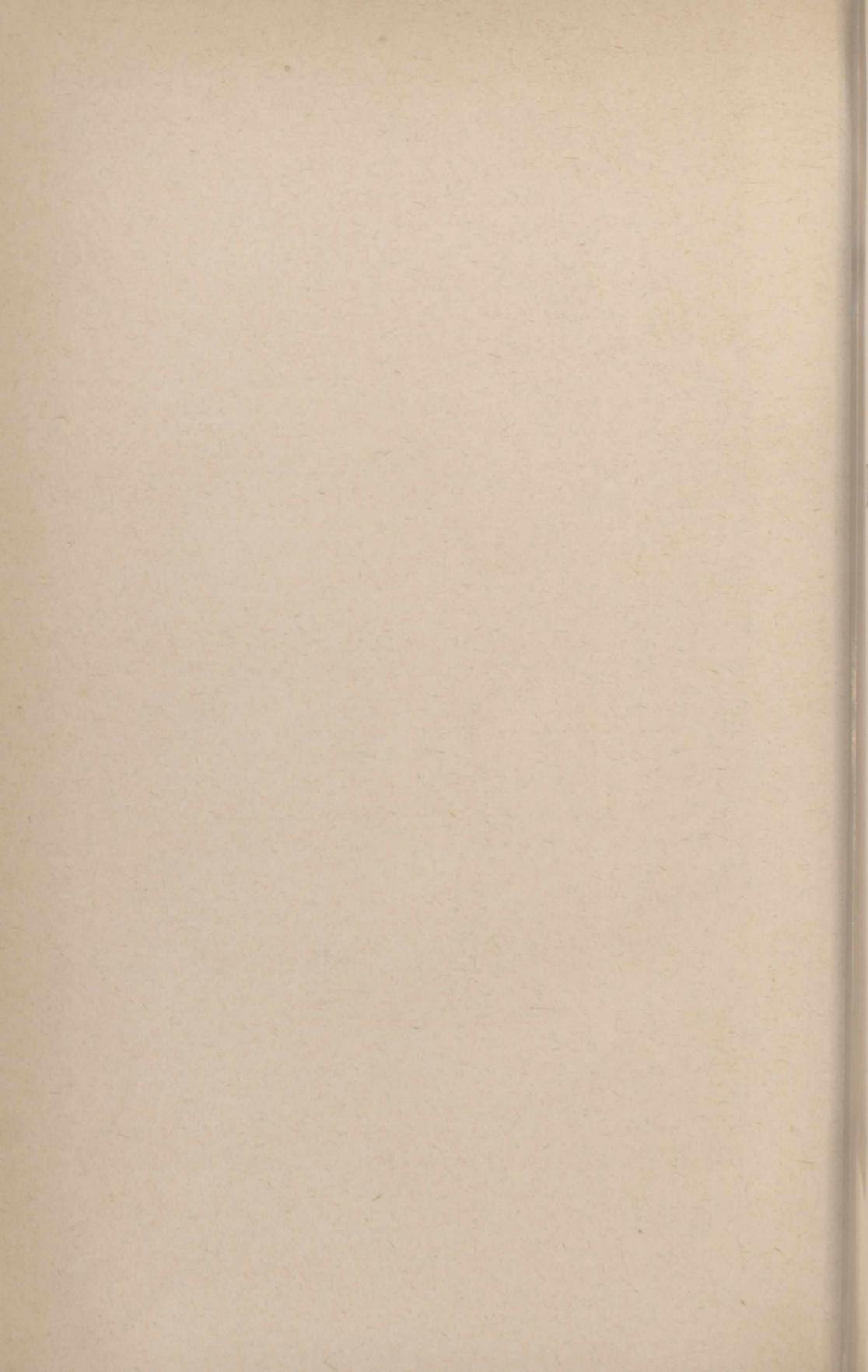
Mr. NIELSEN: Mr. Chairman, it will take more than ten minutes to consider these provisions and I move that we adjourn now so we will have time to get to the House of Commons and prepare for this afternoon.

The CHAIRMAN: I hear no objection to that motion.

We will now adjourn and meet again at 8 p.m. on Monday.







HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

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MONDAY, DECEMBER 2, 1963

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Respecting

CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell  
and Messrs.

Brewin,	Girouard,	Moreau,
Cameron ( <i>High Park</i> ),	Greene,	Nielsen,
Cashin,	Howard,	Paul,
Chrétien,	Jewett (Miss),	Rhéaume,
Coates,	Leboe,	Ricard,
Doucett,	Lessard ( <i>Saint-Henri</i> ),	Richard,
Drouin,	Millar,	Rochon,
Dube, <sup>1</sup>	Monteith,	Rondeau,
Francis,	More,	Webb—29.

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

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<sup>1</sup> Replaced Mr. Turner on November 29, 1963.

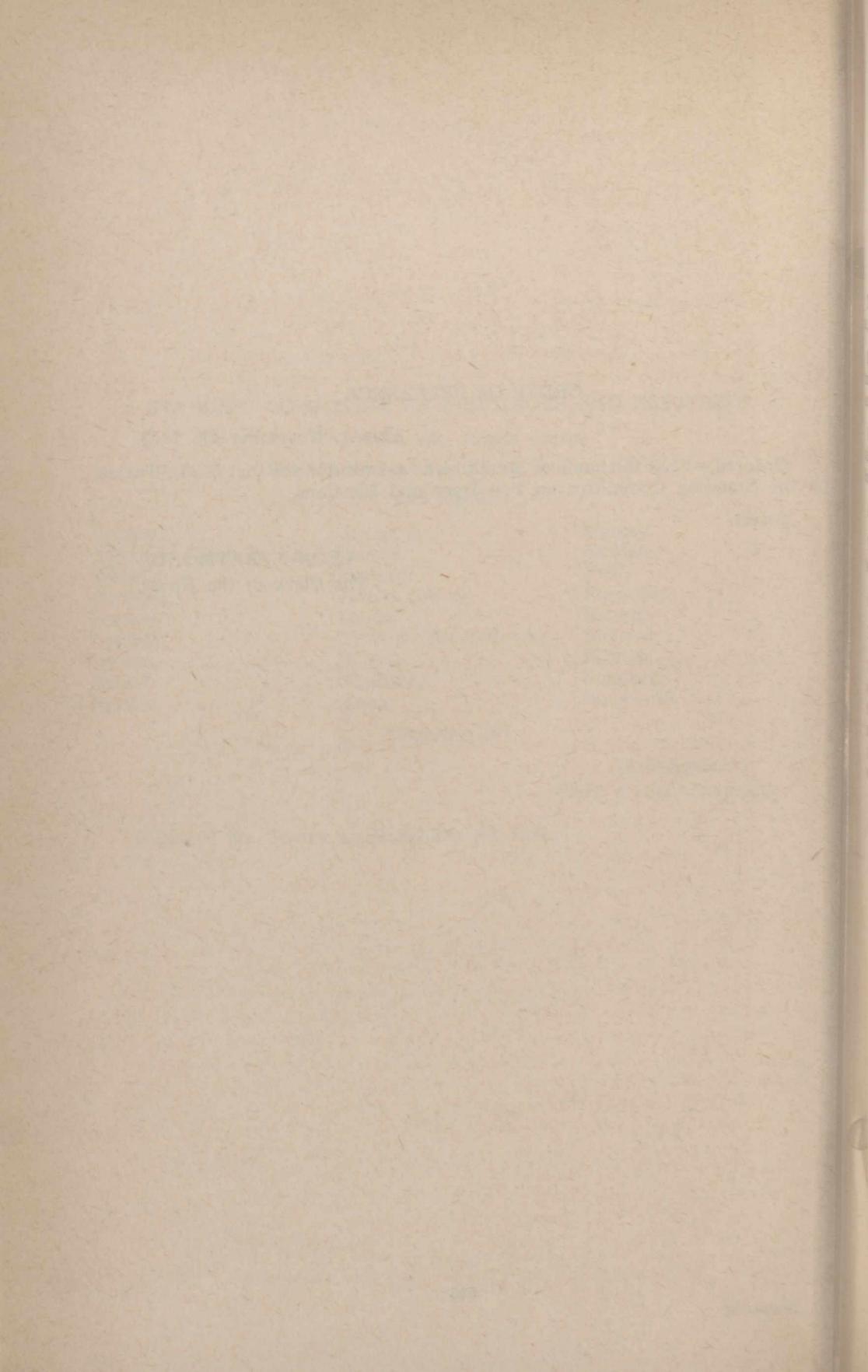
ORDER OF REFERENCE

FRIDAY, November 29, 1963.

*Ordered*,—That the name of Mr. Dubé be substituted for that of Mr. Turner on the Standing Committee on Privileges and Elections.

Attest.

LEON-J. RAYMOND,  
*The Clerk of the House.*



## MINUTES OF PROCEEDINGS

MONDAY, December 2, 1963.

(21)

The Standing Committee on Privileges and Elections met at 8.11 o'clock p.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Brewin, Cashin, Caron, Doucett, Francis, Girouard, Howard, Lessard (*Saint-Henri*), Millar, Moreau, Nielsen, Ricard, Rheume, Rochon, Webb—(16).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Friday, November 29, the consideration of the Canada Elections Act.

### *On Section 66*

Debate arising thereon, Mr. Nielsen, seconded by Mr. Doucett, moved,

That Section 66 be referred to the C.E.O. for consideration, upon the advice of the Department of Justice, of the inclusion therein or by an additional Section of the Act of a provision requiring the onus being placed upon an accused person charged under the provision of Section 66 to show an absence of criminal intent; and that the word "corrupt" and "corruptly" be deleted where they appear in the Section.

And the question being put on the motion of Mr. Nielsen, it was negatived on the following division: Yeas, 4; Nays, 9.

The following amendment was adopted:

Treating of any person.

66. (1) Everyone is guilty of an offence against this Act who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

(2) Subsection (1) does not apply to  
Official agent may furnish refreshment.

(a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or

Furnishing of refreshment by other persons.

(b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election.

*On Section 67*

Amended and adopted as amended at the meeting of Friday, November 29.

*On Section 68*

Subsection (a) was allowed to stand.

Subsection (b). The following amendment was adopted:

(b) having once to his knowledge been properly included in any list of electors under this Act as an elector entitled to vote at a pending election, applies to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same.

Subsection (c) was allowed to stand.

Subsection (d) was allowed to stand.

Subsection (e). The following amendment was adopted:

(e) having voted once at such election, applies at the same election for another ballot paper;

Subsection (f) The following amendment was adopted:

(f) votes or attempts to vote at an election knowing that he is for any reason disqualified or not competent to vote at the election; or

Subsection (g). The following amendment was adopted:

(g) induces or procures any other person to vote in an election knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election.

*On Section 69*

The following amendment was adopted:

Undue influence.

69. Everyone is guilty of an offence against this Act who, by intimidation, duress or any pretence or contrivance

(a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or

(b) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret.

*On Section 70*

The following amendment was adopted:

Illegal payments to electors.

70. Everyone is guilty of an offence against this Act who
- (a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or
  - (b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by an elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof.

*On Section 71*

The witness suggested that, in line 25 of subsection (4) after the number "17", the following words and numbers "*subsection (4) of Section 20*" be added.

The following amendment was adopted, as amended:

Liability of election officers.

71. (1) Every election officer is guilty of an offence against this Act who fails or refuses to comply with any provision of this Act unless such election officer establishes that in failing or refusing to so comply he was acting in good faith, that his failure or refusal was reasonable and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

Non-compliance defined.

(2) It shall be deemed to be a failure to comply with the provisions of this Act to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote which should have been cast.

Inquiry into offences and power to take proceedings.

(3) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it is his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

Further powers.

(4) The Chief Electoral Officer has the power described in subsection (3) in the case of any offence that it is made to appear to him to have been committed by any person under section 17, subsection (4) of section 20, section 22, subsection (2) of section 49, subsection (12) of section 50, subsection (7) of section 52, section 65 or section 77.

Powers as commissioner under *Inquiries Act*.

(5) For the purpose of any inquiry held under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, has the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief

Electoral Officer by virtue thereof shall be payable by the Comptroller of the Treasury, on the certificate of the Chief Electoral Officer, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

*On Section 72*

The following amendment was adopted:

Public meetings.

72. Everyone is guilty of an offence against this Act who, between the date of the issue of the writ for an election and the day after polling at the election, acts, incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purposes of the election.

*On Section 73*

On motion of Mr. Nielsen, seconded by Mr. Francis,

*Resolved*,—That on line 3, the word “or” be substituted for the word “and”.

The following amendment was adopted, as amended:

Printed documents to bear name, etc., of printer.

73. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear the name and address of its printer or publisher, and anyone printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this Act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

*On Section 74*

The following amendment was adopted:

Inducing persons to make false oath an offence.

74. (1) Everyone who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act.

Taking oath falsely an offence.

(2) Everyone who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, takes such oath falsely is guilty of an illegal practice and of an offence against this Act.

*On Section 75*

On motion of Mr. Brewin, seconded by Miss Jewett,

*Resolved*,—That in lines 22 and 23, the word “knowingly” be substituted for the words “for the purpose of affecting the return of any candidate at such election”.

On motion of Mr. Howard, the Committee

*Resolved*,—That in line 25, the word “a” be substituted for the word “such”.

The following amendment was adopted, as amended:

Publishing false statements to affect return of any candidate an offence.

75. Anyone who, before or during any election, knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of a candidate is guilty of an illegal practice and of an offence against this Act.

*On Section 76*

Mr. Brewin, seconded by Mr. Cashin, moved,  
That Section 76 be deleted.

And the question being put on the motion of Mr. Brewin, it was resolved in the affirmative. Yeas, 8; Nays, 2.

The following amendment was deleted:

Non-residents of Canada forbidden to canvass.

76. Anyone who resides without Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election, or to refrain from voting, is guilty of an offence against this Act.

*On Section 77*

The following amendment was adopted:

Removing notices forbidden.

77. (1) Anyone unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors or other document authorized or required by this Act to be posted up is guilty of an offence against this Act and liable on summary conviction to

- (a) a fine not exceeding one thousand dollars,
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

Copy of subsection (1) to be printed on documents posted up.

(2) A copy of subsection (1) shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document or printed and written as a separate notice and posted up near such documents and so that such notice can be easily read.

*On Section 78*

Mr. Nielsen moved, seconded by Mr. Rheaume,

That in line 3 the word "two" be substituted for the word "one".

And the question being put on the motion of Mr. Nielsen, it was resolved in the affirmative. Yeas, 8; Nays, 4.

The following amendment was adopted, as amended:

Fines and penalties.

78. (1) Everyone who is guilty of an offence against this Act is liable on summary conviction to

- (a) A fine not exceeding two thousand dollars,
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

Corrupt practice.

(2) Any candidate at an election or official agent of such a candidate who commits a breach of any of the provisions of section 66, 68, 69 70 or 72 is guilty of a corrupt practice."

It being 10.00 o'clock p.m., and the examination of the witness still continuing, the Committee adjourned until Tuesday, December 3, at 10.00 o'clock a.m.

Marcel Roussin,  
*Clerk of the Committee.*

## EVIDENCE

MONDAY, December 2, 1963.

The CHAIRMAN: Gentlemen, we have a quorum, and we should proceed.

At the last session we reached section 66, page 29 of the bill and page 245 of the act.

Treating of any person.

66. (1) Everyone is guilty of an offence against this Act who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

(2) Subsection (1) does not apply to

Official agent may furnish refreshment.

(a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or

Furnishing of refreshment by other persons.

(b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election. It is concerned with treating.

Is that carried?

Mr. NIELSEN: I would like to raise an observation in regard to this section, Mr. Chairman. I do not know how other committee members feel about the extent to which this section has been abused and the lack of any teeth in it in order to prosecute individuals who are guilty of acts which are intended to be covered by the section. I am concerned about the supply of liquor to electors, the buying of beer in taverns and liquor in cocktail lounges by agents for a candidate with the acknowledged intention that the treating by the purchaser of the beer or liquor is to influence the recipient of the beer or liquor to vote for the candidate whom the agent supports. Certainly, if the treating is done by an agent with the candidate's knowledge, this is a corrupt practice under the act, and I think it is covered in section 67.

When an offence is committed under section 66 with the candidate's knowledge, that is a ground for setting aside an election, but the person I want to have covered is the agent who does this with or without the candidate's knowledge.

The two things that I think prevent prosecution of such agents are the word "corruptly" in the second line of the subsection and the lack of a provision in the section similar to several sections of the Criminal Code those offences in which the onus is on the accused to explain his actions where it is almost impossible for the crown to prove intent. I would like to see that principle written into this section. If one can show the agent buys a beer or a glass of liquor or supplies a bottle to anyone during an election campaign and can go so far as to show that the agent has used words such as "Well, of course, you know which way to vote on election day", then I think that person should be liable to prosecution without the stringent requirements of proof that exist now.

Mr. LESSARD (*Saint-Henri*): When you say an agent does that, do you mean one agent?

Mr. NIELSEN: Any agent. I am not referring specifically to the official agent but to any person working on behalf of the candidate.

Mr. LESSARD (*Saint-Henri*): It is hard to establish that.

Mr. MOREAU: How do you establish that? Suppose I wanted to contravene your election and I went out and bought someone a drink and said "I want you to vote for Mr. Nielsen".

Mr. NIELSEN: Then you are committing an offence. If it can be shown it is done with the candidate's knowledge and if it affects the result of the election, then the election should be set aside. What I want to get at is the individual who has done this. Right now one has to show that he has done it corruptly, and there is a very stringent requirement as to proof. It is extremely difficult to conduct a prosecution under the section as it is now. However, one could place the onus on the accused to explain his actions, as do several sections in the Criminal Code now. Being "found in", for instance, is something that calls for a \$2 fine in the Criminal Code which places the onus on an accused person to explain his presence. I think this section should be the same. I am trying to get at the person who actually does this.

Mr. MOREAU: It may be very difficult to enforce. I am against unenforceable legislation in principle.

Mr. NIELSEN: This section is completely unenforceable. The only useful purpose it serves now is that in those elections which are close, if it can be shown someone is guilty of this practice with the candidate's knowledge, then it is a ground for contesting the election, but it does not get at the real offender, the person who does it without the candidate's knowledge or perhaps with the candidate's knowledge.

Mr. MOREAU: How would you propose to do this, Mr. Nielsen?

Mr. NIELSEN: I would propose to write in that there is an onus on the accused to explain his actions. I would say that he shall be deemed to be guilty of a contravention of this section, and the rebuttable presumption is immediately raised.

Mr. FRANCIS: I would like to ask, through you Mr. Chairman, what it is that Mr. Nielsen considers is being done that is wrong. I would like to know what is the offence about which Mr. Nielsen is concerned. Just what is the problem?

Mr. NIELSEN: The offence about which I am concerned does not apply only to liquor, it extends to buying candy for children.

Mr. FRANCIS: Children do not vote.

Mr. NIELSEN: No, but the child who has candy bought for him is told to tell his parents for whom to vote, and he goes home and says "He bought me candy and told me to tell my parents to vote this way". However, we will stick to the liquor because many election campaigns in a good many constituencies in the closing days were fought in the bars. The offence concerns a person who buys a round for the house or a drink for an individual or group of individuals and says to the recipients of those drinks; "Now, you all know I am a supporter of Mr. so and so". I think therein lies an offence. If he goes on to say: "Of course, you know which way to vote", there should be no doubt about it.

Mr. FRANCIS: Again, I would like to ask Mr. Nielsen, who spends that much time in a bar? I may go into a bar myself once, twice or three times a year, but if someone bought a round for the house and said: "Jones is a great candidate and I am supporting him", could that not then be an offence?

Mr. NIELSEN: It is an offence under this section at the present time if it is done to corrupt the elector.

Mr. CASHIN: Then you are taking *mens rea* out of this.

Mr. NIELSEN: I suggest that the onus be put on the accused, in the same way as it is done in several sections of the Criminal Code.

Mr. CASHIN: For example, there may be a group of people interested in politics and they may drop in at the pub for a brew; they may be sitting around and talking and, I am sure in some cases, getting into arguments. Newfoundland takes its politics rather seriously at times. If three or four people are sitting in a tavern and someone who is supporting candidate "X" buys a round when it comes his turn, do you say then he should be subject to an offence for bribing? If so, there would be a great possibility of abuse, if it were enforced that strictly.

Mr. FRANCIS: You could discredit the other side very easily by going in and setting yourself up as a supported of a candidate, offering to buy drinks, thereby creating an offence or a presumption of an offence right away.

Mr. RICARD: Has Mr. Castonguay any opinion to give at this time in this connection?

Mr. CASTONGUAY: I have no opinions. I have never studied this aspect of it and I have not seen it in operation. In my opinion, I think the candidates here could judge it much better than I could.

Mr. HOWARD: Mr. Chairman, perhaps this operates to a greater extent in the smaller communities than in large urban areas where, perhaps, they use different methods to get to the same end. However, we find that wherever this takes place and wherever someone says: "Here is a round for the house, do not forget to vote for us", it backfires invariably. When we hear about it we advise people to go ahead and drink all they can, because it backfires in any event.

Mr. NIELSEN: I agree with what Mr. Howard says because that is what we find out ourselves. The people who are influenced more than any others I think, are the Indian voters. But, the Indian, being the type of person he is, wants to take the white man every chance he gets, the same as the man from the north wants to take the man from, let us say, Toronto. He says: "I will drink all I can and then go out and vote the other way". But, this practice does persist. In my opinion, the person who offends against the spirit of this section should be prosecuted.

Mr. HOWARD: On a question of order, Mr. Chairman, I have a complaint to lodge in respect of the words Mr. Nielsen used. I hope I did not understand him to say that this sort of practice of buying drinks on behalf of the candidates works better in respect of the Indian voters.

Mr. NIELSEN: I said what does work is what you outlined in terms of strategy.

Mr. LESSARD (*Saint-Henri*): Do you feel it would be an offence if a friend of mine who does not work for me in an election and is not my official officer or agent takes someone in a tavern and treats him, saying: "I am a supporter of Mr. so and so"?

Mr. NIELSEN: It is an offence now if it is done corruptly for the purpose of influencing a voter. However, the difficulty is proving the corruption under the act. As far as I know, there have been no prosecutions under this section.

Miss JEWETT: Was Mr. Nielsen's amendment to take out the word "corruptly"?

Mr. NIELSEN: Yes, in two places in the section, and include "rebuttal presumption" placing the onus on the accused to explain his actions.

The CHAIRMAN: Do you not think that this may be dangerous? They may go a little further than we want them to go.

Mr. NIELSEN: If the person does it innocently he has nothing to worry about at all. As I say, a person who buys a drink without any intent to influence the voter has nothing to worry about.

Mr. MOREAU: According to the expert testimony we have heard here tonight it backfires, in any event, and therefore I do not understand why we are so concerned about it.

Mr. NIELSEN: Well, if you are interested, I will tell you that it would result in (a) cutting down election expenses on all sides, and (b) conducting elections fairly without corruptness.

The practice that is followed concerns all sources of slush funds dished out to unofficial clients and agents of a candidate, which will permeate the campaign. While going about their other business in many instances they would drop off at a pub or tavern and buy a beer, dropping the casual remark.

Mr. GIROUARD: If this procedure was followed it would result in arrests and then you would see the scandal which arises out of that. Suppose, in your area, several people are arrested; you, no doubt, would wonder what the use of arresting them was.

Mr. NIELSEN: You would have the good common sense of the police on which you could rely.

Mr. HOWARD: Woul you qualify that?

Mr. NIELSEN: We did have an instance where we thought we had such a person redhanded. I will not mention the political party involved that the agent worked for. However, the N.D.P. were not running there, and the Social Credit are rather religious people up there. But, we obtained affidavits from two reliable witnesses who swore on their oath.

Mr. MOREAU: Conservative witnesses, no doubt.

Mr. NIELSEN: No; as a matter of fact, one was a Liberal. But, they swore on oath that Mr. A. was purchasing drinks for the inhabitants of the bar and saying things which would be incriminating under this section; that is to say, "this drink comes from Mr.—" and then he gives the candidate's name,—"you know how to vote." These were the words that were used or, at least, close to the exact words used. The police assume but cannot prove and do not prosecute in that case. They do not do so on the advice of crown counsel.

Mr. CASHIN: Mr. Chairman, I am a little bit confused. One minute the hon. member wishes to take out the word "corrupt", and the next minute he states we would be removing the intention of the offence.

Mr. NIELSEN: I admit there is a difficulty in understanding the law, but in every concept the law, or the crown, must prove a criminal intent, and I think this principle should be incorporated in any offence under any section of this act.

Mr. MOREAU: Mr. Chairman, I can envisage tremendous difficulties in applying that principle to all the complaints received in respect of violations of this act. The adoption of any such principle would result in a practice which, under present procedures would be unworkable. I can assure the hon. member that, in my experience, the application of such a principle would be unworkable and unenforceable and I am opposed to any such suggestion.

Mr. NIELSEN: I should like to place one more example before the members of this committee with the hope that the members will go along with what I am trying to accomplish.

I do not know whether Mr. Castonguay has received any complaints in this regard, but I am aware of a situation where the proprietor of a tavern in a small location in the Yukon, populated by 90 per cent Indian people offered free drinks for a whole Indian village.

Mr. FRANCIS: How did they vote?

Mr. NIELSEN: The majority voted for my opponent. A prosecution cannot be brought because it cannot be shown that this individual did so in an attempt to have an individual elected. This is the sort of practice which I think is reprehensible. Under this section or another section these offenders, such as I have described, should be prosecuted. I am not concerned with any individual candidate, but I should like to see any offender in this regard brought to trial and certainly it is the intent in this case which is involved.

Miss JEWETT: It is difficult for a lay person to know whether a proposed amendment is workable. A lay person accepts legal advice. I am afraid I do not even know the meaning of the words. What is the word involved.

Mr. NIELSEN: The suggested change is a placing of the onus upon the accused to show a lack of intent.

Miss JEWETT: Would such an amendment be workable?

The CHAIRMAN: Normally the crown must prove that an accused is guilty. In this event he would have to prove that he was not guilty.

Mr. NIELSEN: Mr. Chairman, I am afraid you are jumping to conclusions. My suggestion is not based upon guilt or innocence, but has regard to the level of prosecution in respect of criminal intent.

The CHAIRMAN: The result is the same. An individual must prove that he has no criminal intent.

Mr. NIELSEN: A person who is innocent does not have to worry about intent.

The CHAIRMAN: Sometimes the evidence looks extremely bad.

Mr. NIELSEN: If the evidence looks bad he cannot be innocent.

The CHAIRMAN: An individual may well be innocent in spite of the fact the evidence looks bad.

Miss JEWETT: My understanding of the law is that an individual is innocent until proved guilty.

Mr. NIELSEN: That is a principle of justice which is accepted generally, but does not apply specifically in respect of all cases. In certain circumstances when evidence presented by the prosecution establishes something other than innocence on the part of an accused, the accused must show lack of intent.

The CHAIRMAN: Under those circumstances an accused must show that he is not guilty.

Miss JEWETT: In other words, the onus of proof is reversed?

Mr. NIELSEN: If the judge or the court indicates that the crown has established its case, that is the situation, yes.

The CHAIRMAN: Mr. Nielsen, would you make a motion in this regard?

Mr. NIELSEN: Mr. Chairman, I should like to move that section 66 be referred to the chief electoral officer for consideration.

The CHAIRMAN: Would you write out your motion, Mr. Nielsen?

Mr. NIELSEN: Mr. Chairman, perhaps the members of this committee could continue with their consideration while I write out this motion. I am afraid it will take perhaps ten minutes.

Mr. RICARD: Mr. Chairman, after hearing the discussion in this regard I am prompted to ask why there is no time limit in respect of section 66 which states:

Every person is guilty of the corrupt practice of treating and of an indictable offence against this act punishable as provided in this act, who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision—

Does this section apply only in respect of election day, one week or one month from election day. Clause 67 provides a time limit as follows: “—at any time during the period commencing at eight o'clock in the forenoon and ending at seven o'clock in the afternoon on ordinary polling day—”. Why is there not a limit in respect of section 66?

Mr. CASTONGUAY: Mr. Chairman, perhaps I could explain the interpretation of this section. I have the English version of the general election instructions for returning officers, and at page 151, section 4, subsection 2 it is indicated that an offence can only take place during an election, on election day and throughout the election day. I am referring to page 151 of the English version of the general instruction for returning officers. This applies to the period of time during an election until the candidate is officially declared elected.

Mr. RICARD: Section 67 refers only to places where liquor is for sale?

Mr. NIELSEN: Yes, and it is applicable only to polling hours. This is to prevent the sale of liquor during the hours that the polls are open.

Miss JEWETT: Is a car a public place?

The CHAIRMAN: Yes.

Miss JEWETT: When looking at section 67 I am interested in what is the definition of a public place.

Mr. CASTONGUAY: My assistant from the justice department is not with me at the present time, but he could possibly enlighten you in this regard.

Mr. DOUCETT: The proposed amendment states, “in any other public place where a poll is being conducted”. One would not expect a poll to be conducted in a car.

Miss JEWETT: One would not expect a poll to be conducted in a tavern.

Mr. HOWARD: Mr. Chairman, if Miss Jewett is serious in respect of this question regarding a public place, I should like to point out that similar interpretations appear in respect of the Indian Act. Individuals are prohibited from selling, giving or supplying Indians in public places. This has been interpreted by the courts in many provinces to mean places to which the public has access. I presume a similar interpretation would be applicable in this event.

Mr. NIELSEN: Mr. Chairman, I suggest that section 66 be referred to the chief electoral officer for consideration, with the advice of a representative of the Department of Justice so that he may or may not recommend an additional section, or an amendment providing that the onus be placed upon the accused person charged under section 66 to show the absence of intent or guilt. I would, therefore, move that the word "corrupt" be deleted where ever it appears in the section.

The CHAIRMAN: Is there a seconder to that motion?

Mr. DOUCETT: I second the motion, Mr. Chairman.

The CHAIRMAN: Those in favour please raise their right hand?

Those against the motion please raise their right hand?

I declare the motion defeated.

Motion negatived.

The CHAIRMAN: Section 67? Is it all right as it was amended the last time?

Mr. LESSARD (*Saint-Henri*): That was approved last time.

The CHAIRMAN: Oh, yes, section 67 was approved with the amendment "during polling hours".

Liquor not to be sold on polling day.

67. Everyone is guilty of an offence against this Act who at any time during the hours the polls are open on ordinary polling day sells, gives, offers or provides any fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held.

Mr. CASTONGUAY: It was suggested by Mr. Rheume last time, when we had an amendment.

The CHAIRMAN: Section 68?

Mr. MOREAU: Have we adopted the amendment suggested by Mr. Castonguay with respect to section 66?

The CHAIRMAN: Section 66 remains the way it is.

Mr. CASTONGUAY: You approved section 66 as submitted in the draft bill.

Mr. MOREAU: I have no objections. It was a procedural point.

The CHAIRMAN: Section 68.

Personation and voting if disqualified, not qualified or incompetent.

68. Everyone is guilty of an offence against this Act who

- (a) applies under this Act to be included in any list of electors in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (b) having once to his knowledge been properly included in any list of electors under this Act as an elector entitled to vote at a pending election, applies to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election;
- (c) applies to be included in a list of electors for a polling division in which he is not ordinarily resident;
- (d) applies for a ballot paper in the name of some other person, whether that person is living, dead or fictitious;
- (e) having voted once at such election, applies at the same election for another ballot paper;
- (f) votes or attempts to vote at an election knowing that he is for any reason disqualified or not competent to vote at the election; or

(g) induces or procures any other person to vote in an election knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election.

Mr. NIELSEN: Under section 68 (a) it is made an offence if any person should apply to have his name listed on the list of electors if he wishes to use an alias for some reason or another. Has any circumstance ever arisen where a candidate used an alias, like "C.S. Bud Drury"? That is the quickest one I can think of.

Mr. CASTONGUAY: On the nomination papers?

Mr. NIELSEN: No, on the list of electors.

Mr. CASTONGUAY: You must remember that with respect to this particular thing when an elector applies to be put on the list, invariably it is during the period of revision. During enumeration, as pointed out to the committee, we have six days in which to collect 10 million names, and there are very few informed people at the door. They may get the information second or third hand. The only occasions we had any difficulty was at one particular election when they added 900 fictitious names during revision, with three or four per poll. And we had that trouble in another electoral district, in a metropolitan area where they added 400 fictitious names. Those are the only two occasions I can recall. I do not know what the purpose was.

Mr. BREWIN: This applies to the individual who applies to have his own name put on. In the case you mentioned, I believe it was the St. Paul's election some years ago, people applied to add other fictitious names, not for themselves, but a whole lot of other fictitious names. This section does not seem to apply to that situation.

Mr. CASTONGUAY: In this particular one here there was a whole bunch of forgeries of fictitious names. I think in most cases, if I remember correctly, that is, in 99 per cent of the cases, there was a boiler shop in one place, and they added a whole lot of these phony applications and got the returning officer to accept them during the revision.

Mr. NIELSEN: The returning officer did it?

Mr. CASTONGUAY: No. Somebody presented them to the returning officer and he accepted them. It was done in a rather subtle way. They did not go to one returning officer with 900 fictitious names. But in every polling division there were two, three or four added. So if you have 300 polling divisions, it is very hard to detect whether these are not bona fide applications.

Mr. NIELSEN: I think this section would cover it because that "somebody" would be a person who applied to have the name of fictitious persons added.

Mr. CASTONGUAY: I recall several cases where a person applied to have one fictitious name added. He tried to give himself a fictitious name.

Mr. BREWIN: This section seems to limit it to the person who applies for himself to be included in the list under the name of some other person, but it does not include the name of the person who applies to have some other person's name added to the list with the idea of voting under that name later.

Mr. MOREAU: Would you rather had it read that it applies under this act to anyone being included in any list?

Miss JEWETT: Take the "in" out before the name.

Mr. CASTONGUAY: If that is the wish of the committee, but it does not cover the case which Mr. Brewin pointed out.

Mr. MOREAU: To have included in any list of electors the name of some other person?

Mr. BREWIN: Yes, that would cover my point.

The CHAIRMAN: Under subsection (a) there is an amendment by Mr. Moreau.

Mr. MOREAU: It still is not right. We may have to redraft it.

Mr. CASTONGUAY: Have you something drafted here which would meet the wishes of the committee? Or would you rather have it stand? Would you leave it with us and we shall come back tomorrow with an amendment?

The CHAIRMAN: We can stand it for the present time? Is there anything under (b)? We are standing subclause (a), but is there anything under subclause (b)?

Mr. NIELSEN: I wonder under (b) about the person who moves from a rural polling division to an urban polling division before revision day, and then applies, after he has moved from the rural into the urban, that he be included?

Mr. CASTONGUAY: The provisions of this act do not permit an elector who leaves a rural polling division after the issue of the writ to be included in the urban polling division.

Mr. NIELSEN: My suggestion is that we should make provision within the electoral district where the person moves to, such as from a rural to an urban polling division, before revision day, that is, to entitle the person so moving to apply to the returning officer saying "I was resident in the rural polling division at such and such a place, but now I am ordinarily resident in the urban polling division, and I apply to have my name placed on the list".

Mr. CASTONGUAY: This would not suit the suggestion, because it does not cover now all those cases which do come up, such as the type of case in places which are semi-urban and semi-rural, but the person would have to move, and if he moves after the 16th day after polling day—in your district, or in Mr. Howard's district, it would help a great deal.

Miss JEWETT: How would he be struck off a rural poll which might be only three miles away?

Mr. CASTONGUAY: He actually would not be struck off the rural poll. The revision in the rural poll ends on the 18th day before polling day. But there are normal safeguards, such as the people living there locally, they would know he has moved, and he would not be allowed to be put on the urban poll until he satisfied the returning officer that he had now become an ordinary resident in the urban poll, and had given up his previous place. But if he is just visiting there, he would not be entitled to be put on the list.

Mr. MOREAU: You say there would be normal safeguards, but supposing he came back to visit. They would not know he was added to the urban list.

Miss JEWETT: No, because do not most people who move go back to their rural pools to vote?

Mr. CASTONGUAY: Many people under the act have a dual vote. For instance, students attending a recognized university could be on the list at the place where they attend university, as well as on the list where their families live. You may have temporary workers on large construction projects. They are allowed to be on the list at the project and they are put on the list at home.

There are all kinds of cases of this type.

I think that on this particular thing he has to satisfy first the urban revising officer that he has acquired a new place of residence and has given up the other one, and then the revising officer in the rural community from where he came where he gave up his lodgings and turned up on polling day. The safeguard is there; the agent can check it. But certainly this would be of help where large electoral districts such as those mentioned in schedule 3

of the act are concerned. Naturally there are many other areas in this act where you take this chance. I cannot tell you whether there would be abuse there or not. There is lots of room in the act for abuse now, but I do not think the act is being abused on those dual residence qualifications.

Mr. HOWARD: I should like to ask whether, if we proceed to do this, and I think we should, it would be under this section or under another section?

Mr. CASTONGUAY: Under section 46.

Mr. HOWARD: Section 16 is on rules as to the residence of electors.

Mr. CASTONGUAY: I cannot think of the section offhand but let us say that the committee agreed on principle. If the committee agreed on principle we could come back with a draft amendment and then the committee could consider whether we have the necessary safeguards. We could work out the procedure for you.

Mr. NIELSEN: The same possibility of abuse exists in rural polling divisions right now where a man may be listed under one rural poll but all he has to do to vote in six others is to get someone else to vouch for him under Form 47.

Mr. MOREAU: We do not know for sure whether this applies to this section or not. If we could agree on the principle, Mr. Castonguay could figure out where to put it in. I think that perhaps we should not stand this section in view of the fact that it may not apply to this section.

Mr. CASTONGUAY: If the committee agrees on principle, we would have to look at it closely. In this type of amendment sometimes there starts a chain reaction. We would have to look at three or four sections as this may affect three or four sections. We could say, if the committee agreed on the principle, we will look at this and come back with a proposal.

The CHAIRMAN: Do you agree in principle?

Agreed.

Is subclause (b) agreed to?

Subclause (b) agreed to.

Mr. GIROUARD (*Interpretation*): I think we are a little hard as far as 68(c) is concerned as there might be no intention of fraud there. The fact might be that the enumerator might put the name down once and then the name would have been put down twice. There is no intention of fraud at all.

Mr. CASTONGUAY (*Interpretation*): But it is required that fraud be proven in every case we have.

Mr. GIROUARD (*Interpretation*): But in all cases in (a), (b), (c) and (d) fraud is self-evident whereas in this case it would appear we should not make it necessary to prove fraud.

Mr. CASTONGUAY: Your suggestion would protect the elector?

Mr. GIROUARD: Yes, of course.

Mr. NIELSEN (*Text*): In the translation I missed what subclause was under discussion.

The CHAIRMAN: Clause 68(c).

Mr. FRANCIS: I cannot help but feel that this is a little harsh, in view of what Mr. Girouard has been saying, because in the whole question of the definition of residence it is clear that 99 per cent of the people are sure of their residence but one per cent is not. Let us for instance take a man who has a summer residence and who spends part of the time there and part of his time in the city. There are also the retired people who live in a summer resort area and have city apartments in the winter. The definition of residence is not easy.

Mr. CASTONGUAY: I share your views on this for this reason. I think, and maybe other members would share my view, that few electors know the

actual rules of residence at a federal election. There are provincial elections and a great many of the electors think that if they are on the municipal list they are therefore entitled to vote at a federal election. The average citizen is not very familiar with the act and does not definitely know the rules of residence under the Canada Elections Act in so far as they apply to federal elections. It would be a rare case where a man would know those rules.

Mr. MOREAU: Does this section not apply to the revision, that is where the elector applies to be included? It does not apply to the man who is enumerated outside of his ordinary place of residence.

Mr. CASTONGUAY: It might be that he is applying to have his name on the list.

Mr. HOWARD: Would not the saving feature be that he is wilfully applying?

Mr. CASTONGUAY: In one section the enumerator is protected.

Mr. MILLAR: Where he has difficulty in determining his place of residence; by the same token it would be difficult to prove fraud.

Mr. CASTONGUAY: I would draw your attention to page 173 of the general election instructions, subsection (18). The enumerator is protected here.

In addition to any other penalty to which he may be liable under this act, any enumerator who, wilfully and without reasonable excuse, includes in any list of electors prepared by him the name of any person whose name he has not good reason to believe should be included, or omits to include in such list the name of any person whom he has good reason to believe has the right to have his name included, is guilty of an offence punishable on summary conviction as in this act provided.

This may lend itself to any elector who wilfully applies to be included on the list.

Mr. MOREAU: I was wondering whether that section is needed in view of that fact that later on, under subclause (e) it is said:

(e) having voted once at such election, applies at the same election for another ballot paper;

It would seem to me that would cover the situation we are trying to prevent.

Mr. CASTONGUAY: Not necessarily because one is voting while the other is getting on the list. You can attempt to get on the list when you are not entitled to it and then you might be deterred from voting afterwards.

Mr. GIROUARD: I still think we should put something in to show the intention of fraud in subclause (c).

Mr. CASTONGUAY: We can still prepare the amendment to subclause (c) as we will to subclause (a) and leave it for the committee to decide.

The CHAIRMAN: Do you want this to stand? It is agreed that this shall stand.

We are now on subclause (d):

(d) applies for a ballot paper in the name of some other person, whether that person is living, dead or fictitious;

Mr. NIELSEN: That raises my point of using an alias. Have you had complaints along those lines?

Mr. CASTONGUAY: No, but that does not mean the possibility does not exist.

Mr. MOREAU: Surely this is designed to prevent people from applying with fraudulent intent of impersonation.

Mr. FRANCIS: I do not believe that any person who has changed his name and has consistently gone around with a changed name and then applied to be put on the list and voted would be convicted under this act.

Mr. NIELSEN: I agree, Mr. Francis but there are judges in existence who say, "That is the law and I must apply it. If parliament wishes to change it, that is up to them." The existence of many common law marriages is well known to committee members. If Mrs. Black, who really is not Mrs. Black but is Mary Jones has her name included on the list of electors as Mrs. Black and everybody knows her as Mrs. Black, goes and picks up her ballot under that name, technically she is committing an offence; that is not her name.

Mr. CASTONGUAY: The real problem in respect of the common law wife is brought about by the wife who is the legitimate wife and thinks she has no business assuming the name.

Mr. FRANCIS: Does Mr. Castonguay have any views on this?

Mr. CASTONGUAY: No.

Mr. FRANCIS: Is Mr. Nielsen correct on this point he raises?

Mr. CASTONGUAY: As you know, I am not a lawyer. I would like to ask my assistant.

Mr. E. A. ANGLIN, Q.C. (*Assistant Chief Electoral Officer*): Of course, the intent of that section is impersonation.

Mr. MOREAU: Why do we not say so?

Mr. FRANCIS: We did in the previous draft.

Mr. NIELSEN: Just because it has not happened before, does not mean it might not happen. All we need is a bitter and disgruntled legitimate wife who is tossed out by her husband, and then she would bring an action against the common law wife.

The CHAIRMAN: A woman may have been living with a man for 20 years using his name; she is known as Mrs. So and So. I have seen it during the war. Five or six persons came to me during the war to register and the name they were using was not their true name. I had to tell them to give their true name, the name by which they were known. So, they were registered and nobody could say anything. This could come up in an election. Do they have to state this, so that everybody knows they are not married?

Mr. MOREAU: Could we redraft this to get some fraudulent intent into it?

Mr. FRANCIS: Could a saving provision be inserted to the effect that, "Nothing in this section shall apply in the case of a common law union".

Mr. NIELSEN: Mr. Francis' suggestion is a good one, but perhaps not in that form. The matter could be treated as a saving clause which would save from the operation of the subsection the innocent use of an alias.

Mr. CASTONGUAY: Would you like to leave this with us and we will attempt to deal with it?

The CHAIRMAN: Subclause (d) stands.

Subclause (e):

having voted once at such election, applies at the same election for another ballot paper;

Subclause (e) agreed to.

The CHAIRMAN: Subclause (f):

votes or attempts to vote at an election knowing that he is for any reason disqualified or not competent to vote at the election;

Mr. FRANCIS: Surely there is no objection to that.

Subclause (f) agreed to.

The CHAIRMAN: Subclause (g):

induces or procures any other person to vote in an election knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election.

Mr. NIELSEN: I am going to destroy any feeling members of the committee may have had that I am letting all these go by. In respect of (a), (b), (c), (d), (e), (f) and (g), I think some attention should be given to mandatory sentences. Col. Anglin or Mr. Castonguay said no consideration has been given to extracting certain offences and making punishment mandatory. This is the type of thing I had in mind. Any person who knowingly votes twice should be subject to a mandatory sentence in the same way as anyone who is guilty of drunk driving on a second offence. I raise this now, and in order to save time perhaps some consideration could be given to this in a future revision of the act, because it is such a complicated thing as all the offence sections would have to be considered.

Mr. CASTONGUAY: I would like to make it very clear to members of the committee that we only extracted the penalty offences; we did not attempt to revise any of the language. I did not think I had a mandate to do this. However, for the future, we could certainly study this. As you well know, this will take some study.

Mr. NIELSEN: It would put some teeth into the sections if there were mandatory punishment.

Mr. MILLAR: In respect of (g), if a man drives his common law wife to vote at the polls, he is guilty.

Mr. MOREAU: No; she is not disqualified.

Mr. MILLAR: If she does not vote under her right name, she is disqualified.

Mr. MOREAU: We are going to amend that.

Mr. FRANCIS: What section are we discussing?

The CHAIRMAN: Subclause (g).

Mr. FRANCIS: Does the phrase "incompetent to vote" include a situation where, for instance in respect of an institution, there is a serious question of the competence of a man who is senile or mentally ill.

Mr. CASTONGUAY: That is a problem which comes up at every election. My ruling always has been that unless somebody is legally deprived of their property or freedom of movement, they can vote. I will draw your attention to the provision in the act.

Mr. BREWIN: I have seen people drive to the polls who do not know what they are doing.

Mr. CASTONGUAY: I would like to draw your attention to page 163 of the General Election Instructions for Returning Officers, clause (f):

every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease;

This is the only clause which would apply. Some of these agents set a bigger yardstick for intelligence for these people in these homes than they do for themselves. I think this is the safest yardstick. If they cannot take an oath, they are not entitled to vote.

Mr. BREWIN: If they cannot understand an oath, they cannot take it.

Mr. FRANCIS: I think there is an abuse here. In my own riding there is one institution which has a fairly large number of people who are mentally ill and senile. Regularly that institution has a very high percentage vote. The fact that I lost 110 to nine last time and 110 to eight previously may have nothing to do with it. The fact is that in this institution the staff, who are very highly organized politically, ensure that a very high percentage of the entire institution votes.

Mr. RHEAUME: Is that the city hall?

Mr. FRANCIS: I think there should be some protection. I know Mr. Nielsen has some complaints in his riding about supervision of liquor, but I do think the situation where the staff regularly get patients to vote, who cannot speak, who are very senile, who have no comprehension, and carry them down on a stretcher, and very often cast the ballot on behalf of such a patient, is a situation which is a violation of the intention of the act. In this particular situation it is the staff of the hospitals and institutions who undertake to ensure that the maximum number of votes are secured from such institutions. I would not mind if there was some reasonable balance.

Mr. MILLAR: Let us take the air force station at Trenton. Does that answer your argument?

Mr. FRANCIS: Do you feel the members of the air force who vote at Trenton are brought down on stretchers and are unable to vote?

Mr. MILLAR: It is very odd that the men living at Trenton should all have Trenton as their place of residence when the members of no other military camp have their residence at the situation of the camp.

Mr. FRANCIS: This is not the question. I am speaking of competence to vote. It may be the only evidence of competence is the one Mr. Castonguay has pointed out in the act, but I do feel a poll should not be held in such an institution.

Mr. CASTONGUAY: I am told by the supervisors of old people's homes and these other institutions that it helps the morale of the people in the institutions to vote.

Mr. HOWARD: It seems to me that Mr. Francis has found his own solution when he says it would not be so bad if there was some balance in the votes!

Mr. CASHIN: The answer certainly is not to disqualify every elector in these homes, because the vast majority are capable of voting.

Mr. NIELSEN: How are you going to judge competence?

Mr. GIROUARD: That is it; it is impossible.

The CHAIRMAN: Is section 68 carried?

Carried.

Section 69 deals with undue influence.

Undue influence.

69. Everyone is guilty of an offence against this Act who, by intimidation, duress or any pretence or contrivance

- (a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or
- (b) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret.

Carried.

Section 70 deals with illegal payments to electors.

Illegal payments to electors.

70. Everyone is guilty of an offence against this Act who

- (a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or
- (b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by an elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof.

Mr. NIELSEN: Perhaps Mr. Castonguay can say what sort of instructions he has given with regard to complaints he has received as to cars being used for carrying ordinary electors to and from the polling stations. They seem to be caught in the first four or five lines of this section.

Mr. CASTONGUAY: I do not give rulings on that type of section. I am not empowered to do so. I am only empowered to take action on section 7 subsection (4). Anyone who is not covered by subsection (4) does not come within my powers, and my answer to any complaint is to say that they should consult their solicitors and take advice to say what appropriate action should be taken before the courts.

Mr. NIELSEN: There is no doubt in my mind—maybe others on the committee could disabuse me on this interpretation—that the official agent of a candidate would, to use the words of the subsection be “paying in whole or in part” the travel expenses of an elector who may intend to vote and who does in fact vote in going to or returning from the polling station. This shoots the whole car pool organization down in flames. And I am sure we all use it.

Mr. CASTONGUAY: This section was amended in 1960. The purpose of amending it was to make it legal to pay for the hire of a vehicle to transport electors to the polls but not to pay the individual for their taxi. Let us put it this way, someone could go back to an official agent and say “It costs me \$3 to go to the poll; pay me”. But the idea was that the official agent could hire transportation and pay for it.

Mr. NIELSEN: Surely that would still catch him. If the official agent hired a taxicab for the whole day, the taxi company is going to work off the rate and is going to lump it. Every elector transported by that particular taxicab surely is transported at the expense of the official agent of the candidate.

Mr. MOREAU: This section would seem to catch the person driving his own car on behalf of the candidate and holding loads for no pay whatever.

Mr. CASTONGUAY: It has stood the test of two elections.

Mr. LESSARD (*Saint-Henri*): That was brought in in 1960?

Mr. CASTONGUAY: Yes, and there were no charges laid to my knowledge.

Miss JEWETT: Everybody does it.

The CHAIRMAN: Is that carried?

Carried.

Section 71 deals with the liability of election officers.

Liability of election officers.

71. (1) Every election officer is guilty of an offence against this Act who fails or refuses to comply with any provision of this Act unless such election officer establishes that in failing or refusing to so comply he was acting in good faith, that his failure or refusal was reasonable and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

Noncompliance defined.

(2) It shall be deemed to be a failure to comply with the provisions of this Act to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote which should have been cast.

Inquiry into offences and power to take proceedings.

(3) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it is his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

Further powers.

(4) The Chief Electoral Officer has the power described in subsection (3) in the case of any offence that it is made to appear to him to have been committed by any person under section 17, section 22, subsection (2) of section 49, subsection (12) of section 50, subsection (7) of section 52, section 65 or section 77.

Powers as commissioner under *Inquiries Act*.

(5) For the purpose of any inquiry held under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, has the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Comptroller of the Treasury, on the certificate of the Chief Electoral Officer, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Mr. NIELSEN: I have a question to ask Mr. Castonguay with regard to section 70(b). Does this not make it an offence for an employer to pay his employee. He is obliged by law to give him time off to vote. By law he is required to give the employee three consecutive hours. If he lets his employee off at 4 o'clock, then he is paying him—if he wants to let him off with pay—for that hour between 4 o'clock and 5 o'clock; so does this not catch the employer?

The CHAIRMAN: If he was a candidate.

Mr. CASTONGUAY: He is compelled to give the employee three consecutive hours off when the poll is open. If he lets him off at 4 o'clock he pays him for that hour.

Mr. NIELSEN: It makes it an offence for everyone, and an employer comes within the umbrella "everyone". In effect it is:

An employer who pays in whole or in part wages by reason of time lost for an elector going to vote.

That is the offence.

Mr. CASTONGUAY: It could be construed as that.

Mr. DOUCETT: What about including "except as provided for" with the exception of the provision that is made for the three hours.

Mr. CASHIN: Is this not quite picayune?

Mr. NIELSEN: If there were not some judges who applied the law strictly, I would agree. I am afraid all judges do not interpret the law in that way; many of them say "parliament made the law and this is what they say."

Miss JEWETT: But read the two sections together. The earlier section about the three hours would be read together with this section.

Mr. NIELSEN: If it were on the bench I would do this, but all judges do not.

The CHAIRMAN: Is the section carried?

Carried.

The CHAIRMAN: We will now revert to section 71 with regard to the liability of election officers.

Mr. CASTONGUAY: At page 32, subsection (4) members of the committee may recall that we made it an offence for a candidate to be officially nominated when he knows he is not eligible to be a candidate, and I suggested at that time that may be in order to put teeth in this thing; that that may be one section where I should have the power to investigate and to take appropriate action on the basis of the evidence obtained. That would put teeth in it. So, the insertion of section 20, subsection 4 would achieve this purpose because it is under the new section 20, subsection 4 where the committee previously agreed to make it an offence for a candidate to be officially nominated when he knowingly knew he was not eligible to be a candidate. So, if I had the power to investigate this it would be most beneficial.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Mr. NIELSEN: Then, that is one section where the onus is on the returning officer.

The CHAIRMAN: Clause 72 is next.

Public meetings.

72. Everyone is guilty of an offence against this act who, between the date of the issue of the writ for an election and the day after polling at the election, acts, incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purposes of the election.

Mr. HOWARD: Is this in the act now?

Mr. CASTONGUAY: Yes.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

The next clause is 73.

Printed documents to bear name, etc., of printer.

73. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear the name and address of its printer and publisher, and anyone printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

Mr. NIELSEN: Mr. Chairman, I want to suggest an amendment in connection with this clause. I move that the word "and" at the end of the third line be deleted and replaced with the word "or", so that it will read:

. . . shall bear the name and address of its printer or publisher.

Miss JEWETT: That is in the second line.

Mr. NIELSEN: I am referring to the end of the third line, where it states:

. . . the name and address of its printer and publisher.

I am moving to delete the word "and" and substitute the word "or".

Mr. CASHIN: That defeats the purpose of it.

Mr. NIELSEN: No because, as I take it, the intent is to be able to trace expenses. If you have the name of the printer or the publisher you can go on from there. But, for instance, to require, in the case of small material which

a candidate often puts out, such as cards and buttons, that you have a lengthy name of a printer and a lengthy name of a publisher would cause difficulty in getting it all on in order to come within the law. Therefore, I would move the deletion of the word "and" at the end of the third line and substitute the word "or".

Mr. FRANCIS: I second the motion.

Mr. MOREAU: Mr. Chairman, I have a question to ask Mr. Castonguay in this connection. I was given the impression, perhaps incorrectly, that this covered literature, as a result of which it should have the name of the official agent.

Mr. CASTONGUAY: There is no provision like that. That concerns political propaganda.

The CHAIRMAN: Gentlemen, you have heard the amendment. Are there any objections?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Motion agreed to.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): Mr. Castonguay, does the same apply to posters which might be called fraudulent; in other words, if one candidate put out a poster saying; "I am the official candidate"; and then another candidate puts up the same poster, with the same words, would there be a penalty provided in this instance?

Mr. CASTONGUAY (*Interpretation*): There is no penalty to prevent a candidate putting out such a poster as long as he complies with this section. There is no infraction as long as the candidate complies with the provision of this clause or section. You can put up any kind of poster you like and any kind of photograph.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): Is there any possibility of putting anything in the act in that respect?

Mr. CASTONGUAY (*Interpretation*): I think this would be very difficult.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): I mentioned that because I have had one experience in this connection. There was a candidate who was not the official candidate and yet he had his picture on the poster along with the prime minister of the day. Could there be some way of preventing that?

Mr. GIROUARD (*Interpretation*): I think the answer to that is that Mr. Castonguay is unable to prevent that kind of thing from happening; that is up to you and the constituency itself.

The CHAIRMAN (*Text*): Well, I experienced that same thing in 1957 and I won just the same, so I do not think it is important.

Mr. HOWARD: But, if you put the name of the political party on the ballot it would be solved.

Mr. ROCHON: Yes, it would.

The CHAIRMAN: Is clause 73, as amended, adopted?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: The next clause is 74.

Inducing persons to make false oath an offence.

74. (1) Everyone who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act.

Taking oath falsely an offence.

(2) Everyone who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, takes such oath falsely is guilty of an illegal practice and of an offence against this Act.

Mr. NIELSEN: Mr. Chairman, this is another section which I think should carry a mandatory sentence.

Some hon. MEMBERS: Carried.

The CHAIRMAN: Clause 75 follows.

Publishing false statements to affect return of any candidate an offence.

75. Anyone who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this act.

Mr. FRANCIS: Have there been any prosecutions in this particular section?

Mr. CASTONGUAY: Not to my knowledge.

Mr. NIELSEN: And the reason there has not been is that it is so difficult to prove. This brings up a similar suggestion to that which I made before, the way the section reads now it is almost impossible to prosecute anyone under it, and I would suggest that the offence should be, as follows:

Anyone who, before or during any election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this act.

In other words, I am suggesting that anyone who directs a false statement against any particular candidate, if it is a false statement—

Mr. CASHIN: How do you determine whether or not it affects the outcome of an election?

Mr. NIELSEN: —should be punished.

Mr. MOREAU: But surely this section should be read in conjunction with clause 73, where it is mandatory to have the name of the printer on the material.

Mr. CASHIN: The suggestion made by Mr. Nielsen would mean it is a criminal offence, if "X" makes a statement condemning "B" or says something wrong about him and "B" won the election, no matter how it affected the outcome of the election.

Mr. NIELSEN: Then, forget about the last part of the section. I think consideration should be given to deleting the whole of the second line and the first three words of the third line, namely,

for the purpose of affecting the return of any candidate at such election.

It seems to me that your argument supports the deletion of these words.

Mr. BREWIN: I agree with Mr. Nielsen. How on earth could you ever prove what is in the mind of a person who makes a false statement?

Mr. NIELSEN: It seems to me that the offence should be related to the false statement. The individual who is alleging a false statement should prove that it is a false statement.

Miss JEWETT: I think there is something to support the suggestion that we take out the reference to the false statement affecting the return of any candidate; in relation to the personal character or conduct of such a candidate, and I move that phrase be deleted.

Mr. CASHIN: I second the motion.

Miss JEWETT: I move that we delete the phrase: “—for the purpose of affecting the return of any candidate at such election—”.

The CHAIRMAN: Would you write out your motion, please?

Mr. NIELSEN: Your motion would do away with any intent. If an individual charged can prove to the court that he is innocent of any intent, and has reasonable grounds for believing what he says or publishes he would be not guilty.

Mr. BREWIN: Mr. Chairman, I suggest to Miss Jewett that if we substitute the word “knowingly” for the phrase she has suggested, we might deal efficiently with this situation. If we know that a statement published is false, and it is made during an election, we must assume that it was made to affect the election. If we leave the proposed amendment as it now reads, the crown will have to prove the thinking of an individual who makes such a statement. I suggest that we add the word “knowingly” making the section clear in intent.

The CHAIRMAN: Do the members of this committee agree to paragraph 75 as amended?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: It is moved by Mr. Brewin, seconded by Miss Jewett that this paragraph be amended by adding the word “knowingly” after the word “election”.

Miss JEWETT: No, I am referring to the third line.

Mr. BREWIN: Mr. Chairman, I think we should make this perfectly clear.

Mr. HOWARD: Perhaps we should strike out the words “for the purpose of affecting the return of any candidate at such election”, and substitute the word “knowingly”.

The CHAIRMAN: You are suggesting that we delete the words, “for the purpose of affecting the return of any candidate at such election” and substitute the word “knowingly”? Is that your amendment?

Mr. BREWIN: Yes.

Mr. LESSARD (*Saint-Henri*): I understand you are referring to a false assertion? There is reference to such a thing in paragraph 77, and I suggest that if this is good for one paragraph it should be good for the other.

Mr. NIELSEN: This provision is aimed at people who publish in newspapers, fliers and so on, false statements in respect of candidates.

Mr. LESSARD (*Saint-Henri*): That would be a false statement. However, if a candidate published a picture of the Prime Minister and made the statement that he was a member of that party he would be making a false statement.

Mr. HOWARD: Mr. Chairman, I understand we are accomplishing exactly what the hon. member has reference to by deleting the words mentioned and substituting the words “knowingly, makes or publishes any false statement—”. As I understand the proposed section and amendment, it would read: “Anyone who, before or during any election knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this act.”

Miss JEWETT: In regard to paragraph 75, does a false statement, referring to the character or conduct of an individual, include statements in respect of religion?

Mr. HOWARD: Such a statement, if false, would be included under this proposed amendment.

Miss JEWETT: I am wondering whether such a statement would be considered to be against the conduct or character of an individual.

Mr. HOWARD: A false statement is a false statement whether in respect of religion or otherwise.

Mr. NIELSEN: It is my opinion that the section is aimed at individuals making false statements in respect of someone being something, such as a communist, and that is a good example.

Mr. GIROUARD: Perhaps someone would suggest that a candidate was a lawyer.

Miss JEWETT: I should like to know whether a false statement would be considered a false statement when made in respect of a candidate's religion. For example, the statement was made during the last election, in respect of a candidate, that he was a Roman Catholic. I am sure this statement was made deliberately. The candidate formerly had been a Roman Catholic but at the time of the election he was not a Roman Catholic. Would such a statement be covered under this section?

Mr. BREWIN: I think this is hardly a matter of conflict.

Mr. CASTONGUAY: My legal advisers tell me that this would not be considered a false statement under this section.

Miss JEWETT: Is there any place in the act where such a statement would be covered?

Mr. HOWARD: Is there a suggestion that a candidate cannot change his religion?

Mr. FRANCIS: My change in religion was effected during a relatively short period of time. The only thing a candidate can do under the circumstances is ignore such a statement.

Mr. NIELSEN: Under the circumstances outlined by Mr. Francis I suggest a candidate could either ignore the statements or take the individual to court and have the court make a decision.

Miss JEWETT: Mr. Chairman, I am thinking of more serious allegations than ordinary slander during elections. Is there any other section which covers statements made which are more serious than ordinary election falsehoods?

Mr. FRANCIS: I think we can all agree that certain statements fall within the definition of slander, and certain statements fall within the definition of libel, but how far we can go in regard to false statements during an election, I do not know.

The CHAIRMAN: Is paragraph 75 agreeable as amended.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: We shall consider paragraph 76.

Non-residents of Canada forbidden to canvass.

76. Anyone who resides without Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election, or to refrain from voting, is guilty of an offence against this act.

Mr. NIELSEN: Mr. Chairman, how under this section do you define someone who resides without Canada.

The CHAIRMAN: Section 76 is carried. Now, section 77 "removing notices forbidden".

77. (1) Anyone unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors or other document authorized or required by this act to be posted up is guilty of an offence against this act and liable on summary conviction to

(a) a fine not exceeding one thousand dollars,

(b) imprisonment for a term not exceeding two years, or

(c) both such fine and imprisonment.

(2) A copy of subsection (1) shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document or printed and written as a separate notice and posted up near such documents and so that such notice can be easily read.

Mr. MOREAU: I do not understand section 76 in its intent. Anyone who resides outside of Canada is certainly outside the country, and I do not see how he can canvass for votes. Do you not mean to say a non-resident?

Mr. CASTONGUAY: It means that somebody who is not a resident of Canada—I mean, not a citizen of Canada, that is somebody who comes from outside Canada to campaign. That is the way it has been interpreted.

The CHAIRMAN: He does not have the right to campaign?

Mr. CASTONGUAY: That is right. If he is not a Canadian citizen or a British subject and comes from outside Canada.

Mr. MOREAU: Do you mean to say that an American citizen who has lived here for twenty years cannot work in an election campaign?

Mr. CASTONGUAY: Yes, he can, but very few will do so because they are afraid of losing their American citizenship.

Mr. RHEAUME: At the distant early warning line the American flag flies over those establishments, and you get a tremendous amount of political ferment in the absence of any other kind of ferment. I wonder if you are familiar with these? The reason I raise it is that candidates in a federal election, as you know, are prohibited from going to the DEW line sites and campaigning in person because of security reasons. Nevertheless there are all kinds of Canadian citizens there. In fact there are some 800 voters in the Northwest Territories at DEW line sites. I wonder how this section would apply?

Mr. CASTONGUAY: The protection given there is that people in charge of the DEW line sites select the enumerators and they try to have regard to their personnel records to see that they are Canadian citizens or British subjects. That is fairly good protection, in so far as their getting on the list is concerned. That clause dates back to 1920 when at one electoral district in the mid-west of Canada there were ten bogus polls set up in the bush, and a considerable vote cast. The facts were not able to be ascertained because the returning officer died of a heart attack. But it was alleged that this had been prompted by people outside of Canada. You will find this in the 1921 report, and I commend your reading it. So that section was put in then.

Mr. BREWIN: I wonder if this section should not be deleted because it seems to me that there is a whole series of offences in fact being committed all the time by American corporations which have American directors, and which may subscribe money endeavouring to induce electors to vote a certain way. It is conceivable that some other form of organization might do this. It seems to me impossible to catch up with it. I have heard it said that people in the government of some other country sometimes have made statements designed to induce electors to vote a certain way. I do not think it is practical. I think this relates to nationalism, and is not very helpful.

The CHAIRMAN: You move to delete section 76? It is moved by Mr. Brewin and seconded by Mr. Cashin. Is there any objection to deleting article 76?

Mr. DOUCETT: The chief electoral officer has just given us a valid reason why he thinks it should be in there, and if certain conditions exist, it should be there still.

Mr. CASTONGUAY: I would say that in this day and age I do not think it would be possible to have a recurrence of what happened in 1920.

Mr. RHEAUME: Would you object to it being deleted?

Mr. CASTONGUAY: It is immaterial to me.

Mr. RHEAUME: Would there be any problem if we should delete it?

Mr. CASTONGUAY: That would be difficult to answer. It was put in for the specific case which occurred in 1920, and there has been nothing like that since then. I think that it is inconceivable that in this day and age a returning officer could set up 20 polls and have a nice big poll and nobody know about it.

Mr. LESSARD (*Saint-Henri*): Do you know about a controverted election in Vandreuil-Soulanges?

Mr. CASTONGUAY: Not as far as I know. There might have been a controverted election, but it has not been brought to my notice.

Mr. LESSARD (*Saint-Henri*): I think there was a controverted election in the constituency of Vandreuil-Soulanges, where it was claimed that somebody came from the United States and participated in the campaign. That is the subject of the contestation as far as Mr. Emard's election is concerned.

Mr. FRANCIS: As I read the clause in the case of someone employed in the foreign service in Canada, he could write back to his relatives and say "these are my views in this election", and in that way he might be guilty under this section.

Mr. CASTONGUAY: No, he would not be.

Mr. FRANCIS: Suppose he resides outside of Canada and is not entitled to vote in the election, yet he attempts to influence people to vote in Canada?

Mr. CASTONGUAY: The implication is that the people are in Canada who are doing this. It is to prevent such a case. This clause was inserted because of this particular case where the people went in there to do this thing. But I do not think that anybody has really looked at it very closely since then. It has not been used since.

The CHAIRMAN: It has been moved by Mr. Brewin, seconded by Mr. Cashin that clause 76 be deleted. All those in favour? All those opposed. I declare it to be deleted.

Motion agreed to.

The CHAIRMAN: Clause 77.

Removing notices forbidden.

77. (1) Anyone unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors or other document authorized or required by this Act to be posted up is guilty of an offence against this Act and liable on summary conviction to

- (a) a fine not exceeding one thousand dollars,
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

Copy of subsection (1) to be printed on documents posted up.

(2) A copy of subsection (1) shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document or printed and written as a separate notice and posted up near such documents and so that such notice can be easily read.

Mr. NIELSEN: With regard to clause 77, the professed intention is to get away from the reference to summary convictions and this you have done throughout all the offence sections. Yet it is included in clause 77. Clause 78 of course is an omnibus clause which makes all of those offences summary conviction offences. I take it the only reason you include a reference to summary

conviction in clause 77 is to have a convenient reference in subsection (2), that is to say, re the publication of printed notices. If that is the only reason I suggest that the words of 77(1) could stop in line 36 after the word "at", and then in subsection (2), it is very simple to say "the words of subsection (1) together with section 78 shall be printed on the notice".

Mr. ANGLIN: The only reason for this here is that on the notice itself the penalty is stated for everyone to see. But it is not everyone who has a copy of the Canada Elections Act and who knows what the penalty is. Here it is right on the notice itself for everyone to see, should you think of tearing down any one of these notices.

Mr. NIELSEN: That is what I suggested. If you are going to be consistent I would suggest that reference to summary conviction should be deleted in subclause (1) and we should retain the words "shall be printed as a notice in large type" and so on. It is a question of cleaning up the drafting.

The CHAIRMAN: Do you move an amendment to this?

Mr. NIELSEN: I give that as a suggestion.

The CHAIRMAN: Clause 77 is agreed to.

We are now on clause 78.

78. (1) Everyone who is guilty of an offence against this act is liable on summary conviction to

- (a) a fine not exceeding one thousand dollars,
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

(2) Any candidate at an election or official agent of such a candidate who commits a breach of any of the provisions of section 66, 68, 70 or 72 is guilty of a corrupt practice.

Mr. CASTONGUAY: Mr. Chairman, again I want the committee to pay particular attention to clause 78. I have here a fine not exceeding \$1,000. I pointed out to the committee that the Nova Scotia commission recommended \$2,000. My understanding is that in the Criminal Code there are sections where the maximum penalty provided is \$500. I chose \$1,000 merely on a personal basis and I ask the committee to take more support from the royal commission than from me.

The CHAIRMAN: Clause 78 is agreed to.

Mr. NIELSEN: My view is that it should be \$2,000. The committee was of that view when they met the last time on this matter. I personally feel that election offences should be regarded with much more severity than a summary conviction and I feel that if you split the difference between \$500 and \$2,000 you would not arrive at the sum of \$1,000. I would like to have the committee express their opinion in the form of a vote, and I would move that we retain the view of the last committee meeting that the fine not exceed \$2,000.

The CHAIRMAN: It is moved by Mr. Nielsen and seconded by Mr. Rheume that section 78 should be changed to \$2,000 instead of \$1,000.

Miss JEWETT: Do you have to increase the prison term also?

The CHAIRMAN: No, this is long enough. Are there any objections?

Mr. FRANCIS: I think that very few of us would try to defend offences. Mr. Castonguay had reasons for making his recommendation. I think he felt that the \$2,000 penalty meant in effect that some convictions which were not registered would have been registered had the penalty been less.

Mr. CASTONGUAY: That is my feeling, but I am not a lawyer. I think the Nova Scotia commission made a study in depth. A judge headed the commission and there was also a professor of law from Dalhousie University. I would

suggest that theirs is a more learned recommendation than mine. Mine is a purely mathematical equation and I understand Mr. Nielsen feels that I did not divide this too evenly.

Mr. BREWIN: With great respect to Mr. Castonguay, I do not think the reasoning is very sound. This is a maximum penalty. You might get a case of some corporation which might be very wealthy and for whom this would be a flick of the wrist. This other commission investigated this in depth and set the sum of \$2,000. I do not believe that a very strong case has been made in this discussion which I have heard tonight as to why it should be reduced to \$1,000.

Mr. RHEAUME: I also think that the other thing that is pertinent here is that as we have been going through the act we have been inserting words such as "knowingly", "willingly", "fraudulently", and the committee has been extremely careful to protect the innocent offender, that being the intent in our previous amendment, to make it clear that a person had to be an offender and intended to break the election act for malicious purposes. I think that \$2,000 would make more sense in view of what the committee had done earlier.

Miss JEWETT: Subclause (b) will also have to be changed because if \$500 equals one year in prison then \$2,000 would equal four.

The CHAIRMAN: This is "not exceeding two years". I would not like to be in jail for four years.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): Has this been changed this year?

Mr. CASTONGUAY: The act was re-enacted in 1963. The committee asked me informally to make a study and a revision of the penalty in the offence sections. I undertook to do this and I submitted this to the committee for their consideration on that basis. Now I see I made a mistake by suggesting that there be a penalty, but I thought it would be of some help to point out these various things. My own view is that I have a weak case for \$1,000 and I would rather lean towards the recommendations of the royal commission because they are more competent than I.

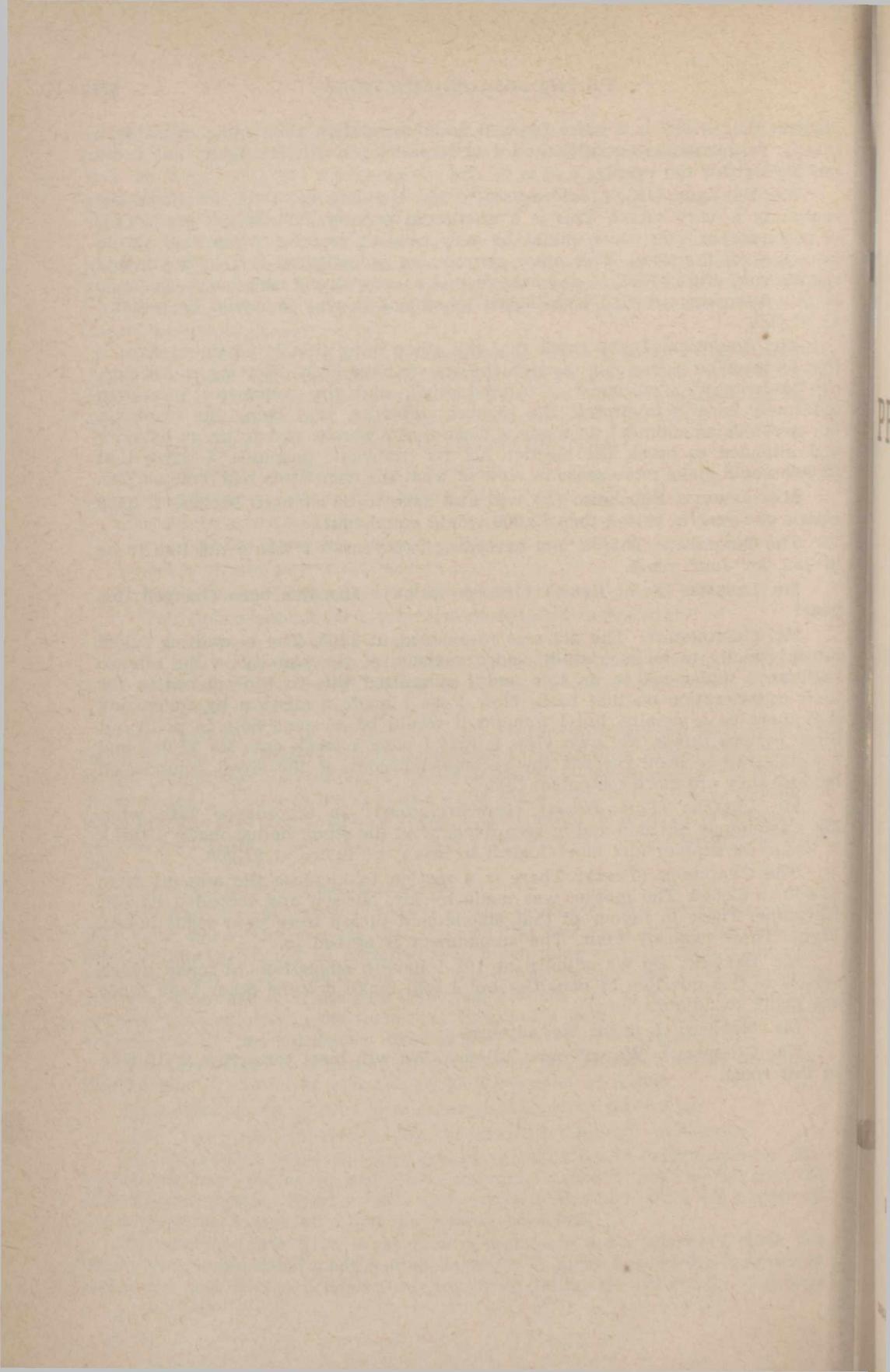
Mr. LESSARD (*Saint-Henri*) (*Interpretation*): In accordance with what Mr. Castonguay has said and in accordance with the study he has made, I think it would be simpler and more logical to leave the figure at \$1,000.

The CHAIRMAN (*Text*): There is a motion to increase the amount from \$1,000 to \$2,000. The motion was made by Mr. Nielsen and seconded by Mr. Rheaume. Those in favour of that amendment please raise your right hands. Eight. Those against? Four. The amendment is agreed to.

Mr. BREWIN: Do we adjourn at 10? I have a suggestion to make which relates to this question of penalties but I will make it some other time if we are going to adjourn now.

Mr. MOREAU: I move we adjourn.

The CHAIRMAN: We will now adjourn. We will meet tomorrow at 10 a.m. in this room.



HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

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TUESDAY, DECEMBER 3, 1963

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Respecting

CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell

and Messrs.

Brewin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Coates,  
Doucett,  
Drouin,  
Dubé,  
Francis,

Girouard,  
Greene,  
Howard,  
Jewett (Miss),  
Leboe,  
Lessard (*St-Henri*),  
Millar,  
Monteith,  
More,

Moreau,  
Nielsen,  
Paul,  
Rhéaume,  
Ricard,  
Richard,  
Rochon,  
Rondeau,  
Webb—29.

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

## MINUTES OF PROCEEDINGS

TUESDAY, December 3rd, 1963

(22)

The Standing Committee on Privileges and Elections met at 10.15 o'clock a.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Miss Jewett and Messrs. Brewin, Cameron (*High Park*), Cashin, Caron, Chrétien, Doucett, Dubé, Francis, Howard, Lessard (*Saint-Henri*), Millar, Moreau, Nielsen, Ricard.—(15).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

The Committee resumed from Monday, December 2, its consideration of the Canada Elections Act.

Mr. Brewin, seconded by Mr. Nielsen, *moved* that an amendment be prepared by the Chief Electoral Officer to be substituted to Section 76 of the Act, which had been previously deleted.

Mr. Castonguay undertook to prepare a draft amendment in connection therewith.

*On Section 79*

Adopted.

*On Section 80*

Adopted.

*On Section 81*

Adopted.

*On Section 82*

The following amendment was adopted.

Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor:

Election not voided unless illegal practices by candidate or agent.

"82. (1) No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in section 22, 40, 44, 73 or 75 unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

- (a) the elected candidate in person;
- (b) his official agent; or
- (c) some other agent of such candidate with such candidate's actual knowledge and consent."

Subsection (2) was adopted.

Section 82 was adopted, as amended.

*On Section 83*

Adopted.

*On Section 84*

Adopted.

*On Section 85*

Allowed to stand.

*On Section 86*

Adopted.

*On Section 87*

Adopted.

*On Section 88*

Adopted.

*On Section 89*

Adopted.

*On Section 90*

Adopted.

*On Section 91*

The following amendment was adopted:

Section 91 of the said Act is repealed.

Section 91 to be repealed.

*On Section 92*

The following amendment was adopted:

(1) All that portion of subsection (8) of section 92 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Notice in Form No. 65.

“(8) The returning officer shall, on Saturday, the thirtieth day before the ordinary polling day,”

(2) Subsection (9) of section 92 of the said Act is repealed and the following substituted therefor:

To be posted up.

“(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed and for the purpose of this provision the postmaster shall be deemed to be an election officer.”

Section 92 was adopted, as amended.

*On Section 93*

Mr. Nielsen, seconded by Mr. Cashin, moved,

That electors from rural polls be permitted to vote at advance polls pursuant to the provision of Section 46.

Debate arising thereon, and the question being put on the motion of Mr. Nielsen, it was resolved in the affirmative. Yeas, 10; Nays, 3.

Section 93 was allowed to stand.

*On Section 94*

Allowed to stand.

*On Section 95*

Allowed to stand.

*On Section 96*

Allowed to stand.

*On Section 97*

Allowed to stand.

*On Section 98*

Adopted.

*On Section 99*

Allowed to stand.

*On Section 100*

Adopted.

*On Section 101*

Allowed to stand.

*On Section 102*

Adopted.

*On Section 103*

Adopted.

*On Section 104*

The following amendment was adopted:

Section 104 of the said Act is repealed.

Section 104 to be repealed.

*On Section 105*

Adopted.

*On Section 106*

Allowed to stand.

*On Section 107*

Adopted.

*On Section 108*

Adopted.

*On Section 109*

Allowed to stand.

The Chairman informed the Committee that the next meeting would be on Thursday, December 5th at 10.00 o'clock a.m., and the following meeting on Friday, December 6th at 9.00 o'clock a.m.

It being 12.00 o'clock noon, the Committee adjourned until Thursday, December 5th at 10.00 o'clock a.m.

Marcel Roussin,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, December 3, 1963.

The CHAIRMAN: Gentlemen, we have a quorum; would you please come to order.

We are on section 78 of the act at page 249, page 34 of the bill.

Fines and penalties.

78. (1) Everyone who is guilty of an offence against this Act is liable on summary conviction to

- (a) a fine not exceeding one thousand dollars,
- (b) imprisonment for a term not exceeding two years, or
- (c) both such fine and imprisonment.

Corrupt practice.

(2) Any candidate at an election or official agent of such a candidate who commits a breach of any of the provisions of section 66, 68, 69, 70 or 72 is guilty of a corrupt practice."

Mr. BREWIN: Mr. Chairman, before you proceed with that section I wish to raise a point arising out of our discussion of section 78. I do not know whether or not this would be the logical place to put it.

In respect of the English act dealing with corrupt practices and so forth, and offences under the said act, I notice subsection 37 (4) which, in my opinion, should be incorporated somewhere in our act, and I thought perhaps section 78 was the right place to bring it up. This section deals with the acts of corporate or unincorporated associations. Section 37 (4) of the English act reads as follows:

Where any act or omission of an association or body of persons, corporate or unincorporated is an illegal practice under this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves that the act or omission took place without his consent or connivance and that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

This section, in a very careful way, ensures, that if a group of people, an executive of an association or corporation, commit an offence, in a sense they are made responsible, unless they show they did not consent or connive in this and they exercised reasonable diligence to prevent it.

Mr. Chairman, we have been dealing with the whole series of election offences, which are committed sometimes by groups of people unincorporated or incorporated, and it seems to me that some such section as this would be a real help. As you know, on occasions when a person does an overt or illegal act he is only acting as a pawn for someone else. I would ask that Mr. Castonguay and, perhaps others, give consideration to inserting some such section as this into ours. If they consent to do this, it could go in as a subsection of section 78, if there is not a better place to put it.

Mr. Castonguay, has this matter been studied?

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): No committee in the past has given consideration to this particular matter. This does not come under my jurisdiction because I am limited to recommending amendments only for the better administration of the Canada Elections Act. I know I have stretched this a bit in this committee. But, as chief electoral officer, it would not be appropriate for me to recommend. However, I do know that this never has been considered in previous committees during the last 30 years.

Mr. BREWIN: This, to me, would appear to be an important aspect of rounding out this whole question. I am not suggesting the exact wording of this subsection is correct.

Mr. NIELSEN: Mr. Brewin, could you read it again?

Miss JEWETT: Would Mr. Brewin explain where he is reading this from?

Mr. BREWIN: I am reading it from a document called "Representation of the People Act, 1948", which was provided us the other day by Mr. Castonguay, which deals with corrupt and illegal practices in respect of the election campaign. This is a British statute, and after dealing with various corrupt practices and illegal acts, some of the same type with which we have been dealing, it then goes on to say—

Miss JEWETT: Is this at page 6?

Mr. BREWIN: Yes, at page 6, section 37, subsection 4, which reads as follows:

Where any act or omission of an association or body of persons, corporate or unincorporated, is an illegal practice under this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves that the act or omission took place without his consent or connivance and that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Mr. MOREAU: In my interpretation of this it would also include unions and the like.

Mr. BREWIN: Yes.

Mr. NIELSEN: Mr. Chairman, that is an excellent section and I would like to support its inclusion, perhaps just before section 78, making it 77A. There is not any such provision in our act at the present time.

Miss JEWETT: Not in section 77?

Mr. NIELSEN: No.

Miss JEWETT: Where would you put it?

Mr. NIELSEN: We could make a new section, 77A.

Mr. MOREAU: We removed one section yesterday.

Mr. NIELSEN: I would like to second Mr. Brewin's motion.

The CHAIRMAN: It has been moved by Mr. Brewin and seconded by Mr. Nielsen that we should have a new section, 77A.

Mr. NIELSEN: Mr. Moreau suggested that we removed section 76; it could be put in that spot.

Mr. BREWIN: The actual wording would have to be changed because it refers here to illegal practice.

The CHAIRMAN: Would you write out an amendment, Mr. Brewin.

Mr. CASTONGUAY: Would the committee care to follow the past practice? If the committee adopts this in principle we will then take this section up and seek the advice of the justice department, and then return with this amendment.

Mr. BREWIN: That would be fine.

Mr. CASTONGUAY: This is a pure suggestion on my part. But, if you adopt this in principle then we could take it up with the justice department.

Mr. BREWIN: I move that it be adopted in principle.

Mr. NIELSEN: I second the motion.

The CHAIRMAN: It has been moved by Mr. Brewin and seconded by Mr. Nielsen that an amendment be added to this and that it be placed in section 76, which was removed.

Some hon. MEMBERS: Agreed.

Mr. CASTONGUAY: Have the committee members any direction to give in respect of any possible deletions which would help the justice department and us. Is there any particular matter you want amended or anything which you think would help us to apply the Canadian act?

Mr. NIELSEN: I have one suggestion. I should say: any offence that is an offence in so far as a person is concerned under this section is also an offence by an association or corporation under this omnibus.

Mr. BREWIN: Would that not be covered by the Interpretation Act and so on?

Mr. MOREAU: I think this would cover it: "is an illegal practice under this section".

Mr. NIELSEN: I do not want to use the Interpretation Act, which defines a person. If we look at section 75, the term used is "anyone", not "any person". Perhaps small details like that could be cleared up. That is the only comment I would have to make.

Mr. CAMERON (*High Park*): Does section 78 not cover the penalty? Why do you need a separate section when section 78 would cover it? It says:

Is liable to a fine not exceeding five hundred dollars and cost of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour, or to both such fine and cost and such imprisonment.

The CHAIRMAN: We have amended this to read \$2,000 instead of \$1,000.

Mr. CAMERON (*High Park*): That is immaterial to the point I was speaking to; is it necessary to put something into the act?

Mr. LESSARD (*Saint-Henri*): Is it not covered by section 78?

Mr. CAMERON (*High Park*): Did we not change it when we passed 37 (4)?

Mr. NIELSEN: Mr. Brewin brought our attention to the fact that there is no offence section in the act, making it an offence for an association or a corporation to engage in any illegal or corrupt practice.

Mr. BREWIN: Section 37 (4) makes it an offence.

Mr. NIELSEN: Did you say 37 (4)?

Mr. BREWIN: Yes. I am referring to the English act; it is not part of our act. I am just trying to incorporate that into our act.

Mr. CAMERON (*High Park*): I am sorry but I thought it was part of our act.

Mr. BREWIN: No, this is the English act which I read out to you, and that is where I got the idea.

Mr. CAMERON (*High Park*): I beg your pardon.

Mr. CASTONGUAY: Are there any helpful guides which the committee could give us in the drafting of this?

The CHAIRMAN: Does the section carry?

Some hon. MEMBERS: Carried.

The CHAIRMAN: Carried.

The next is section 79.

Disqualification for corrupt act.

79. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall *ipso facto* become disqualified from voting and incompetent to vote at such election.

Mr. NIELSEN: There is just one point I would like to mention in connection with what Mr. Brewin brought forward. If you look through the offence sections you will note that section 70 uses the term "everyone", section 72 also does; section 74 uses the term "anyone" and section 77 uses the term "anyone", whereas section 78 uses the term "everyone". I think the interpretation ordinances define "person". I am not quite certain whether this would fit into the term "everyone" or "anyone", but I think justice and yourself, when drafting Mr. Brewin's suggestion, could look into this. It could be adopted in principle that care should be taken to make an association or corporation liable if they engaged in any of the offences that an individual does under these sections. I think that is the intent.

The CHAIRMAN: In respect of section 79, are there any objections?

Some hon. MEMBERS: Carried.

The CHAIRMAN: Carried.

The next is section 80: corrupt or illegal practices.

Corrupt or illegal practices.

80. Any person, who

- (a) in any report made to the Speaker of the House of Commons on an election petition, is named as having been found guilty of any offence that is a corrupt or illegal practice, is reported to have been heard on his own behalf and is declared to be a person who should be expressly disqualified as hereinafter provided.
- (b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice; or
- (c) is, in any proceeding in which after notice of the charge he has had an opportunity of being heard, found guilty of any corrupt practice or of any illegal practice, or of any offence which is a corrupt practice or illegal practice;

Seven of five years' disqualification.

shall, in addition to any other punishment for such offence by this or any other Act prescribed, be, for a corrupt practice during the seven years or for an illegal practice during the five years next after the date of his being so reported, convicted or found guilty, incapable of being elected to or of sitting in the House of Commons or of voting at any election of a member of that House or of holding any office in the nomination of the Crown or of the Governor in Council.

The CHAIRMAN: Are there any objections?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

The next is section 81.

Candidate not to be convicted unless corrupt practice done by himself, agent, or with his knowledge.

81. (1) No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons as having been found guilty of any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence that is a corrupt practice or an illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

- (a) the candidate in person;
- (b) his official agent; or
- (c) some other agent of the candidate with the candidate's actual knowledge and consent.

(2) Nothing in this section prevents the avoidance pursuant to the provisions of the *Dominion Controverted Elections Act*, of any election in consequence of the commission of any corrupt practice or illegal practice.

The CHAIRMAN: Are there any objections?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

The next is section 82.

34. Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor:

Election not voided unless illegal practices by candidate or agent.

"82. (1) No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in section 22, 40, 44, 73 or 75 unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

- (a) the elected candidate in person;
- (b) his official agent; or
- (c) some other agent of such candidate with such candidate's actual knowledge and consent."

Mr. CASTONGUAY: This refers to clause 34 at page 34 of the draft bill. There is an amendment here which is consequential to clause 33, to which you agreed in principle.

The CHAIRMAN: Are there any objections to that?

Miss JEWETT: No.

The CHAIRMAN: Carried.

The next is section 83 of the act, page 251.

Non-compliance with Act not to invalidate election unless it affected result.

83. No election shall be declared invalid by reason of non-compliance with the provisions of this act as to limitations of time unless it appears to the tribunal having cognizance of the question that such

non-compliance may have affected the result of the election, or as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing any nomination paper, or because of any error in the name, or omission of or error in the address or occupation of any candidate as stated on such nomination paper as received by a returning officer, or of any insufficiency in any publication of any proclamation, notice or other document, or any mistake in the use of the Forms contained in this act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this act, and that such non-compliance did not affect the result of the election.

The CHAIRMAN: Are there any objections to this section?

Some hon. MEMBERS: Carried.

The CHAIRMAN: Carried.

The next is section 84.

Removal of disqualification procured by perjury.

84. If, at any time after a person has become disqualified under this act, the witnesses, or any of them, on whose testimony such person has so become disqualified, are convicted of perjury with respect to such testimony, such person may move the court before which such conviction takes place to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall therefore cease and determine; and it shall cease and determine accordingly.

The CHAIRMAN: Are there any objections? If not, carried.

The next is section 85.

No privilege from answering questions.

85. (1) Subject to this section, no person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, commissioner or other tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto on the ground of any privilege.

Exception.

(2) The evidence of an elector to show for whom he voted at an election is not admissible in evidence in any action, suit or other proceeding in any court or before any judge, commissioner or any tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto.

Idem.

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

Mr. NIELSEN: Section 85 (1) runs contrary to another section in the federal statutes, namely part 5 of the Canada Evidence Act, which allows a witness testifying at any criminal trial the privilege of protection from any possible future prosecutions for a criminal offence. I was wondering why this particular section runs contrary to the generally accepted constitutional right of the individual.

Mr. CASTONGUAY: I do not know the history of this section. This has been in the act for at least 30 years, and I do not know the history of it.

Mr. NIELSEN: I was wondering about the need for it all, because in a criminal trial the witness can ask for the protection of the Canada Evidence Act, and this protects him from future prosecution should the answers he gives tend to incriminate him.

Mr. CAMERON (*High Park*): Can he not ask for it under subsection (3)?

Mr. NIELSEN: If he can ask for it under subsection (3), why is the first one there?

Mr. CAMERON (*High Park*): He would still be required to testify.

Mr. MOREAU: I am sure you are quite familiar with the Criminal Code and the various provisions in it. But perhaps other people involved in an election campaign are not so familiar with it. So maybe it does not hurt to have it spelled out here.

Mr. NIELSEN: Subsection (2) reads as follows:

(2) The evidence of an elector to show for whom he voted at an election is not admissible in evidence in any action, suit or other proceeding in any court or before any judge, commissioner or any tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto.

If the judge or the president of the tribunal gives to the witness a certificate that he claims to be excused on such grounds, you feel it answers it to the satisfaction of the judge, and it is more restrictive than part 5 of the Canada Evidence Act.

Mr. CAMERON (*High Park*): How would it be to let it stand and have Mr. Castonguay get in touch with justice to see why it is in the act? There must be some reason for it.

Mr. CASTONGUAY: I do not think that justice would have the history of it. This section has been in there for at least 30 years, and you will find that most of these sections were put in by committees on privileges and elections for some particular purpose. Justice would not have the history. They merely assist me to draft amendments; they have no information.

Mr. CAMERON (*High Park*): They have a big staff over there and we should keep them busy.

Mr. CASTONGUAY: They would not have any knowledge of the history of this section.

Mr. NIELSEN: I think it is wrong, like the fifth amendment in the United States. It gives to the witness the fundamental privilege of protection. It does not give him the right not to answer, but it does give him fundamental protection if he asks for it, and that is, not to be prosecuted on the basis of incriminating answers he may give. Section 85 subsection (1) takes away that right, while section 85 subsection (3) purports to give some of it back; but it does not afford full protection, and the witness now is under Part V of the Canada Evidence Act. I think it is a wrong principle to take away that right, which seems to be what is being done here.

Mr. BREWIN: If this protection is given as sort of an inducement to someone who has a little guilty conscience about coming clean, or telling the truth, would the judge have to give a certificate that he made full and true answers to the questions? In most of these cases the judge would be very wary of saying that the person claiming not to incriminate himself had in fact made full and true answers. You would be very lucky to get such a certificate if you were in such a position.

Mr. NIELSEN: If you had to make true answers, even though they incriminated you, the judge might be even more reluctant to give such a certificate.

The CHAIRMAN: Do you want to amend this section, Mr. Nielsen.

Mr. NIELSEN: I do not know. I have not studied it sufficiently. I want to be very cautious before recommending any deletion of it. But I suggest that the committee approve it in principle and Mr. Castonguay seek the advice of the Department of Justice and report back to the committee on the effect of including a subsection which sets forth "notwithstanding anything in this section, nothing herein shall deprive the witness of the protection afforded under part V of the Canada Evidence Act".

The CHAIRMAN: Is that the wish of the committee?

Mr. LESSARD (*Saint-Henri*): You would leave it to Mr. Castonguay?

Mr. NIELSEN: That he advise the committee, after consulting with justice.

The CHAIRMAN: Agreed.

Motion agreed to.

Section 86 of the act.

86. (1) It is not necessary, on the trial of a suit or prosecution under this act, to produce the writ of election or the return thereof, or the authority of the returning officer founded upon such writ of election, but general evidence of such facts is sufficient evidence.

(2) If the original election papers are required on any such trial of any suit or prosecution, the clerk or registrar of the court having cognizance of such proceedings may, at the instance of any of the parties thereto, notify the chief electoral officer to cause them to be produced on or before the day fixed for the trial; and the chief electoral officer shall cause such election papers to be deposited with such clerk or registrar in such manner as the court or judge shall order.

If there are no objections, it is carried.

Section 87.

87. (1) Any court of criminal jurisdiction before which a prosecution is instituted for an offence against the provisions of this act may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution.

(2) The court shall not make such order unless the prosecutor before or upon the finding of the indictment or the granting of the information enters into a recognizance with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted.

(3) In case of an indictment or information by a private prosecutor for an offence against the provisions of this act, if judgment is given for the defendant, he is entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given.

If there are no objections it is carried.

Section 88.

88. (1) In an indictment or prosecution for a corrupt practice or an illegal practice, it is sufficient to allege that the defendant was, at

the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this act, or otherwise, as the case requires.

(2) In any criminal or civil proceeding in relation to such offence the certificate of the returning officer is sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

If there is not objection it is carried.

#### Section 89.

89. (1) Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this act, for which violation such person is liable to a fine or penalty other than the fines or penalties imposed for any offence amounting to an indictable offence, such court or judge may order that such person may be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

(2) If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty to the imprisonment prescribed in such case by this act.

(3) If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

(4) All fines and penalties recovered under subsection (1), (2) and (3) belong to Her Majesty for the public uses of Canada, but no fine or penalty shall be imposed thereunder if it appears to the court or judge that the person has already been used to judgment or acquitted with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

If there are no objections it is carried.

#### Section 90.

90. Notwithstanding anything in the Criminal Code, every prosecution for an offence against this act, and every action, suit or proceeding for any pecuniary penalty given by this act to any person aggrieved or to any person suing therefor, shall, when commenced, be proceeded with and carried on without wilful delay, and shall be commenced within the space of one year next after the day when the offence was committed or when such action, suit or proceeding might first have been brought or taken and not afterwards, unless the prosecution, action, suit or proceeding is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court, in which case such prosecution, action, suit or proceeding may be commenced within one year after his return, or in case of a charge against a returning officer pursuant to section 57 for wilful delay, neglect or refusal to return a candidate as elected, in which case such prosecution, suit or proceeding shall be commenced within six months after the conclusion of the trial of the petition relating to such action.

Are there any objections?

Mr. NIELSEN: Would you just pause there for a moment, Mr. Chairman. It is rather unusual to place a limitation on the time within which a criminal prosecution shall be launched. Under the code a prosecution for perjury can be commenced at any time.

Mr. MOREAU: When the action is commenced, it shall be carried forward speedily.

Mr. NIELSEN: That is under the Criminal Code. It says therein that an action when commenced shall be carried forward speedily.

Mr. DUBE: I would say that the action has to be commenced within one year of the offence.

Mr. NIELSEN: Yes.

The CHAIRMAN: Is there any objection?

Mr. DUBE: I wonder why there is a limitation of one year?

Mr. CASTONGUAY: In so far as this section deals with penalties and offences, none of these have been changed for at least 30 years. They have been in the act this way, and I do not know the history behind most of them.

The CHAIRMAN: If they do not move it within one year?

Mr. CASTONGUAY: I do not think anyone else here knows.

Mr. DUBE: What about a case discovered two or three years after the election? I do not know of a case under the Criminal Code. There is no limitation like this.

Mr. CASHIN: This time limit of one year it seems to me is one thing which might be accomplished in a subsequent election; were it to be one, two, three or four years later, there is a possibility that some candidate might, in order to discredit this opponent, bring an action during the course of the election campaign. I do not say it is fraudulent, or anything like that, but if this was not here, it might be the case, and if someone should bring an action three or four years later during the course of an election campaign it would have the effect of attempting to discredit the candidate.

Mr. MOREAU: That was my point too.

Mr. NIELSEN: Simply because I do not know the history behind the section I am not going to make any recommendation. But it seems to me at the moment to be an unnecessary restriction, whether an offence be discovered four or five days later, or even one year later.

Mr. MOREAU: Would you not agree that many of these charges are very difficult to prove, and that our elections are run with so many people involved that you could perhaps get some evidence almost of some fraudulent practice by some people in an election campaign in almost every election.

Mr. NIELSEN: That provides the reason, because if a prosecution is commenced against an individual for illegal or corrupt practice after the space of a year, if that were allowed, then a conviction might very well result in a petition being filed under the controverted elections act which would give complete uncertainty to the election system as a whole, because no member could be sure.

Mr. MOREAU: Going further, surely there is some reason for launching such a suit. Mr. Cashin's point was that it might go on in the case of a following election campaign.

Mr. NIELSEN: I am not going to amend.

The CHAIRMAN: If there is no objection, the section is carried.

There is an amendment at page 34 of the draft bill, clause 35.

35. Section 91 of the said act is repealed.

Mr. CASTONGUAY: This is consequential to the changes made in clause 33, and it is no longer necessary in view of the new revision of the penalty and offences section.

The CHAIRMAN: If there is no objection, the section is carried.

Section 92. There is an amendment here too.

Advance Polls

92. (1) The returning officer shall,

- (a) in urban areas, establish an advance polling district in each revisal district; and
- (b) in rural areas, group together the rural polling divisions into advance polling districts, each to contain such number of rural polling divisions as may be necessary to ensure that every rural polling division is included in an advance polling district.

(2) In urban areas, an advance polling station shall be established in each advance polling district, and in rural areas, an advance polling station shall be established in every city, town or village having a population of one thousand or more.

(3) When a request is made to the returning officer not later than ten days after a writ has been issued for an an election, he may, with the prior permission of the chief electoral officer, combine any two urban advance polling districts in his electoral district.

(4) Where there is a small number of urban polling divisions in an advance polling district, the returning officer may, with the prior permission, and shall upon the direction of the chief electoral officer, include in such advance polling district any rural polling divisions which it is considered desirable to so include.

(5) Any request for the establishment of advance polling stations in places not specifically provided for in subsection (2) shall be made to the returning officer not later than ten days after a writ has been issued for an election and he may, with the prior permission of the chief electoral officer, make provision for the establishment of advance polling stations at such places.

(6) Except as provided in this section and in section 94 to 96, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this act.

(7) Advance polls shall be open between the hours of eight o'clock in the forenoons and eight o'clock in the afternoons of Saturday and Monday, the ninth and seventh days before the ordinary polling day, and shall not be open at any other time.

(8) The returning officer shall, after nomination day and not later than Wednesday, the twelfth day before the ordinary polling day,

- (a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out
  - (i) the numbers of the polling divisions comprised in every advance polling district established by him,
  - (ii) the location of each advance polling station,
  - (iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast at such polling station, and
  - (iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the afternoon of the ordinary polling day;

- (b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the chief electoral officer; and
- (c) notify each postmaster in writing of the provisions of subsection (9) when he sends the notice.

(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed, and failure to do so is ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such.

Mr. CASTONGUAY: Yes, at page 34, clause 36.

36. (1) All that portion of subsection (8) of section 92 of the said act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(8) The returning officer shall, on *Saturday, the thirtieth day before the ordinary polling day,*”

(2) Subsection (9) of section 92 of the said act is repealed and the following substituted therefor:

“(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed and for the purpose of this provision the postmaster shall be deemed to be an election officer.”

Notice of holding an advance poll is now required to be published twelve days before polling day. It has been the experience at two general elections that this is too late. I recommend that it be published 30 days before ordinary polling day. That is the only change I recommend.

Mr. CAMERON (*High Park*): I have one comment to make on the advance poll which applies in my particular riding where we have the main lines of two railways bisecting the riding, with about 30 polls north of it, and 130 south of it. The returning officer includes the polling station for advance polls south of the railways, but most of the people north of the railway tracks have great difficulty in trying to get to the advanced poll on account of the railway. There ought to be something put in so that the advance poll suits the convenience of the majority of the people for that particular advance poll area.

Mr. CASTONGUAY: Those are my instructions, and if it had been brought to my attention, it would have been placed in a central place.

Mr. CAMERON (*High Park*): I had to use conveyances to bring many people to the advance poll because they could not have got there otherwise.

Mr. CASTONGUAY: I have received complaints about advanced polling stations in a few cases and I ordered the returning officer to place them in convenient places.

Mr. HOWARD: Have we agreed to a proposed change?

The CHAIRMAN: We are still discussing it.

Mr. HOWARD: I wanted to discuss something else.

The CHAIRMAN: In another section?

Mr. HOWARD: I do not know where it would come.

The CHAIRMAN: Is the amendment agreed to? That is, to give 30 days notice, in clause 36?

Mr. NIELSEN: Yes.

Mr. CASTONGUAY: A general discussion could still take place under clause 37 because that deals with those who may vote at an advance poll.

Mr. NIELSEN: I want to discuss an amendment to subsection (9) of section 92 as it appears on page 34 of the draft bill. I notice that the amendment deletes the words "which would make it grounds for dismissal of a postmaster from office."

36. (1) All that portion of subsection (8) of section 92 of the said act preceding paragraph (a) thereof is repealed and the following substitute therefor:

"(8) The returning officer shall, *on Saturday, the thirtieth day before the ordinary polling day,*"

(2) Subsection (9) of section 92 of the said act is repealed and the following substituted therefor:

"(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed and for the purpose of this provision the postmaster shall be deemed to be an election officer."

Mr. CASTONGUAY: We had this principle before us previously and we talked it out on previous occasions when the committee agreed in principle that a dismissal from office was a rather harsh penalty and was not necessary. So in principle the committee agreed with it so far.

Mr. NIELSEN: If I had been here at the time of the discussion I would have suggested that wilful failure of a postmaster should have been grounds for dismissal, and that by the mere insertion of the word "wilful" one would have accomplished the purpose. We may have a lot of wilful postmasters within the next few years, and if they act wilfully, they should be dismissed.

The CHAIRMAN: Does section 92 carry?

Mr. HOWARD: No, you are too quick on the draw.

The CHAIRMAN: I am always quick on the draw.

Mr. HOWARD: Sometimes. I should perhaps refer to this under section 93 because this one has to do with who may vote at an advance poll. But I would like to refer to it here because if it is agreed to it may require an amendment to section 92 as well. As it is now a person who wants to vote at an advance poll, votes at the advance poll in the district in which he is registered. In a city this is not too difficult, perhaps, because he may have only a short distance to go. But in a rural riding—and I am thinking of what exists in Skeena—this is not always the case. A person is not always that close to an advance poll, or to the district where an advance poll would be. He may be a fisherman and be far away. I would like to propose that within the confines of the electoral district an elector be permitted to vote at any advance poll in that district rather than merely at the one which is in his own communityfold.

During the salmon fishing season, fishermen are all over the place from one end to another. A fisherman may—because the season opens, for instance, close to Prince Rupert, before it opens further south—at the time of the advance poll find himself close to Prince Rupert when in fact he may live 200 to 300 miles south of there, let us say at Bella Coola, and not be able to

vote there because he is 200 or 300 miles away. He should be given an opportunity to vote at Prince Rupert. This is one thing which encompasses his home community. I would like to suggest that the act be changed so that within an electoral district an elector be given the right to vote at an advance poll, that is, at an advance poll within the district, within the riding.

Mr. MOREAU: How could you possibly police this in an urban centre?

Mr. CASTONGUAY: It would be impossible to police it and not only in an urban centre but in a rural district. In Mr. Howard's case where you have a difference of 200 or 300 miles, and the fact that your voting takes place on the ninth and seventh day before polling day, and the fact that there is an average of seven advance polls in polling stations in each electoral district, it would be very difficult in the northwest Territories, in the Yukon, and maybe in Mr. Howard's constituency of Skeena, for anybody to try to take advantage and to vote at all advance polls. But there is absolutely no way I know of, other than to inform the district returning officer that once a person has voted in an advance poll he must inform the other six that this person has voted. There is the problem. Certainly not in an urban area. It would be easy for a person, if he wished, to vote successively in Mr. Moreau's constituency where there must be 15 to 18 advance polls. It would be impossible to police them.

Mr. HOWARD: Could you not set the time for a person who wanted to vote in such a way, that is, in an advance poll, and have him get a certificate from the returning officer sometime in advance of the ninth and seventh day before polling day, when the returning officer could indicate this information to the other advance polls, and to the deputy returning officers so that they would have knowledge that elector A had received a certificate?

Mr. CASTONGUAY: This would be possible if that certificate only permitted him to vote in one advanced poll other than the one where he would be normally entitled to vote. This could be done. But, it would have to be so far ahead of the election and I wonder whether a person would know seven weeks before the election where he is going to be at a particular time on the ninth or seventh day.

In my opinion, I do not think this would be practical.

Mr. MOREAU: The reason I raised the point is that I would like to extend the franchise to the broadest coverage possible. But, we do have to be careful that in trying to include a few people we are not allowing all sorts of irregular phony practices to develop.

Mr. CASHIN: Is there something peculiar about your riding in the way the people move around. Would there be a greater percentage of people affected in your riding than, say in York Scarborough?

Mr. HOWARD: Yes.

Mr. CASHIN: As you know, some of the Newfoundland ridings are large, as is the case in Skeena, where you have large groups of fishermen. There will be 60 or 70 fishermen leave one end of Burin-Burgeo and go to the other end for a week or longer, and fish. St. John's West or St. John's East would be much the same as York-Scarborough. But, in Grand Falls and White Bay-Labrador there are many people who move up to the Labrador coast at certain times of the year. They come from Trinity-Conception and Bonavista-Twillin-gate.

Mr. CASTONGUAY: The offshore fishermen come from three or four different districts.

Mr. CASHIN: I did mention Burin-Burgeo as another example.

Mr. CASTONGUAY: When this came to my attention I instructed the returning officer to try and prepare his advance polling districts in such a way to meet this problem in your constituency. Did that help in some way? I know he did design advance polling districts in such a way as to try and include polling divisions where people would normally live and then go fishing at a specific time of the year. Did this help?

Mr. HOWARD: It helped somewhat. However, it does not cover this particular situation here, and I do not think it could unless you had one advance poll district, and then that would disfranchise people who lived elsewhere who did not come to this one part of the constituency. I can understand the difficulties. I am trying to raise the problem in order that perhaps somehow or other we will find a solution to it.

Mr. CASHIN: In respect of, say, Trinity-Conception, where there are a large number of people, is there any way in which that situation could be rectified?

Mr. CASTONGUAY: The only way it could be overcome is by having permanent lists and absentee voting.

Mr. HOWARD: Agreed.

Mr. NIELSEN: I have a personal observation to make before you leave this section.

Could you communicate with the returning officer in my constituency and ask him to enlarge the number of advanced polls. We have only three there at the present time. A person who lives at Watson lake has to vote at Whitehorse, which is 285 miles away, and if he is on a trip down south he has to make a round trip which involves 570 miles, in order to vote. In my opinion, I think it would be very helpful if more advanced polls were established.

Mr. CASTONGUAY: That is completely within his discretion. I will send him a copy of these minutes.

Mr. NIELSEN: I did make representations to him the last time and I did not get too far.

The CHAIRMAN: Does section 92, as amended carry?

Some HON. MEMBERS: Carried.

The CHAIRMAN: Clause 93.

Mr. CASTONGUAY: In section 93 at page 35, I am suggesting an amendment to overcome a problem which was based on these new advance poll provisions. You may recall in 1960 the right of voting at advanced polls was extended to every elector under the conditions set out here:

Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who has reason to believe that he will be absent from and unable to vote on polling day.

We ran into this difficulty at the last two elections, one in connection with the Jewish holiday. If the people of the Jewish faith had been permitted to vote at the advance polls it would have facilitated it. They were still able to vote on polling day but only between 9 and 5.

There are also handicapped people who we could better accommodate by putting an advance poll on a street level so these people could go and vote at these advanced polls. There are inmates of old peoples' homes who could take advantage of this if they were allowed to vote because they were unable to vote on polling day owing to handicaps, illnesses and many other things. Another condition would be pregnancies.

So, if the act was amended to read as I suggest here:

Section 93 of the said act is repealed and the following substituted therefor:

Who may vote at advance polls.

"93. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who has reason to believe that he will be absent from or unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such advance polling station."

This would take care of a great number of people who, for the reasons I have mentioned, were not able to use the facilities of the advance polls.

Mr. DUBE: Would that take into consideration election workers?

Mr. CASTONGUAY: You do not need this for election workers because election workers who are appointed now to work in another ordinary poll can vote at the advance poll.

Mr. DUBE: But I am referring to election workers who are working at duties other than at the polls.

Mr. CASTONGUAY: "If you are absent from your polling divisions", it says. So, the present provision, without amendment, permits an agent of a candidate who has been appointed to work in a poll other than where he is to vote at the advance poll.

Mr. DUBE: But I am referring to those who work at the same poll. I am referring to outside help who assist in bringing voters to the polls. They are not absent but they may be unable to vote because they are very busy on that day.

Mr. CASTONGUAY: If they are working in the same polling division where they are entitled to vote, surely in these hours they could go in and vote in that particular poll. They have from 8 o'clock until 7 o'clock to vote. However, this was not too well understood; it was the most misunderstood section in so far as it related to agents of candidates and some of the scrutineers in the polls said agents of the candidates were not entitled to vote at advance polls.

Any agent of a candidate who has been appointed to act in the polling division other than where he is entitled to vote can vote at the advance poll.

At several polls the scrutineers took the attitude that none of the agents could vote and this is a completely erroneous impression, which I straightened out, because this requires only absence from the polling division, not the electoral district.

Mr. DUBE: But, I was referring mostly to workers who would be, say, in a committee room. They may still be within the boundaries of their district and their polling division but perhaps they would be unable to vote because of having to work. Could they vote at the advance polls in this case?

Mr. CASTONGUAY: Not under this provision because the committee room is located in the same polling division where they are normally entitled to vote. If the committee room were situated in another polling division, this would be fine.

Mr. DUBE: I was not trying to work it out under the absentee provision.

Mr. CASTONGUAY: This would take care of him now; he would be entitled to vote.

Mr. DUBE: That would apply to them?

Mr. CASTONGUAY: Yes, it would now, because of this amendment.

Miss JEWETT: But, this amendment says:

—unable to vote in such polling division—

Therefore, it would not cover Mr. Dube's case.

Mr. CASTONGUAY: If he is in the committee room all day and cannot leave, it would.

Miss JEWETT: But the implication is that he is unable to vote in such polling division because he is likely to be in some other area.

Mr. CASTONGUAY: No.

Mr. NIELSEN: He was going to be too busy at his own committee headquarters to be able to vote.

Miss JEWETT: Then, it should read:

—who has reason to believe he will be absent from such polling division or unable to vote.

Mr. CASTONGUAY: This is the way the new section does read, that he will be absent from or unable to vote.

Miss JEWETT: I read it: "or unable to vote in such polling division," and the implication is he is unable to vote in the polling division in which he would ordinarily vote as he is in some other polling division on election day.

Mr. CASTONGUAY: When the word "and" was there that implication was right, but when you put "or", so that it will read:

He will be absent from or unable to vote—

there is no absence attached to that. This "or" separates it.

Mr. CAMERON (*High Park*): There are no conditions at all.

Mr. CASTONGUAY: No.

Miss JEWETT: I still think it would be better worded if it was:

He will be absent from such polling division or otherwise unable to vote.

Mr. CAMERON (*High Park*): That is using more words to say the same thing.

Miss JEWETT: I am trying to preclude these things from happening in the future.

Mr. NIELSEN: The observation I have to raise, Mr. Chairman, concerns only rural polls and has no reference to urban polls.

It is my feeling that the provisions in respect of electors voting at advance polls are now restricted since the enumerations, in many rural polls, are often not complete. There are always ridings where names are added to the list. But, even after the revision there are names that are left off. One only has to look through the polls books which are kept by the election officers to realize how many oaths are sworn under section 46 of the act—and these people are entitled to vote—and whose names have been left off rural lists.

My submission is that if an elector, who is going to be absent on ordinary polling day, wishes to vote at an advance poll, and if his name has been left off the list or off the list of revision, then he should be able, by swearing the oath required under section 46, to vote at an advance poll. I, personally, cannot see any difficulty in policing that.

Mr. CASTONGUAY: There is no difficulty in policing that. But, in some urban and some rural electoral districts we now are able under this act to set up an advance polling district with urban and rural polls because the qualifications are the same. So, the only effect of your suggestion would be that we would have to establish more advance polling districts and have wholly urban advance polling districts and rural advance polling districts. Now, there are small places where we have 20 polls that are urban and the rest would be rural. As it is now, what we do, because of the uniformity of qualification, both in rural and urban polls, is to form an electoral district comprising both urban and rural. I am unable to give a definite statement on this without looking into it further but, in my own view, this would mean additional polling divisions at additional costs. That is the only factor, and I am unable to elaborate at this now until I look into it further.

Mr. NIELSEN: May I suggest this to you, in those advance electoral districts where advance polls are established and where you have a combination of urban and rural polling divisions the requirements at the moment are that if the elector, desiring to vote at an advance poll, is on an urban list this is the only way he can vote, and if he is on a rural list this is the only way he can vote. The deputy returning officer at the advance poll has copies of this list and he takes the name of the elector. If he sees he is on an urban list his name is put on there and if he sees he is on a rural list, his name is put on it. I am not suggesting any change whatsoever to the requirement that the elector's name must be on the urban list. There is no change here from the ordinary procedure on ordinary polling day, but I am suggesting that the elector whose name does not appear on a rural list and who is permitted to swear he lives in a rural polling division lying within the advance polling district, in my opinion, upon swearing the oath required under section 46 he should be entitled to vote. I cannot see how that would upset the existing procedure and I cannot see how it would require a separation of urban polling districts to form one advance polling district and rural polling divisions to form another advance polling district because the same requirement of the oath, I think, would be sufficient to deter any elector residing in an urban district from voting by swearing he was residing in a rural division within the same advance polling district.

Mr. CASTONGUAY: I do not think you see the problem. The problem is that you have an advance polling district with 20 urban polls and 30 rural polls; you have eight polling stations and eight deputy returning officers. Now, a person coming from a rural polling division could go into that advance poll and be vouched for. But then, someone from, say, Whitehorse, will come in there and he cannot be vouched for. Can you explain to these two electors why the chap who lives in Whitehorse has this right and why the person living in the rural poll has this right and why he has not got the same right? This is the problem.

Mr. MOREAU: Is there not another problem as well?

Mr. CASTONGUAY: So, for the sake of uniformity, I think it would be better.

In a place like Whitehorse they would have 30 polling divisions and they would have to add 20 rural. I walk into the poll; I came from the rural area and my name is not on the list, and I can be vouched for, but you walk in from an urban poll and are denied that right.

Mr. NIELSEN: I can see the difficulty of explaining this. You would have to explain to a good many people at the present time why they cannot vote if they are not on the urban list. I do not think that principle should be the governing one; I think the governing principle should be to extend the franchise with safety to as many qualified Canadian electors as possible, and if we have to explain why someone on an urban list cannot vote at an advance poll because

he is not on the list and someone in a rural division can, if he is vouched for, and has sworn the proper oath, I think we have to take that explanation. However, I think this suggestion of mine would extend the franchise to properly qualified people and, at the same time, maintain the checks and balances which do exist in the act now.

Mr. MOREAU: On the point of safety which Mr. Nielsen mentioned, I think in the case of a rural poll where you allow people to go in to be sworn, provided one elector from the poll is permitted to vouch for him, in my opinion you have considerable safeguards; you have the local returning officer, the poll clerk and the local candidate's agents, who have intimate knowledge of that particular poll. Now, in an advance poll you are taking in a much larger area, particularly in an area where you have a mixed urban and rural population. Then, you do not have the same safeguards because your returning officer, poll clerk and the candidate's agents do not have the same intimate knowledge about that poll, as a result of which you would not have the same safeguards.

Mr. NIELSEN: With respect, I do not agree with that.

Mr. CASTONGUAY: Look at section 96. How can the returning officer inform the deputy returning officer of the poll where that person would normally vote under the vouching system.

Mr. DOUCETT: He would have to notify the deputy returning officer of that poll that so and so from his poll had been sworn as having been left off the list.

Mr. CASTONGUAY: I am referring to the fact that when the returning officer gets the affidavits of the people who have voted, he crosses off, or advises the deputy returning officer to cross off that name because that person has voted at the advance poll. You see, the deputy returning officer has a list with that person's name not on it, so how can he advise him to cross it off?

Mr. NIELSEN: It would mean an addition to this section.

Mr. CASTONGUAY: This could be done.

Mr. MILLAR: I do not think we should try to change the elections act to help some person who is not interested enough to determine whether or not he is on the voters list. If he is not interested why should we be?

Mr. HOWARD: With respect, what we should be doing is talking about the point at issue and not clouding it up in this way.

Mr. MILLAR: But is that not the point at issue? You are trying to take care of a man whose name is not on the list.

Mr. HOWARD: Or, with deference to Miss Jewett, a woman.

Mr. NIELSEN: Many people are sick on the day of enumeration and on revision; there are many circumstances which would prevent a qualified elector ensuring his name is on the list of electors or the revised list. As you know, there are occasions when the elector has no control over the circumstances.

But, to answer Mr. Moreau's observation, if there are good scrutineers at an advance poll it is not necessary to maintain the checks and balances that are inherent in the act. It is not necessary for the scrutineer to know every person who votes; he probably does not, especially in those large areas which we mentioned. A deputy returning officer, poll clerk, any agent or election official has no right to refuse a ballot to anyone, even now.

The CHAIRMAN: Have you an amendment to bring in?

Mr. NIELSEN: I will not have an amendment to make if I do not get the support of the members of the committee.

Miss JEWETT: Is it not true now that in mixed ridings where we have urban and rural polls the urban people usually feel that the rural people already have a real advantage over them because they get sworn in on election day, and if one gives an additional advantage to the rural people will it not create even more hard feeling?

Mr. NIELSEN: The underlying principle should not be to smooth over the hard feelings between these people; the underlying principle should be to extend the franchise to as many qualified electors as possible, at the same time maintaining the checks and balances.

Miss JEWETT: Although I agree with that I was thinking of relevant fairness between the two. If an urban voter cannot get on the list after the revision takes place and, therefore, cannot vote in the advance poll, since he was not on the list at the time of the revision, why then should a rural voter be able to?

Mr. NIELSEN: The same explanation has to be made now in respect of ordinary polling day; the qualified elector who is not on the urban list cannot vote and yet the qualified elector who is not on the rural list can—if he swears the oath required and has a voucher, he can.

Mr. CASHIN: The only reason for not extending it would be that it is going to cause undue difficulties. In respect of Mr. Moreau's suggestion, I do not see that it will cause additional difficulties. It may be more difficult. You mentioned urban and rural polls and that the checks and balances must be there. I do not know; I do not think this is terribly important; however, it might be in certain areas.

Mr. CASTONGUAY: I do not want to confuse the committee but, from my observations, I have noted that candidates, during the period of the election, feel there are not the necessary safeguards in this act. Every candidate who has discussed the act with me during the period of the election has asked that there be additional safeguards. My observations in the committees over the years have been that they thought we should loosen it. I do not wish to influence the committee in any way at all, but I do think there are two different approaches to this. I have never heard a candidate, during the period of an election, suggest we should remove some of the safeguards; it has always been suggested that we should tighten them up.

Mr. NIELSEN: I am not suggesting that we should remove any safeguards.

Mr. Castonguay, can you see any particular difficulty, from an administrative point of view, if the committee were to adopt my suggestion?

Mr. CASTONGUAY: There is not a difficulty which cannot be overcome, administrative or otherwise. I do not see any difficulty in this which cannot be surmounted. The only difficulty I see is to explain logically to an elector why he cannot vote at an advance poll because he is on an urban list. If you are in that particular room when the two electors are there I am sure you would find it difficult to explain it to them. So, we do have this problem. This is the reason why I asked to be given the power. In large metropolitan areas buildings quite often are spread out and one area is supposed to be rural while the other is urban. As you would be quite aware, it would be very difficult to explain to someone who lives on the dividing line of the corporate city that on that side he cannot vote but if he is on the other side he can. What we have done is to extend all the built-up area to the green belt in the hopes that it would overcome this problem which has been difficult to explain to the public. It is not logical, as I say, to any elector that because you live on one side of the street you can vote if your name is not on the list, and if you live on the other side you cannot. We have had this problem over the years. So, as I say, there are two different approaches to this matter.

Mr. NIELSEN: That is not really an administrative problem.

Mr. CASTONGUAY: No, but it is in a way.

Mr. HOWARD: Mr. Castonguay started out by saying he did not want to influence the committee. I do not think you quite succeeded in meeting your own comments. But, if, as Mr. Castonguay says, this is going to be awkward to explain to the individual who comes into the poll on advance polling day, then I would suggest we look at Mr. Nielsen's proposed amendment to Form 49, which is now the form to be used by an applicant rural elector. The proposal there is to extend this now so not only can a rural elector vote and swear in on election day if he is not on the voters' list, but the proposal is to extend that to provide that people from outside the riding who come into a rural poll, namely clergymen, students, teachers and so on, will be able to use the provision of swearing in in rural polls.

Mr. CASTONGUAY: This is in the act now. This form was in the act before. These people had the right before.

Mr. HOWARD: But, whether or not they had it still causes confusion. How are you going to explain to a logger who moves from one riding to another between the issue of the writ and election day and comes into a rural poll and is advised that he cannot vote because he came from outside the riding, and right alongside of him is a minister of some church going through the same performance; how can you explain that? What I am getting at is this: all right; say, we will have difficulties in explaining to the voters that because they are in an urban poll in this advance district they cannot swear in, but a person from a rural poll can. As you are well aware, it will be difficult to explain but we do have to go through a variety of explanations now on election day at an advance poll in respect of why people can or cannot vote. One more thing is not going to add any great onus on anyone and it will have the effect of extending the right to vote to additional people. In my opinion, this is the key point we should have in mind, giving to people the right to cast their ballot with the least possible hindrance.

Mr. CASHIN: It may be that Mr. Nielsen's would be more palatable if it was restricted to just those advance polls which are totally rural.

Perhaps that could be a compromise.

Mr. NIELSEN: It would not work. I do not know what the numbers are, but I would say that almost every advance poll in the country, outside of large metropolitan areas, is a combination of urban and rural.

Mr. CASTONGUAY: It is administratively possible; I just want to do my duty and bring out some of the problems that may arise as a result of it.

Mr. CASHIN: In connection with the problem that was brought up, in our area a whole street was left off, which constituted two polls. One half of the street was urban and one half rural. I can remember being there when there were 45 people in the poll at 5 o'clock; there were 20 from one side of the street being sworn in and 20 from the other side not being sworn in. Quite frankly, I left, hoping my opponent would come and talk to them. It was my hope they would take out their annoyance on him rather than me. But, they were unable to understand it at all.

Mr. MOREAU: Mr. Chairman, it seems to me we are dealing with a very small group of people who, having been enumerated, and who having taken taken advantage of the period of revision, will not be there on voting day and, generally, in my opinion, they have very little interest in the election at all. They were not able to get on the list before for one reason or the other and they will not be there on election day.

Coming back to Mr. Howard's point of view, I wonder how many people we are dealing with; it might be easier to round up a pack of loggers to influence an election than to round up a pack of ministers.

Mr. HOWARD: That is because there are more loggers than ministers.

Mr. MOREAU: Agreed.

Mr. NIELSEN: Two things can be said. If Mr. Moreau is correct, and we are dealing with a smaller number of people, the administrative difficulties diminish in direct proportion to the number of people we are dealing with and, secondly, even if we bring the entitlement to vote to even one additional qualified elector, at the same time maintain these safeguards, we have accomplished our purpose.

Mr. MOREAU: I do not agree. To accommodate a very few people you are putting forward all sorts of administrative difficulties to control other people who might be trying to abuse the vote. So, the administrative difficulties are not necessarily small because there are a small number of qualified people who are going to be involved here.

Mr. CASHIN: Mr. Castonguay, did I not understand you to say it was not an administrative difficulty?

Mr. CASTONGUAY: It is possible to prepare legislation in this respect. I am not saying it will not be difficult, but everything is possible.

Mr. NIELSEN: I think the principle of it is sufficient to put the matter to a motion; I would move that the chief electoral officer consider redrafting section 93 so as to include a provision which would allow a rural elector, whose name is absent from the list of electors or the revised list of electors who wishes to vote at an advance polling district, to do so, to cast his ballot upon swearing the oath as required by section 46, and the voucher swearing the oath as required by section 47.

The CHAIRMAN: Would you write out your amendment, Mr. Nielsen?

Mr. HOWARD: This will cover it.

Mr. NIELSEN: I move that electors from rural polls be permitted to vote at advance polls pursuant to the provisions of section 46.

Mr. CASHIN: I second the motion.

The CHAIRMAN: It has been moved by Mr. Nielsen and seconded by Mr. Cashin that electors from rural polls be permitted to vote at advance polls pursuant to provisions of section 46. With all those in favour of the amendment please raise your right hand. Those against?

Motion agreed to.

Mr. CASTONGUAY: At this stage, Mr. Chairman, I would like to bring up another problem, for which I have no solution. The use of advance polls by rural electors is rather limited to the extent that in some polls we have one or two votes, or we may have four votes, and they are all for one candidate. Then, the mechanics are such that the deputy returning officer of that poll sends the names to each candidate of the persons who voted at that poll, and there goes the secrecy of the ballot in respect of all those electors.

I do not know of any solution to this problem. However, there are quite a few polls in the rural areas where this occurs.

Mr. NIELSEN: That is very true; it has happened in my riding. It is quite easy to figure out who has voted for you and who has not.

Mr. CASTONGUAY: As I say, I do not know of any solution.

Mr. NIELSEN: Is there any objection to keeping the list of electors who cast their ballots at advance polls if that list does not exceed 50, or some such provision as that, because it is only when the list is small that there is this difficulty.

Mr. CASTONGUAY: You would also have to deal with the agents of the candidates who are present and who have a record of the people that voted.

Mr. HOWARD: If we had permanent lists and absentee balloting this might overcome it completely.

Mr. CASTONGUAY: This particular problem?

Mr. HOWARD: Yes, along with many others.

Mr. CASTONGUAY: Yes.

Mr. HOWARD: Should we re-open the question of absentee voting?

Mr. CASTONGUAY: I am merely presenting the problem to the committee and I must confess I have not a practical solution to this.

The CHAIRMAN: I do not think there is any relief to this sort of problem.

Mr. NIELSEN: It is a real problem, as you have said. For instance, the advance poll at Dawson city had 10 or 12 electors that day and it did not take me a minute to figure out which way everyone of these people voted.

Mr. CASTONGUAY: I have seen advance polls with 11 votes for one candidate, and that is all.

Mr. MOREAU: Would it be possible to take all the unopened boxes at advance polls returned to the returning officer and then have the ballots counted collectively?

Mr. CASTONGUAY: Well, you remove the safeguard of having these ballots counted by the deputy returning officer who actually presided over that poll. The agents who are there know how many electors vote and how many ballots are supposed to be in that box. But, if you put them into a big box, take them away and start counting them I suggest you would be in trouble.

Then, there is the time factor involved. In the case of the Northwest Territories, the Yukon and all these districts mentioned in schedule 3 of the act, you could not get the poll boxes back on time to be counted, and you would lose the primary safeguard of the count being held in the poll with the agents present, who know how many electors came in and also know how many ballots there are supposed to be in that box. As I say, we have tried to find a solution to this that would be practicable, but I do not know of any solution for it.

The CHAIRMAN: We will stand section 93.

The next section is 94.

Duties of deputy returning officer respecting affidavits for voting at an advance poll.

94. (1) The deputy returning officer, upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district, shall

- (a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying,
- (b) allow such person to take and subscribe to such affidavit before him,
- (c) complete the attestation clause on such affidavit,
- (d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and
- (e) direct the poll clerk to keep a record, called the "record of completed affidavits for voting at an advance poll" on the form prescribed by the chief electoral officer, of every such affidavit in the order in which it was taken and subscribed to.

Person who takes affidavit allowed to vote.

Exception.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses.

No poll book kept, but notations to be made on affidavit.

(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk at the advance poll shall, under the direction of the deputy returning officer, preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station.

Record of completed affidavits for voting at an advance poll.

(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in Form No. 66, has been completed, enter in the record of completed affidavits for voting at an advance poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit.

Elector subscribing to affidavit not to vote on ordinary polling day.

(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

Mr. HOWARD: Mr. Chairman, I was wondering if we should not stand this section?

Mr. CASTONGUAY: In view of Mr. Nielsen's suggestion I think we should stand all the provisions dealing with the advance polls because I do not know to what extent we would have to amend these.

Mr. DUBE: Are we still on section 94?

The CHAIRMAN: Yes.

Mr. DUBE: Section 94, subsection 5, reads:

No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

I see a possibility where an elector would subscribe to an affidavit and yet not be able to vote because he may be challenged under subsection 2. In my opinion, the subsection should read:

No elector who has voted at an advanced poll—  
should be inserted, instead of:

who has taken and subscribed to an affidavit.

As I said, there is a possibility that an elector may subscribe to an affidavit and yet not vote because he might be challenged under subsection 2.

Mr. CASTONGUAY: Yes, that would be an improvement on that section.

Mr. NIELSEN: As I take it, subsection 2 implies that a deputy returning officer or any election official has the right to refuse a ballot to an elector if he takes and subscribes to an oath as set forth in the act, save urban lists. This subsection 2 seems to imply there is that right of refusal of a ballot by the use

of the word "unless" because if a person takes and subscribes to an affidavit he should be allowed to vote. It goes on to say: "Unless an election officer or agent challenges him." The implication is if the challenge does present itself, then the deputy returning officer can refuse the ballot. I do not think that is the intent of the subsection.

The CHAIRMAN: Section 94 then will stand.

Mr. HOWARD: Could we rephrase it around the suggestion in respect of subsection 5?

Mr. DUBE: Possibly these words could be struck out and replaced by the word "voted".

The CHAIRMAN: This is clause 38 in the draft bill.

Mr. MOREAU: Is it necessary to have that subsection 5, if we are going that far. We have another section which says no one may vote twice in the same election.

Mr. NIELSEN: What is the reason for subsection 5?

Mr. CASTONGUAY: I really do not know.

The CHAIRMAN: Perhaps we can leave this in order that Mr. Castonguay can study it and he then can report back in the same way as he will be doing with others.

Some hon. MEMBERS: Agreed.

Mr. CASTONGUAY: This is page 211, subsection (3) of section 37.

Mr. NIELSEN: The same day?

Mr. CASTONGUAY: The same election.

Miss JEWETT: No, the first part.

Mr. HOWARD:

No elector shall vote more than once in the same electoral district at the same election.

Mr. NIELSEN: I think Mr. Moreau has a good point; I do not see the need for subsection (5).

Mr. CASTONGUAY: After consulting justice we will delete it, if they advise we should.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: The next section is 95.

Examining and sealing of ballot box.

95. (1) At the opening of an advance poll at eight o'clock in the forenoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present,

- (a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein,
- (b) lock and seal the ballot box with a special metal seal prescribed by the chief electoral officer, and
- (c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting.

Re-opening of advance poll.

(2) At the re-opening of the advance poll at eight o'clock in the forenoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

- (a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box,
- (b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and
- (c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1).

Proceedings at close of advance poll each day of voting.

(3) At close of the advance poll at eight o'clock in the afternoon of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present,

- (a) unseal and open the ballot box;
- (b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the chief electoral officer and indicate on such envelope the number of such ballot papers;
- (c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and
- (d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the chief electoral officer and indicate on such envelope the number of such unused ballot papers and completed affidavits.

Affixing of signatures and special metal seal.

(4) The deputy returning officer and the poll clerk shall, and such of the candidates, their agents or the electors representing the candidates as are present, may, affix their signatures on the gummer paper seals affixed to the special envelopes previously referred to in this section before such envelopes are placed in the ballot box, whereupon the deputy returning officer shall lock and seal the ballot box, as prescribed in subsection (1).

Custody of ballot box.

(5) In the intervals between voting hours at the advance poll and until nine o'clock in the afternoon of the ordinary polling day, the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates, their agents or the electors representing the candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may

again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day.

Collecting of record of completed affidavits for voting at an advance poll.

(6) As soon as possible after the close of advance polls at eight o'clock in the afternoon of Monday, the seventh day before the ordinary polling day, the returning officer shall cause to be collected the record of completed affidavits for voting at an advance poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district.

Count of votes on the ordinary polling day.

(7) The deputy returning officer shall, at nine o'clock in the afternoon of the ordinary polling day, attend with his poll clerk at the place mentioned in the notice of holding of advance poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the chief electoral officer.

Provisions applicable to advance polls.

(8) Subject to sections 92 to 96, the provisions of this act relating to ordinary polls shall in so far as applicable apply to advance polls.

Mr. CAMERON (*High Park*): I believe you were going to stand these.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Section 96 stands; section 97 stands on the same grounds. The next section is 98, at page 259 of the act.

#### SUPPLEMENTAL PROVISIONS

##### *Persons ineligible to act as Election Officers.*

Who shall not be appointed election officers.

98. (1) Subject to this section, none of the following persons shall be appointed as election officers, that is to say:

- (a) members of the Queen's Privy Council for Canada or of the executive council of any province of Canada;
- (b) members of the Senate or of the legislative council of any province of Canada;
- (c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the council of the Northwest Territories or the Yukon Territory;
- (d) ministers, priests or ecclesiastics of any religious faith or worship;
- (e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the exchequer court on its admiralty side, and in the Yukon Territory and the Northwest Territories, police magistrates;

- (f) persons who have served in the parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election; and
- (g) persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this act or any provincial act relating to elections, or under the *Disfranchising Act*.

Qualifications as electors of election officers.

(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising agent or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act.

Exceptions

(3) Paragraph (d) of subsection (1) does not apply in the electoral districts mentioned in Schedule III, and paragraph (e) of that subsection shall not be construed to prohibit or prevent a judge from exercising any power conferred upon him by this Act.

Mr. NIELSEN: As expected by Mr. Castonguay I have a point to raise here.

Subsection (d) precludes the appointment of ministers, priests or ecclesiastics of any religious faith or worship to act as election officers.

Mr. CASTONGUAY: Subsection 3—

Mr. NIELSEN: That is what I was going to suggest.

If there is no objection, carried.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Next is section 99 at page 260.

#### *Political Broadcasts*

Political broadcasts forbidden

99. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on the ordinary polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election.

No broadcasts outside of Canada

(2) Every person who, with intent to influence persons to give or refrain from giving their votes at an election, uses, aids, abets, counsels or procures the use of any broadcasting station outside of Canada, during an election, for the broadcasting of any matter having reference to an election, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as provided in this act.

Idem

(3) Where a candidate, his official agent or any other person acting on behalf of the candidate with the candidate's actual knowledge and consent, broadcasts outside of Canada a speech or any entertainment or advertising program during an election, in favour or on behalf of any political party or any candidate at an election, the candidate is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as provided in this Act.

## Definition of "broadcast"

(4) In this section "broadcast" has the same meaning as "broadcasting" in the *Broadcasting Act*.

Mr. HOWARD: More and more, and especially with the advent of television, which is to a great extent something akin to a newspaper, we find that radio broadcasters and television broadcasters engage in political broadcasts over this period of the two days of prohibition, favouring one or more groups or favouring one party or another in different parts of the country. They do not do it directly but the use of certain phraseology brings about the desired results. So, while we prohibit candidates from engaging in this sort of thing we open the door to radio and television broadcasters to accomplish the same thing which the act prohibits here.

I think what we should be thinking about is either removing this section or allowing candidates and parties to engage in political radio or television broadcasts in the same way as they do at other times during the election, or else close it off entirely to newscasters and the like so that there would be no political opinion given over the radio or television during these periods. As it stands, this is pretty restrictive now.

Mr. DUBE: It says: "no person"; it does not say "no candidates".

Mr. HOWARD: Are candidates not persons?

Mr. DUBE: Yes; it includes candidates and members of the press.

Mr. HOWARD: Certainly.

Mr. DUBE: That is what the word "person" implies.

Mr. HOWARD: What I am objecting to is television broadcasters using an editorial approach to the news and phrasing it in such a way that it favours one or another of the candidates or parties.

Miss JEWETT: Is it not covered here in clause (1):

No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on the ordinary polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election.

Mr. HOWARD: You know, as well as I do, that editorializing in news is not in favour or opposed to one or another party specifically but it can be phrased in such a way that the implication is pretty clear, in the way the news is disseminated.

Mr. CASHIN: It is pretty difficult to enforce that.

Mr. HOWARD: What I am saying is that we should let the candidates and parties participate during these two days in order to bring balance to it; otherwise it loses its intent.

Mr. FRANCIS: Mr. Chairman, perhaps Mr. Howard's point could be considered under the *Broadcasting Act* rather than under this legislation. I think this legislation should be aimed at political parties and candidates and, from the point of view of the candidates and parties, I think this is carefully presented here.

I agree with Mr. Howard; I do not like the type of thing to which he has been referring. But, I think it is better dealt with under other legislation. This committee may want to look at the *Broadcasting Act*, for example, after we have gone through this legislation.

Mr. Chairman, I want to raise a very small point; I would like to see a specific insertion referring to television. It says over the radio and I think it should say over the radio or television.

Mr. BREWIN: What does subsection (4) mean? What are broadcasts?

Mr. CASTONGUAY: This includes radio and television. These are both included in the definition of the Broadcasting Act.

Mr. NIELSEN: Mr. Chairman, this does not affect me but I think it might be worthy of consideration by the committee. I think that we should determine whether or not we want to leave this restriction here. Why should there be any restriction against broadcasting right up to the end, and why should broadcasting on T.V. and radio be precluded two days before polling day. Why cannot a candidate go on Saturday night?

Mr. FRANCIS: I think the public would prefer it this way. In my opinion, they desire a little relief for 48 hours before an election.

Mr. CASHIN: I think this is good for the politicians. It might be better if it was changed to two weeks campaigning.

Mr. MOREAU: This is a very important matter. I think there is a possibility at the last minute that some issue could be drummed up to influence the election. If such was the case, the other side would not have an opportunity of presenting their case and, by leaving it so late, you may, in effect, prevent people from presenting the other side of the story on an issue which might arise in the very late stages of an election campaign. It may be a phony issue, and because of this I do not think you could allow this. I definitely do feel that an opportunity should be given to the other side to present their counter argument in any issue which may arise.

Mr. DUBE: Under the interpretation section, section 2, subsection (22):  
"person" includes elector, voter and candidate.

Now, I can see a possibility where a human being will not be an elector, voter or a candidate; an American could come over here and go into the radio business for the last two days. Should not the word "person" be replaced by the word "no one".

Mr. HOWARD: "Person" as defined in the Interpretation Act includes corporations and I do not know what else.

Mr. DUBE: Under the Interpretation Act, as I said, it includes elector, voter and candidate.

Mr. MOREAU: But it does not exclude other people.

Mr. DUBE: I think we should say "no one".

Mr. NIELSEN: But where in the statute that "person" is defined does "person" as defined under the Interpretation Act apply?

If the word "person" is defined in the elections act I doubt very much whether the Interpretation Act definition of "person" would apply. Perhaps this should be checked as it is a relevant point.

Mr. DUBE: I think section 2 would govern this act.

The CHAIRMAN: Do you move to replace the word "person" with "no one"?

Mr. NIELSEN: Perhaps we should check with the justice department.

The CHAIRMAN: Then we will stand this section.

Mr. MOREAU: That applies in the first three sections.

The CHAIRMAN: Yes.

Gentlemen, the next section is 100.

## Notices.

Notices, how given.

100. (1) When any election officer is by this act authorized or required to give a public notice and no special mode of notification is indicated, the notice may be by advertisement, placard, handbill or otherwise as he considers will best effect the intended purpose.

Posting up of notices, etc.

(2) Notices and other documents required by this act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.

The CHAIRMAN: The next section is 101.

When polls lie in two time zones.

101. In an electoral district lying in two different standard time zones, the hours of the day for every operation prescribed by this act shall be determined by the returning officer with the approval of the chief electoral officer, and such hours, after a notice to that effect has been published in the proclamation in Form No. 4, shall be uniform throughout the electoral district.

Mr. CASTONGUAY: I think that should stand for the time being as we are preparing an amendment for Mr. Rheame on this.

Mr. NIELSEN: I thought it was prepared.

Mr. CASTONGUAY: No.

The CHAIRMAN: Then, section 101 will stand.

Mr. CASTONGUAY: You have not discussed section 100.

The CHAIRMAN: Is not section 100 adopted?

Mr. BREWIN: Could I ask a question which relates to a subject similar to this, section 99, political broadcasts.

I noticed the other day when Mr. Castonguay was reading to us the report of the Nova Scotia committee they recommended against the publication of straw votes. Is the matter of whether or not there should be some prohibition in that connection being considered by this committee?

Mr. CASTONGUAY: I might explain to the committee that a notice went to the legislature and they did not except this legislation. Only one province has this, namely British Columbia.

Mr. HOWARD: How about Bennett burgers? In the last provincial election campaign one proprietor sold Bennett burgers and Fulton burgers; he put the results up in his window and it did attract a great deal of attention.

Mr. BREWIN: Frankly, the reason I thought about it is this Nova Scotian report which Mr. Castonguay referred to.

Miss JEWETT: Mr. Chairman, could we bring this and other matters, which Mr. Howard suggested, as well as others, up again when we discuss section 99?

The CHAIRMAN: Yes. When it comes back we can study it.

The next section is 102.

*Communication by Telegraph.*

Communications by telegraph.

102. (1) Whenever it appears to the satisfaction of the chief electoral officer, at a time when an election is about to be held, that necessary communication for the purposes of the election with or within any electoral district will probably be interrupted during such election by the severity of the season, or by the absence or severance, temporarily, of any other means of communication than that available by telegraph, he may direct that the writ of election and all necessary instructions, information, forms, proclamations, notices, appointments, reports, returns (other than the return of the returning officer as to the result of the election) and other election documents be transmitted to or within the electoral district to or by the returning officer, deputy returning officers and other election officers, by telegraph.

Order as to details.

(2) The chief electoral officer may make such order as to the details of the proceedings at or relating to such election, to be so transmitted by telegraphic communication as to him seems proper for best attaining the purpose of this section.

Telegrams repeated.

(3) Every telegraphic communication referred to in this section shall be repeated by the person receiving the messages to the person transmitting the same, in order to insure the correctness of the message received.

Mr. HOWARD: Is section 99 the appropriate section to bring this up, as Miss Jewett suggested?

Miss JEWETT: There is no other in this act.

Mr. HOWARD: We may decide it may require a new section in order that we may deal with it as a specific subject.

Miss JEWETT: But, the Broadcasting Act will be involved.

The CHAIRMAN: We will stand section 99 and when it comes back we can discuss it.

Mr. CASTONGUAY: I have it here; it is section 106 of the British Columbia provincial elections act; it concerns straw votes, flags, ribbons, and so on, and reads as follows:

No person, corporation or organization shall after the issue of the writ for any election take any straw vote which will prior to the election distinguish the political opinions of the voters in any electoral district.

That is the provision.

The CHAIRMAN: We are now on section 102.

If there are no objections, carried.

The next is section 103.

*Oaths and Affirmations.*

Oaths, by whom administered.

103. (1) Where in this act any oath, affirmation, affidavit, or statutory declaration is authorized or directed to be made, taken or administered, the oath, affirmation, affidavit, or declaration shall be administered by the person who by this act is expressly required to administer

it, and, if no particular person is required to administer it, then by the judge of any court, the returning officer, the election clerk, a postmaster, a revising officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a justice of the peace, or a commissioner for taking affidavits in the province.

(2) All such oaths, affirmations, affidavits or declarations shall be administered gratuitously.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

The next section is 104.

*Peace and Good Order at Public Meetings.*

Penalty for disorderly conduct at public meetings.

104. (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an illegal practice and of an offence against this act, punishable on summary conviction as provided in this act.

Penalty for conspiracy to cause disorder.

(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an indictable offence against this act, punishable as provided in this act.

Mr. CASTONGUAY: If you will note clause 40 at page 35 of the draft bill you will see that that section is repealed and it is now section 72 in the draft bill.

The CHAIRMAN: If there are no further objections, carried.

The next section is 105.

*Signed Pledges by Candidates Prohibited.*

Signed by pledges by candidates prohibited.

105. It is an illegal practice and an offence against this act for any candidate for election as a member to serve in the House of Commons to sign any written document presented to him by way of demand or claim made upon him, by any person, persons or associations of persons, between the date of the issue of the writ of election and the date of polling, if such document requires such candidate to follow any course of action that will prevent him from exercising freedom of action in parliament if elected, or to resign as such member if called upon to do so by any person, persons or associations of persons.

If there are no objections, carried.

The next is section 106.

*Premature Publication of Election Results.*

Premature publication of results forbidden.

106. (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, hand-bill, or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this act.

Definition of "broadcast".

(2) In this section "broadcast" has the same meaning as "broadcasting" in the *Broadcasting Act*.

Mr. CASTONGUAY: This is at page 36 of the draft bill, clause 41.

Section 106 of the said act is repealed and the following substituted therefor:

Premature publication of results forbidden.

"106. (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, billboard, handbill, or in any other manner.

Offence.

(2) Any person, company or corporation contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

Definition of "broadcast".

(3) In this section "broadcast" has the same meaning as "broadcasting" in the *Broadcasting Act*."

This amendment is for clarification only, and it is as a result of the prosecutions which were made in a recent general election.

Mr. NIELSEN: Mr. Chairman, I just have one observation here in regard to drafting, which Mr. Castonguay might take into consideration. I question the use of the term "company". I feel it should be "no person, firm or corporation". From the technical point of view there could be some who do not form a company, and they are not a corporation or a person. I do not know why the word "company" was used because, to me, it would seem that the word "corporation" would cover the same thing.

Mr. MOREAU: Could you say a partnership?

Mr. NIELSEN: A person as defined in the act at the present time would not cover it.

Mr. MOREAU: Well, in my opinion, partnerships have no legal status in law and partners are individuals, as far as the law is concerned.

Mr. NIELSEN: How about a group of persons then who are not partners; they would not be covered under the existing definition, and they would not be involved in this offence section.

This is just an observation which I thought I should make to Mr. Castonguay. I do not suggest standing the section, but he may wish to take that up with justice as well.

Mr. CASTONGUAY: This amendment was prepared with the help of my counsel who prosecuted the two cases.

Mr. NIELSEN: In the case of the two prosecutions you mentioned did they concern individuals?

Mr. CASTONGUAY: Companies and individuals.

Mr. NIELSEN: Limited companies?

Mr. CASTONGUAY: Yes, limited companies.

Mr. NIELSEN: Well, I feel there is a gap there.

The CHAIRMAN: Would you like to stand it so that Mr. Castonguay can look further into this?

Mr. NIELSEN: Yes.

Mr. DUBE: Why do they exclude the word "territories" from these provisions? It says:

No person, company or corporation shall, in any province before the hour of closing of the polls in such province—  
and so on.

Mr. NIELSEN: In the Interpretation Act "province" includes "territories".

The CHAIRMAN: We will stand clause 106.

The next is section 107.

*Preparation of Lists of Electors to be used at every By-election.*

Procedure to be followed.

107. (1) The procedure to be followed in the preparation, revision and distribution of the lists of electors to be used at every by-election shall be the same as that provided in this act, except with regard to the following particulars:

- (a) the enumeration of electors in urban and rural polling divisions shall commence on Monday, the thirty-fifth day before polling day, and be completed on Thursday, the thirty-second day before polling day; and
- (b) the days for the sittings for the revision of the lists of electors for urban polling divisions shall be Thursday, Friday and Saturday, the eleventh, tenth and ninth days before polling day, and, subject to rule (40) of Schedule A to section 17, Tuesday, the sixth day before polling day.

Act modified in consolidation.

(2) In the consolidation of this act for use at every by-election, the chief electoral officer shall, consistently with the provisions of subsection (1), make such modifications as are deemed necessary.

Mr. CASTONGUAY: There is no change suggested there.

The CHAIRMAN: Carried.

The next is section 108.

*Voting under the Canada Temperance Act.*

Act to apply in votes taken under *Canada Temperance Act*.

108. (1) Whenever under the *Canada Temperance Act* a vote is to be taken, the procedure to be followed shall, in lieu of the procedure therein directed, be the procedure laid down in this act with such modifications as the chief electoral officer may direct as being necessary by reason of the difference in the nature of the question to be submitted, and with such omissions as he may specify on the ground that compliance with the procedure laid down is not required.

Publication in *Canada Gazette*.

(2) Any direction given by the chief electoral officer for a modification of or omission from the procedure directed by this act shall be published by him in the *Canada Gazette* at least four weeks before the day upon which the vote is to be taken.

Mr. CASTONGUAY: There is no change suggested.

The CHAIRMAN: Carried.

Mr. FRANCIS: Am I correct in stating that there are very few votes taken under this at the present time?

Mr. CASTONGUAY: The last one was three years ago, in Huron-Perth.

The CHAIRMAN: The next section is 109.

*Voting by Canadian Forces electors and Veteran electors  
at a General Election.*

Canadian Forces and Veteran electors voting at a general election.

109. (1) The qualifications of Canadian forces electors and veteran electors at a general election and the procedure to be followed in the taking, receiving, sorting, and counting of the votes cast by such electors shall be as set forth in *The Canadian Forces Voting Rules* in Schedule II.

Names and surnames of candidates wired to Chief Electoral Officer.

(2) The returning officer for each electoral district shall, immediately after three o'clock in the afternoon of nomination day, communicate to the chief electoral officer, by telegraph, the names and surnames of all candidates officially nominated in his electoral district, as these appear in the heading of the nomination papers.

Earliest date for official addition of votes.

(3) For the purpose of a general election, the time at which the returning officer for each electoral district shall add up the number of votes cast for the several candidates shall not be earlier than Monday, the seventh day after polling day.

Results of voting by Canadian Forces electors and Veteran electors included with civilian vote.

(4) The chief electoral officer shall, on a day not later than the Saturday next following polling day, inform, by telegraph, the returning officer of every electoral district as to the total number of votes cast by Canadian forces electors and veteran electors, in every voting territory, for each candidate in his electoral district, under the procedure set forth in *The Canadian Forces Voting Rules* in Schedule II; the returning officer shall thereupon enter on his recapitulation sheets such total number of votes cast for each candidate, and shall deal with such

telegraphic communication as though it were an official statement of the poll completed by one of his deputy returning officers.

Adjournment of official addition of votes.

(5) If the result of the vote taken under the procedure set forth in *The Canadian Forces Voting Rules* in Schedule II, has not been communicated by the chief electoral officer to the returning officer on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a future day and hour.

Mr. CASTONGUAY: There is no amendment there.

Mr. NIELSEN: Is there a possibility, when we have Brigadier Lawson and Captain Dewis here there may be a consequential amendment to section 109?

Mr. CASTONGUAY: There could be, but not in the proposals I have to make. It may be they have proposals to make.

The CHAIRMAN: Perhaps we should stand section 109 then until after we have heard from Brigadier Lawson and Captain Dewis.

Some hon. MEMBERS: Agreed.

Mr. FRANCIS: Do you have in mind reducing the time interval so that the results could be announced at the same time as the general election results?

Mr. NIELSEN: I think this is one of the matters which should be discussed when you consider the Canadian forces voting regulations; the solution is something else again.

I am suggesting there likely will be consequential amendments to section 109 in connection with our consideration of the Canadian forces voting regulations.

Mr. CASTONGUAY: If it is a question in respect of the election results concerning members of the Canadian armed forces at the same time as the ordinary polling day, this would be the section in which to deal with it.

Mr. FRANCIS: This is the point I am raising.

Mr. CASTONGUAY: Well, this is the section which is affected.

Mr. NIELSEN: Perhaps we could hear now from the representatives of the armed forces. They could give us their views at this time as to whether or not the existing procedure is desirable, or if they think there should be a change.

Mr. MOREAU: This would require the armed forces vote considerably ahead of the ordinary polling day.

Mr. CASTONGUAY: It would.

Mr. FRANCIS: By way of personal opinion, I feel we should look at this matter because I think it is wrong for the results of the armed forces vote being announced the way they are now, in a way that they could change the results in ridings after the ordinary vote is counted. I would like to see a procedure examined which would make possible the two being announced at the same time.

Mr. MOREAU: Would there be sufficient time after nomination day and before ordinary polling day to get this done?

Mr. CASTONGUAY: This matter was studied in the 1960 committee. The members of the armed forces put a proposal up then, which the committee at that time did not accept.

In my opinion, you would have to advance nomination day one week in these electoral districts where you have now a period of 14 days—that is, if you want to provide the same facilities given now to members of the Canadian

forces and not disfranchise anyone by trying to do it in the time now provided. At that time it was felt if you advanced nomination day a week, making it 21 days, that this would seriously impede the political parties in getting candidates into the field. This was the thought at that time. This could be done certainly if you advanced nomination day to 21 days. But, releasing the results the night of the election, would it be the opinion of this committee that it would have a greater impact to release them that night or the week after. They would be released the night of the general election, if I requested them, and they would be the only official count released, and I would release them in the same way as on the following Saturday. I do not think this committee would like me to sit on these results for a week. In the recent election in Ontario an attempt was made to help this situation, but in the four close seats the returning officer had the information; the candidates were interested in them, and the newspaper picked up the four close seats. The question for this committee to decide is whether there is a greater impact on the Saturday after polling day in releasing them at that time or the night of the election. Now, I do not know.

The CHAIRMAN: Is it the intention to stand sections 110, 111, 112, 113, 114, 115 and 116?

Mr. CASTONGUAY: No, not all of them.

Mr. FRANCIS: As a personal opinion, I would prefer to advance nomination day one week and have the results announced election night, at the same time as a preliminary count is announced from each of the ridings.

Mr. CASTONGUAY: There is one problem; if the vote is counted that long before it would have to be counted before polling day, and I would respectfully suggest that I would like to be relieved of the responsibility of having votes counted the week before. If such were the case the result would be there and it would be known by 20 people before being sent to me before ordinary polling day. We have problems now with our advance polls and I would not like to see any more. I would not like to have the responsibility for the security of that information when these votes are released prior to ordinary polling day, when it is knowledge to at least 100 people in the headquarters of the offices of the special returning officer.

Mr. HOWARD: If subsequently the committee comes to a favourable decision in respect of absentee balloting we will be in the same position all over again.

Mr. MOREAU: There is another point; would it not present some considerable technical difficulty in getting the vote to the returning officer after the polls close on election night?

Mr. CASTONGUAY: If enumeration day was advanced one week it would present no administrative technical difficulties.

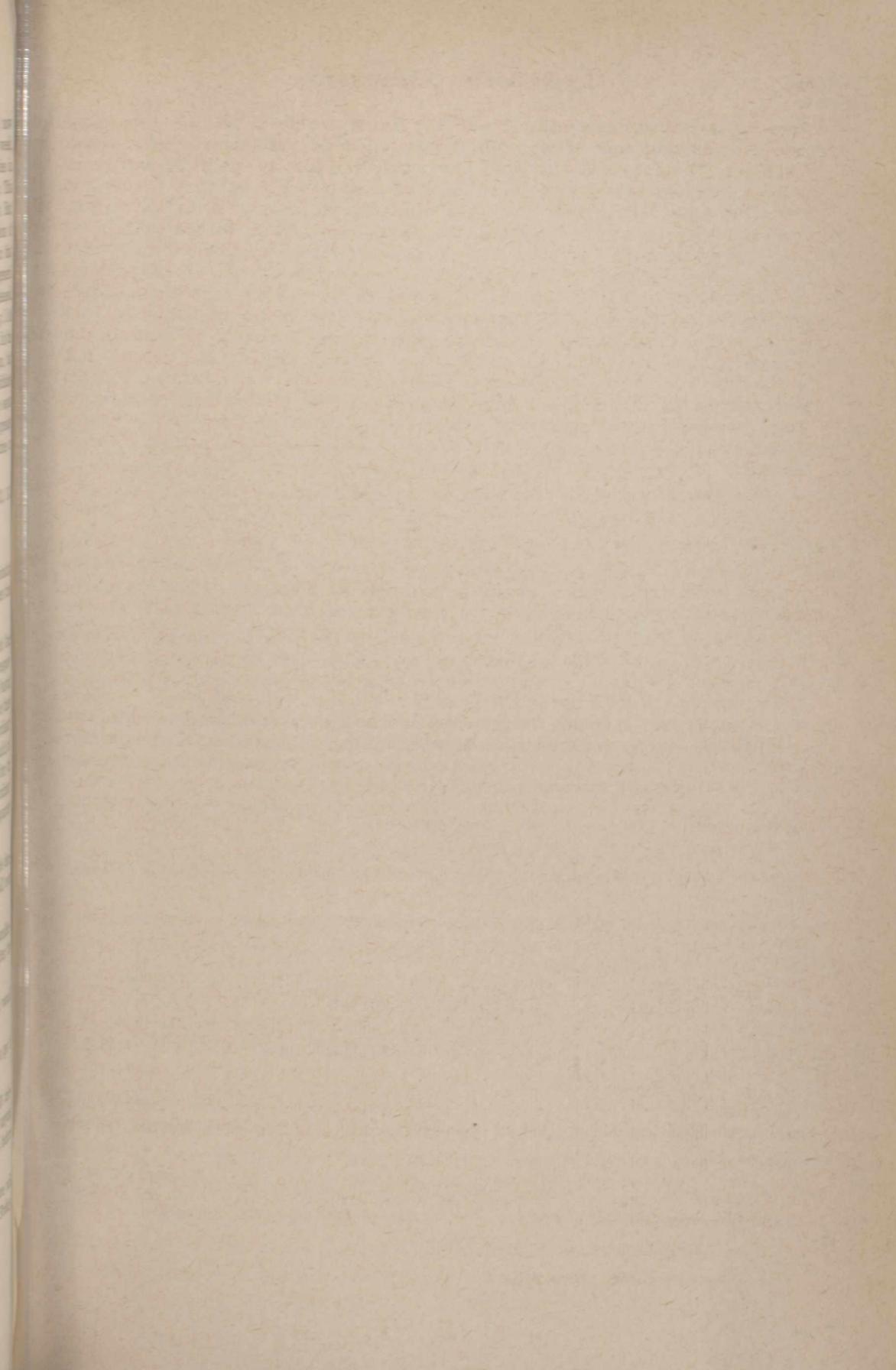
Mr. MOREAU: I mean if you would have the information in time to get it to the returning officer in the riding?

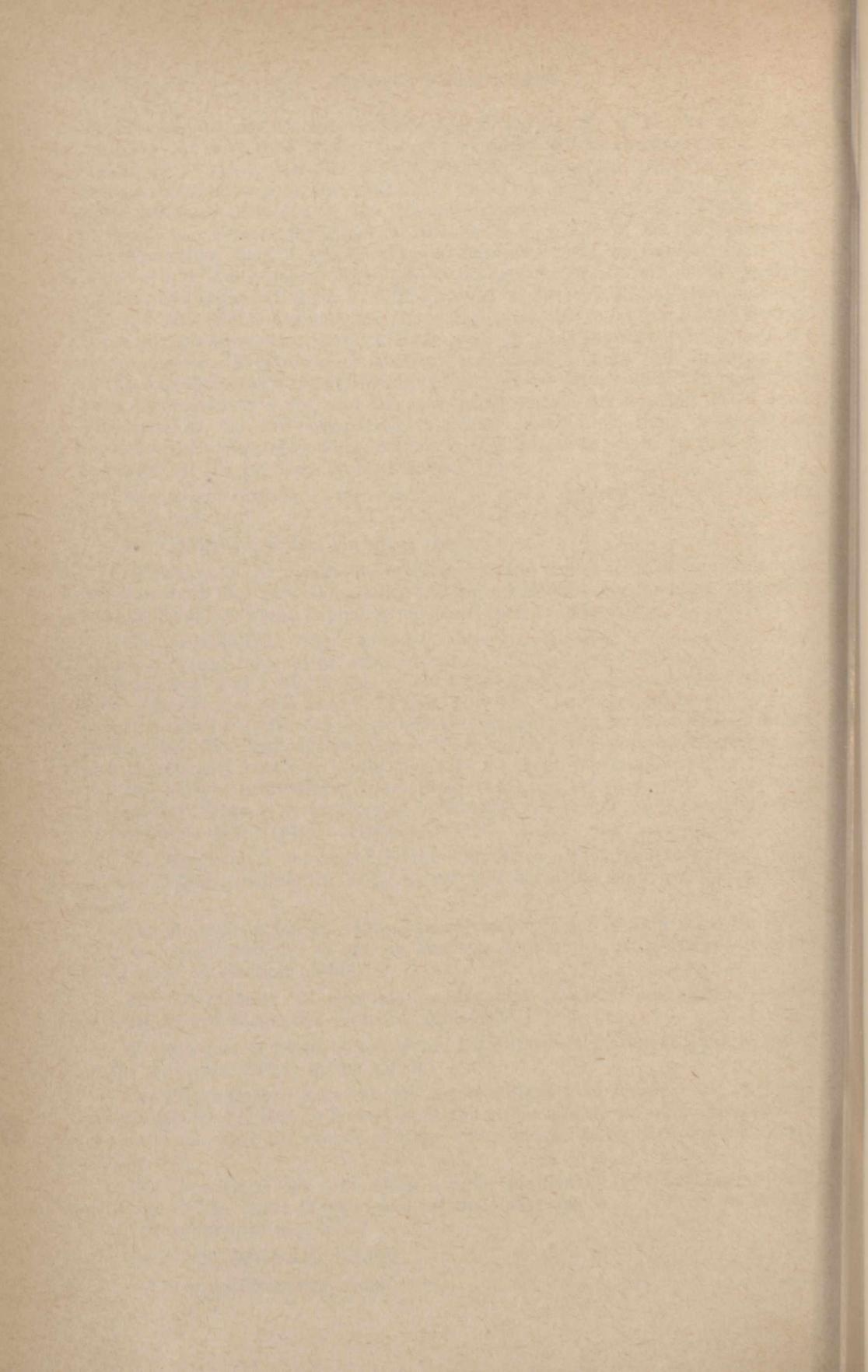
Mr. CASTONGUAY: There would be no difficulty in sending out 263 telegrams. My fear is this: I do not want the responsibility or wish it on anyone else to keep secure the results of these votes which are counted a week before polling day.

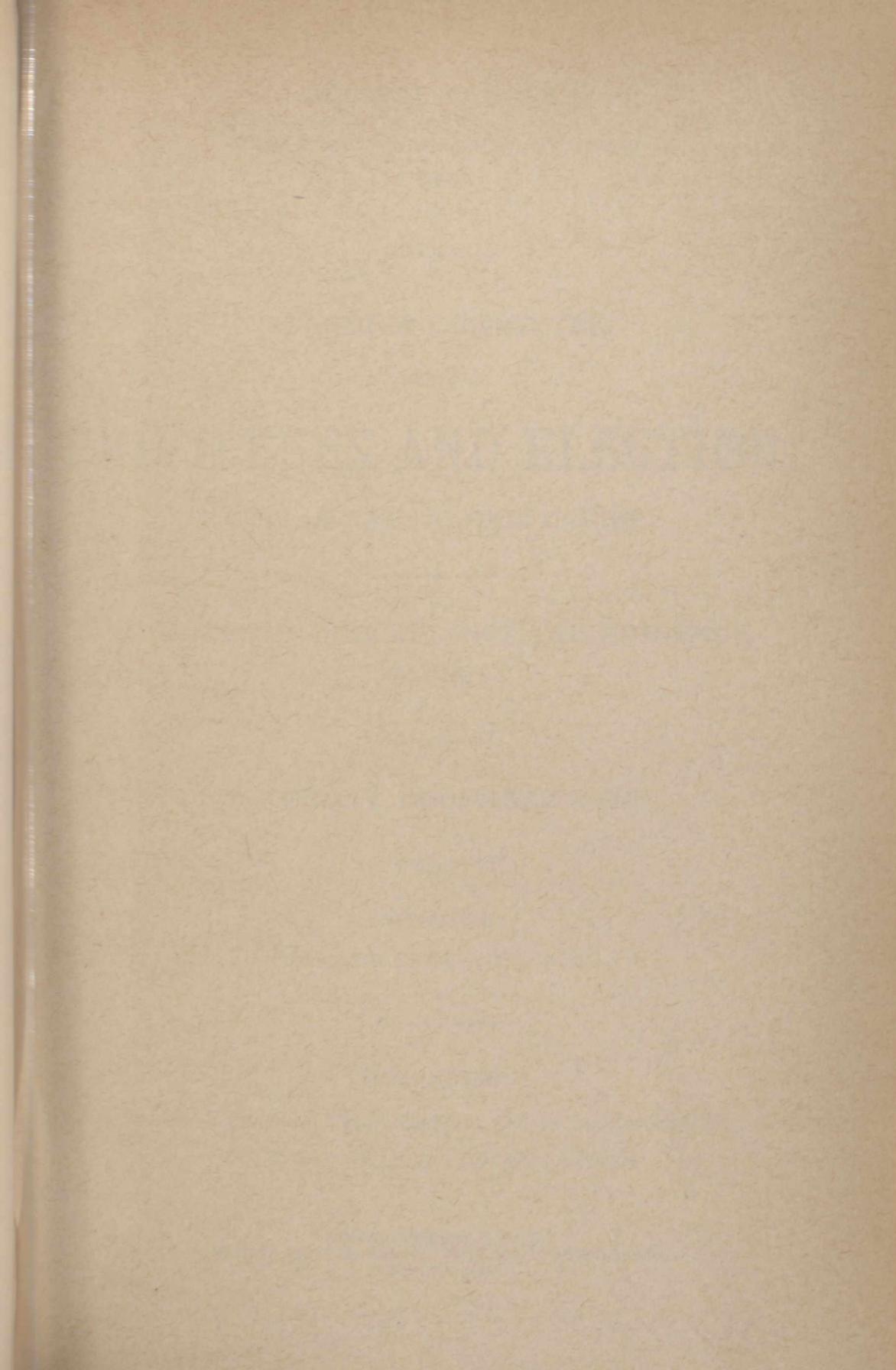
The CHAIRMAN: We will adjourn now, gentlemen. On Thursday we will sit from 10 a.m. until 12 noon and, as the house sits at 11 o'clock on Friday, shall we commence at 9 a.m.?

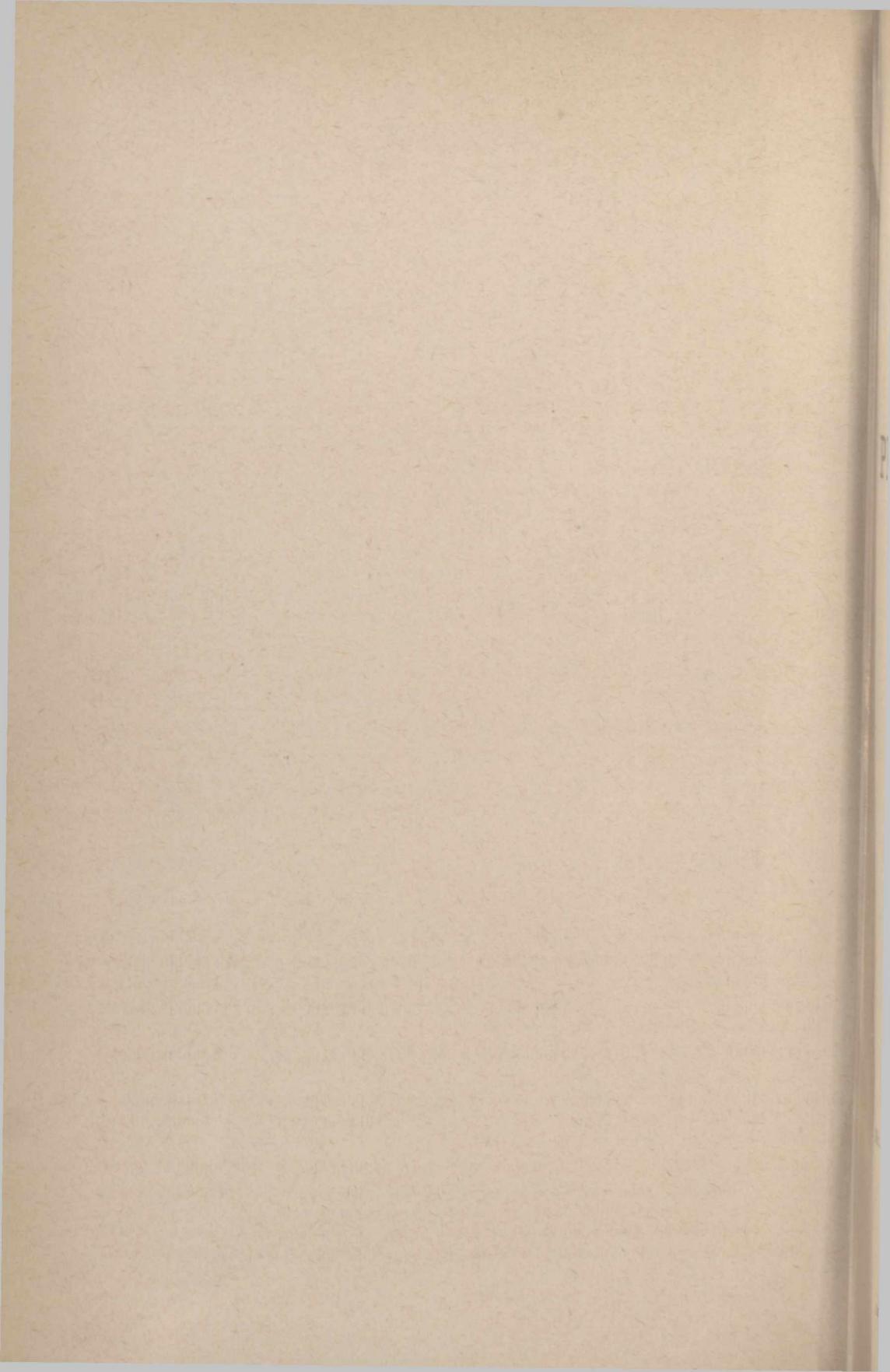
Some hon. MEMBERS: Agreed.

—The committee adjourned.









HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

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THURSDAY, DECEMBER 5, 1963

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Respecting

CANADA ELECTIONS ACT

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WITNESSES:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada; Brigadier  
W. J. Lawson, Judge Advocate General.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

Cameron ( <i>High Park</i> ),	Howard,	Nielsen,
Cashin,	Jewett ( <i>Miss</i> ),	Paul,
Chrétien,	Leboe,	Rhéaume,
Coates,	Lessard ( <i>Saint-Henri</i> ),	Ricard,
Doucett,	<sup>1</sup> Mather,	Richard,
Drouin,	Millar,	Rochon,
Francis,	Monteith,	Rondeau,
Girouard,	More,	Turner,
Greene,	Moreau,	Webb—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

<sup>1</sup>Replaced Mr. Brewin on December 4, 1963

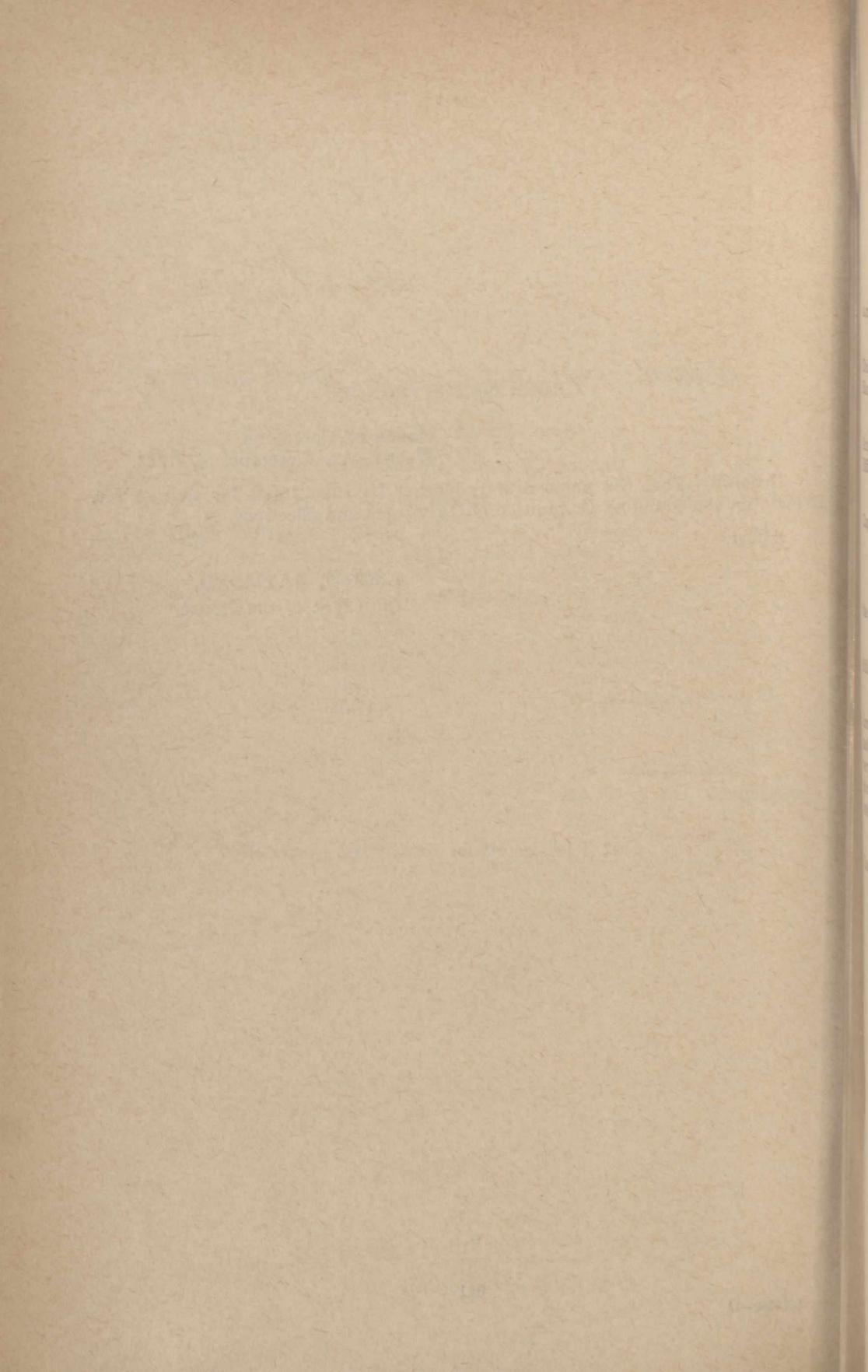
ORDER OF REFERENCE

HOUSE OF COMMONS  
WEDNESDAY, December 4, 1963.

*Ordered,*—That the name of Mr. Mather be substituted for that of Mr. Brewin on the Standing Committee on Privileges and Elections.

*Attest.*

LÉON-J. RAYMOND,  
*The Clerk of the House.*



## MINUTES OF PROCEEDINGS

THURSDAY, December 5, 1963.

(23)

The Standing Committee on Privileges and Elections met at 10.15 o'clock a.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Messrs. Cameron (*High Park*), Cashin, Caron, Doucett, Dube, Howard, Lessard (*Saint-Henri*), Mather, Moreau, Nielsen, Pennell, Ricard, Rondeau, Webb.—(14).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer, E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

*Also in attendance:* Brigadier W. J. Lawson, Judge Advocate General and Captain J. D. Dewis, R.C.N., Deputy Judge Advocate General.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Tuesday, December 3rd, its consideration of the Canada Elections Act.

Mr. Castonguay, in his opening remarks, explained the voting procedure followed in the Armed Forces as provided for in the Canada Elections Act.

Brigadier Lawson read a prepared statement on the point of view of the Armed services in regard to the voting procedure. He concluded his comments and suggestions by saying that "the Department and the Services . . . would be very pleased if this Committee could suggest changes in the system that would obviate the undesirable segregation of and delay in announcing the service vote".

Thereupon, the Chairman called the attention of the Committee to the Canadian Forces Voting Rules.

*On paragraph 1.*

Adopted.

*On paragraph 2.*

The following amendment was adopted.

Paragraph 2 of *The Canadian Forces Voting Rules* in Schedule II to the said Act is repealed and the following substituted therefor:

Application.

2. The procedure for the taking of the votes of the Canadian Forces electors contained in these Rules is applicable only at a general election held in Canada and is not applicable at a by-election, a postponed election described in section 23 of the *Canada Elections Act* or at an election in an electoral district where a writ has been withdrawn and a new writ issued in accordance with subsection (4) of section 7 of that Act.

*On paragraph 3.*

Adopted.

*On paragraph 4.*

The following amendment was adopted:

Clause (a) of paragraph 4 of the said Rules is repealed and the following substituted therefor:

"Chief assistant."

"(a) "Chief assistant" means a person appointed by the Governor in Council, pursuant to paragraph 5, as chief assistant to a special returning officer;"

Paragraph 4 was adopted as amended.

*On paragraph 5.*

The following amendment was adopted:

Paragraph 5 of the said Rules is amended by adding thereto the following subparagraph:

Appointment of Chief assistant.

"(4) The Governor in Council shall appoint a person to act as chief assistant to each special returning officer appointed pursuant to subparagraph (1)."

Paragraph 5 was adopted.

*On paragraphs 6 and 7*

The following amendment was adopted:

Paragraphs 6 and 7 of the said Rules are repealed and the following substituted therefor:

Vacation of office.

"6. (1) The office of a special returning officer or of a chief assistant who is hereafter appointed shall not be deemed to be vacant unless he dies or, with prior permission of the Chief Electoral Officer, resigns, or unless he is removed from office for cause within the meaning of subparagraph (2).

Removal from office.

(2) The Governor in Council may remove from office for cause any special returning officer or chief assistant who

- (a) has attained the age of sixty-five years;
- (b) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under these Rules;
- (c) has failed to discharge competently his duties, or any thereof, under these Rules; or
- (d) has, at any time after his appointment, been guilty of politically partisan conduct, whether or not in the course of the performance of his duties under these Rules.

Appointment within limited period.

(3) In the event of a vacancy in the office of the special returning officer for a voting territory or in the office of chief assistant to a special returning officer for a voting territory, due to any cause whatsoever, the appointment, pursuant to these Rules, of a special returning officer or

of a chief assistant, as the case may be, for that voting territory shall be made within thirty days from the day on which such vacancy occurred. Special returning officer and chief assistant to be sworn.

7. Every special returning officer shall be sworn in Form No. 1, and every chief assistant shall be sworn in Form 2, before a judge of any court or a commissioner for taking affidavits within a province, to the faithful performance of his duties."

*On paragraph 8*

Adopted.

*On paragraph 9*

Mr. Howard, seconded by Mr. Mather, moved:

That paragraphs 9 and 52 be redrafted to contain the principle that each political party or group in the House of Commons having a membership of 10 or more members be allowed to appoint two scrutineers each.

And debate arising thereon, Mr. Moreau, seconded by Mr. Cashin, moved:

That paragraphs 9 and 52 be redrafted to contain the principle that each party or group, other than the Government and the Official Opposition in the House of Commons with 10 or more members be allowed to appoint one scrutineer, in addition to the three approved by the Government and the two appointed by the Official Opposition.

And the question being put on the amendment of Mr. Moreau, it was resolved in the affirmative. Yeas, 10; Nays, 2.

Paragraph 9 was allowed to stand.

*On paragraph 10*

Adopted.

*On paragraph 11*

The following amendment was adopted:

Subparagraph (2) of paragraph 11 of the said Rules is repealed and the following substituted therefor:

Voting by officials.

"(2) Special returning officers, deputy special returning officers, chief assistants, and scrutineers, appointed pursuant to paragraph 5, 9, 52 or 53, are entitled to vote in the same manner as Canadian Forces electors, if qualified to vote at the general election."

Paragraph 11 was adopted, as amended.

*On paragraph 12*

Adopted.

*On paragraph 13*

Allowed to stand.

*On paragraph 14.*

The following amendment was adopted:

Paragraph 14 of the said Rules is repealed and the following substituted therefor:

Liability of special returning officer and staff.

"14. Every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who

(a) wilfully omits to comply with the provisions of these Rules; or

(b) refuses to comply with any of the provisions of these Rules;

is guilty of an offence against this Act."

*On paragraph 15.*

Allowed to stand.

Thereupon, Mr. Nielsen suggested that the Subcommittee on Agenda and Procedure should set a date to consider the matter referred to the Committee relating to the question of privilege raised by Mr. McIntosh.

It being 12.05 noon, and the examination of the witness still continuing, the Committee adjourned until Friday, December 6, at 9.00 o'clock a.m.

Marcel Roussin,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, December 5, 1963.

The CHAIRMAN: Gentlemen, we have a quorum; would you please come to order.

This morning we are going to deal with the Canadian forces voting regulations and, at this time, I believe Mr. Castonguay has a statement to make.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman, I think it would be helpful to the committee if I explained the actual mechanics of the Canadian forces voting rules; in essence, they are a permanent list and absentee voting for the armed forces.

The Canadian forces rules provide there will be three voting territories. We have three voting territories in Canada and, under the act, I have the power to establish one outside of Canada, which I have done at all elections, and that is for northwest Europe. This takes in the Gaza Strip and all countries outside northwest Europe.

The headquarters of the special returning officer for the western voting territory is in Edmonton; this territory consists of the provinces of Manitoba, Saskatchewan, Alberta, British Columbia, the Northwest Territories and the Yukon, and any areas outside of Canada that can be serviced conveniently from Edmonton, namely Tokyo—we tried Guam—Seattle, wherever there are military personnel serving outside Canada.

We have the central Canada voting territory, which consists of the provinces of Ontario and Quebec, with headquarters at Ottawa.

The Atlantic voting territory consists of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, with headquarters in Halifax.

The overseas voting territory headquarters is in London, U.K.

Each headquarters has a special returning officer and chief assistant and, in addition to that, they have scrutineers. According to the rules, there are three nominated by the leader of the government, two by the official opposition and one by the party having the largest membership in the House of Commons.

In the voting territories of central and western Canada we have to increase the number of scrutineers and staff because of the larger number of voters. The special returning officer engages clerical help.

Gentlemen, that is the basic mechanics of the Canadian forces voting rules.

When the election is announced the Department of National Defence orders all the commanding officers to prepare a list of all the members in their unit at that time. That list has on it the name and number of the member of the armed forces, showing their place of ordinary residence and where he is entitled to vote, as designated from the start of ordinary residence in the documents which are available in the unit.

The voting procedure is that the commanding officer appoints a deputy returning officer to take the vote. He is a member of the forces. In each voting place where the military vote we have a book of key maps. These maps are available, such as they are, and set out the federal districts, with their boundaries. There is also available a postal guide to assist the rural elector. We also have a list of the candidates from each federal district and their political affiliation beside their name.

The Canadian forces voting rules empower me to put that political affiliation there, and I determine this from the best source of information available to me.

When a member of the Canadian forces comes in to vote the deputy returning officer has the commanding officer's list in front of him. The elector fills out this outer envelope. He then has to find out, first what electoral district he is entitled to vote in. If he comes from a rural area and lives in a place where there is a post office this is easily ascertained. But, if it is a city like Toronto then he has the map of all the electoral districts and he tries to establish where he is entitled to vote. Having decided where he is entitled to vote he is given a ballot of this type which I am showing you and an envelope on which there are no identification marks other than the instructions. He writes in the name of the candidate of his choice, puts it in the inner envelope like this and seals it, and then he has his name, address and place of ordinary residence on this statement, which is signed by the deputy returning officer. This is self addressed. The name and address of the special returning officer appears here. This is then put in here; it is sealed, and the elector himself puts it in the mail.

When this is received in the office of the special returning officer, then the difficulty which arose in the past is this: it is supposed to be checked to see it has the address he has on his place of ordinary residence. In the past, the special returning officer had no facilities to check this place of ordinary residence. The scrutineers are paired off and they have a responsibility to see that this elector also voted in the proper electoral district. In the past, they had no facilities to check this. So, in effect, what they did was this: if the place of ordinary residence was there and it was the proper electoral district they put it in the bin for hypocrisy.

As you realize, service voting takes place the Monday before ordinary polling day and up to the Saturday, which is six days. The services have endeavoured to have the military people vote in the first two days in order to allow these envelopes time to reach the office of the special returning officer before 9 a.m. after ordinary polling day, which is the day of the general election. Anyone received after that time cannot be counted.

When the actual accounting begins at 9 a.m. on the Tuesday following the general election it is handled in this way: the special returning officer will pair off scrutineers of opposite political interests. They have to open this envelope take out the inner envelope and put it in the ballot box, and it then loses its identity with the elector. Say, they do this in respect of High Park. After having taken all the envelopes out of the big box they put it in the ballot box. Then, later the box is opened and this envelope is opened.

Having made the count they fill out a statement and two scrutineers sign it. This count goes on in four headquarters. When the count is completed for every electoral district in each headquarters a telegram is sent to me with the result. I combine the four and send a telegram with the results of the four headquarters to the returning officer and then release the results to the press. As I say, this is done only after the telegram has left for the returning officer. Basically, that is the method of voting.

Now, as you expect, there are certain weaknesses. These are 1952 maps and they are slightly out of date. Even if you tried to get an up to date one you cannot for the large centres. These postal guides are fine to establish the proper electoral district where a member is entitled to vote, provided he lives in a place where the post office is situated. But, rural members will realize that you could have a post office in such and such a place and the line of the electoral district is five miles away; an elector will get his mail from that post office but it will not be in his electoral district.

Another weakness is the establishment of the proper electoral district. In the 1962 election the election in St. John's West was contested because I believe it was established that 34 members of the Canadian forces had voted in that electoral district when they were not entitled to vote there.

Now, to start off with, it is hard even with this to ascertain the proper electoral district for the serviceman himself to ascertain it. In most cases he can but in quite a few cases he cannot. So, as a result of that election and after reading the judge's report I felt that two things could be done for the next election, which I implemented in the 1963 election.

I authorized our special returning officer to hire staff. I provided him with the proper facilities, including maps, so that when the commanding officers' lists came in those lists would go to the staff, and the staff then was responsible for putting the electoral district opposite the name of the armed services member. That work took six weeks by a staff of approximately 20 in each headquarters.

When the envelope came in then the special returning officers and the scrutineers had something to check with. So, when the envelope came in they checked it with the commanding officers' list. The staff processed this list and if the electoral district on the outer envelope corresponded to the commanding officers' list this was accepted by the scrutineers. If it differed—it could have been a clerical mistake by the commanding officers' staff, you see—we made attempts wherever we could before laying an envelope aside to ascertain if it could have been a mistake when the list was prepared at the commanding officer's level. So, this is the only thing I can do, without an amendment by parliament to help me to bring in more checks.

I have the figures here for 1963. In respect of the Atlantic voting territory there were 18,237 envelopes received and 264 were laid aside—and, when I say that many were laid aside, it could be for many reasons. It could be that they were not signed by the elector; it could be they were not signed by the deputy returning officer. I do not want you to get the impression they were left aside merely because they were not allocated to the proper electoral district.

As I said, in respect to the Atlantic territory there were 18,237 envelopes received and 264 left aside and, therefore, not counted.

In respect of the central voting territory, Ontario and Quebec, there were 37,892 envelopes received and 411 were laid aside.

In respect of the western voting territory there were received 23,438 and 341 were laid aside.

In the United Kingdom there was received 15,561 and 512 were laid aside.

This made a grand total of 95,128 received and 1,528 laid aside for the four territories.

I have the statistics for the 1962 election and in the Ontario and Quebec voting territory there were 36,646 envelopes received and 393 laid aside.

If you wish to make a comparison may I say I regret I have not the statistics for the other three, and I do not want the members of this committee to feel this is unusual because we had absentee voting here in 1935. According to the statistics I have here there were 5,334 absentee votes cast at the 1935 general election by civilians. 1,533 were rejected because the elector did not know the proper electoral district in which he lived and voted in the wrong electoral district.

Now, the province of British Columbia has absentee voting. At the 1960 election absentee votes cast were 27,096. There is a note here in the official report saying that 13,887 ballot envelopes were unopened because the voter was not registered, the affidavit was incomplete or for such other reasons as set out in section 122, subsections (d) and (e) of the provincial elections act.

Out of 27,096, 13,000 were laid aside in absentee voting. So, you see, every system has its defects and there is no panacea on any system you can find.

Now, I am referring to absentee voting for members of the services, not for civilians. A serviceman may have filled in his statement of ordinary residence five, six or even 10 years ago; he might have enlisted in Ottawa, so his place of residence for voting would be at some address here in Ottawa. Then, in the last five or six years he has been shifted, say, to Halifax and for the last two years has been living in Victoria with his family. He fills out a lot of documents in the course of this and he forgets what he has given as his place of ordinary residence. In this way, he faces the same problem as any civilian elector with absentee voting; he does not know exactly his place of ordinary residence.

At the last election the services did all they could and perhaps later Brigadier Lawson can tell you the efforts they have taken to tighten this up, through instructions and guidance given.

So, mind you, the steps I took and the steps I am recommending in this act, I feel, are good but I do not want the committee to feel it will be a 100 per cent check; it cannot be. But, the recommendations I have made in respect of this act to overcome this will dispense with the employment of a staff of 80 employees for six weeks or two months. I have been studying this matter in conjunction with the Department of National Defence and the recommendations that I make here are the best we can produce at this time. Captain Dewis, Brigadier Lawson and I have been on work associated with this for at least 15 years; we have been trying to find a satisfactory answer and we have explored every avenue. In saying this, that does not mean to say you could not come up with another suggestion, but this particular matter has been given a great deal of study. I do not want you to feel we have beaten this to death but this is the best solution available.

There is another facet we had to tighten up on. Members will realize that the vote taking under the Canadian forces voting rules is not applicable only to the members of the Canadian forces; it is applicable to all D.V.A. patients in institutions and under the direction of the D.V.A. department, as well as patients in a private hospital whose expenses are being paid by D.V.A.

The rules here allow that a D.V.A. patient who is a veteran can apply his vote only in the electoral district that coincides with the place he gave on being admitted to that institution, whether it is a D.V.A. institution or private institution. In this regard the Department of Veterans Affairs co-operated; they have always done, and so has national defence. I am not suggesting this co-operation has not been there; it has been there throughout.

The weaknesses in respect of the D.V.A. set-up were that scrutineers would walk around and the special returning officer would walk from bed to bed and did not have the list from the hospital of the addresses that these patients gave on admission. This time, the D.V.A. provided to the deputy special returning officers who, again, are nominated in the same way as scrutineers, working in pairs, each with a different political interest and, when they took the votes of the D.V.A. patients they had for the first time the list of the patients, their address and their place of ordinary residence. These are the measures we took to prevent a repetition of the events that took place in St. John's West in 1962.

That is all I have to say at this time, Mr. Chairman.

Mr. MOREAU: Mr. Castonguay, I do realize the difficulties in respect of these large urban areas in respect of identification: street names and so on. For instance, in an election campaign in my riding a person will call in and say he lives on Danforth avenue and wants to know where he should vote, and to establish where he is, even within the riding, has been quite a problem.

Mr. CASTONGUAY: You are referring to the borderline?

Mr. MOREAU: Yes. However, some of the streets do go through several ridings and it does cause confusion. In order to facilitate our telephone work load on election day we prepared a list of addresses in the riding in alphabetical order, including the numbers of the street. For instance, Danforth avenue would go through several ridings and we knew that from number 1633 to 2255 Danforth would be in our constituency. And we broke it down by polls, and we knew each poll.

Mr. CASTONGUAY: That is called a key.

Mr. MOREAU: This made for very ready reference. Someone would call in and say they lived at 16 Abbott street; they asked where they should vote. You check it out and find that it is poll so and so and you then can tell him. Could we have a similar list of instructions for the armed forces voting?

Mr. CASTONGUAY: We have; these maps show the last street address on a street before it goes on to the other.

Mr. MOREAU: Are they lists or maps?

Mr. CASTONGUAY: Maps.

Mr. MOREAU: And do they show the number of the street?

Mr. CASTONGUAY: Yes, the last number on the street, and the new number on the other. Your suggestion for a key is fine in an electoral district itself but if you are going to provide a key for every urban electoral district it will take a truck to bring it in because each place where a serviceman votes must have these facilities. But, you would not have anything at that polling place to cover an elector who is entitled to vote in Vancouver centre or Burin-Burgeo. This shows the last street number before it crosses over to the other.

Mr. MOREAU: I was thinking more of the large metropolitan areas. I was wondering if possibly Might's directory, for a nominal cost, might be induced to break the area down by ridings?

Mr. CASTONGUAY: I think you will find my suggestion is simpler and easier to understand by the serviceman. I think it will work out much better because, if you have to compile something as you suggest for each urban electoral district it is going to be quite a document. I think we have over 400 voting places in the service and they must all have the same equipment in each one. Providing a key for each urban electoral district would fill this table in front of me.

Mr. MOREAU: I was thinking of a key for a city.

Mr. CASTONGUAY: That is it; this is a form of a key.

The CHAIRMAN: Perhaps Brigadier Lawson would like to make a statement at this time.

Brigadier W. J. LAWSON (*Judge Advocate General*): Mr. Chairman, I thought perhaps it would be of assistance to the committee if I were to make a brief statement regarding the position of the department and the service in connection with the taking of the service vote.

The CHAIRMAN: Yes, it would be. Would you proceed now?

Mr. LAWSON: Thank you, Mr. Chairman.

May I begin by saying that, notwithstanding the fact that the present procedure of service voting is open to some criticism, it does on the whole work well. Servicemen generally and their wives are very appreciative of the fact that they are given every facility to cast their ballots under the present system. Notwithstanding certain flaws it at least gives every serviceman, and the wives

who are overseas with their husbands, adequate opportunity to exercise their franchise and participate in the democratic process which by their engagement to serve they have sworn to protect.

I think I can say that both the department and the services agree with the remarks made on Tuesday by certain members of the committee, that the present system of service voting embodies an unsatisfactory feature in that the results of the vote are not announced until four or five days after the completion of the civilian poll. This leads to two unfortunate results; firstly, it discloses how one class of Canadian electors have voted and secondly, it creates uncertainty in some constituencies as to who has been elected and may, under certain circumstances, even create uncertainty as to which party will be in a position to form a government.

I am sure that both the department and the services would be delighted if this committee were able to devise a scheme for service voting that would eliminate this unsatisfactory feature of the present system.

We in the Department of National Defence, in consultation with the chief electoral officer, have, of course, given this matter a great deal of consideration over the years and have studied a number of alternatives to and variations in the present system in an endeavour to overcome the unsatisfactory feature I have mentioned.

There appears to us to be only one ideal solution. This would involve the setting up of permanent lists and the provision of voting facilities for persons who are absent from their constituencies on polling day. If this were done members of the forces, wherever serving, could attribute their vote to the constituency which they regard as their home constituency in the same manner as civilian absentee voters.

Mr. HOWARD: We will make you a member of the committee.

Mr. LAWSON: This would, of course, result in the service vote being entirely merged in the civilian vote and being announced as a part of the civilian vote at the same time as the civilian vote. This is the system now in force in the United Kingdom, and it works extremely well, I understand.

Now, of all the other possible changes in the system of taking the service vote which we have considered there are only two which appear to us to have any real merit.

The first of these was placed before this committee in 1960, was fully discussed by the committee but was not adopted. This change envisaged the taking of the service vote on one day only, that is the Monday before the civilian polling day. The ballots would, it is hoped, then reach the headquarters of the four voting territories in time to be counted and the results distributed to the constituencies, through the chief electoral officer, on or before the civilian polling day. The vote then could be announced at the same time as the civilian vote in the constituencies.

Of course, there are certain disadvantages to this proposal. The first is that it is probable that it would be very difficult to keep the service vote secret, the vote having actually been counted and known to a large group of people two or three days before civilian voting day.

The second disadvantage is that a certain number of the members of the forces would be disfranchised through not being near a service poll on the one service voting day. However, sufficient additional polls would be set up to keep this to a minimum. Now, there would undoubtedly be certain difficulty in counting the vote quickly enough to get the results to the chief electoral officer in time for distribution to the constituencies prior to the close of polls on civilian polling day. Mr. Castonguay is in a better position to advise you on this aspect of the matter than I am. A further disadvantage is that this system

would not overcome the undesirable feature of the service vote being segregated from the civilian vote as it would still be apparent in each constituency and, as a whole, would show exactly how the service vote had gone. As it probably would be the first vote announced in each constituency, it is suggested by some that the service vote would receive even more publicity than it does at present with the announcement four or five days after the civilian vote. It would however completely overcome the unsettling effect on candidates and parties in respect of the present delay in the announcement of the service vote.

Another possible change in the voting system that would to some extent overcome the undesirable features of the present system would be to have all servicemen in Canada vote at civilian polls in the constituencies in which they are residing. It would still be necessary to take the overseas vote under the present system. There are roughly 25,000 service voters, including wives, outside of Canada and about 100,000 in Canada. The delay in reporting a possible 25,000 service votes would obviously be much less serious than the present delay in reporting a possible 125,000 votes.

However, there are certain disadvantages to this system. The service vote in Canada would not be completely merged with the civilian vote in that it would undoubtedly be necessary to set up polling subdivisions in service camps and stations. While a certain number of civilian employees and wives would vote in the subdivisions the vote would be largely service. This would make it comparatively easy to estimate how the service vote had gone across the country.

The second disadvantage to this scheme is that the service vote would be concentrated in a limited number of constituencies in which it might well be large enough to determine the results of the election. Civilian voters in these constituencies might feel that it is unfair to have their representatives selected by persons who are, generally speaking, only temporary residents of such constituencies. Further, where a new camp or station is established or a large body of servicemen is moved it might be insinuated that one of the reasons leading up to the establishment or move is the government desire, in effect, to pack a constituency.

As I have said, Mr. Chairman, the department and the services are, on the whole, well pleased with the system of service voting now in effect in Canada but would, however, be very pleased if this committee could suggest changes in the system that would obviate the undesirable segregation and delay in announcing the service vote.

Of course, Captain Dewis and I will be glad to attempt to answer any questions that members of the committee may care to ask in respect of this subject.

The CHAIRMAN: Thank you, Brigadier Lawson.

Gentlemen, we can begin study now of the suggested amendments.

Mr. NIELSEN: As I understand the system now any serviceman can enter a service polling station and obtain a ballot.

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: And, as I read the provisions of the armed forces voting rules, unless an armed forces member was serving on active service in September, 1950 or subsequent thereto he has to be of the age of 21 years.

Mr. CASTONGUAY: The services are on active service now, so anyone could vote irrespective of age. As I say, the Canadian forces are on active service at the present time.

Mr. NIELSEN: Then, what is the reason for the distinction being made in the regulations?

Mr. CASTONGUAY: Because conceivably there could be a time when the government would declare the forces no longer are on active service, and then they would have to meet the voting age of 21 years.

Mr. NIELSEN: When you were explaining the use of these maps you indicated that it was the responsibility of the serviceman to determine which was his constituency in which he was entitled to vote.

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: I suppose the information on the lists that you speak of now, prepared by commanders of the units, is compiled from the statements of change of ordinary residence?

Mr. CASTONGUAY: It is compiled either from the original statement of ordinary residence completed by the member of the Canadian forces or a subsequent change, which he can make in January or February of any year, if he changes his place of ordinary residence.

Mr. NIELSEN: Is this compilation of such a list a procedure which was not adopted until the last time?

Mr. CASTONGUAY: No; it always was there. But, with the facilities we had, we put the name of the electoral district opposite that address, but the proposal I had was completely different. I must point out that it is impossible for the commanding officer, as he has not the facilities or material to compile a list at his unit and put the electoral district on it. This has to be done at headquarters. When we come to the amendments I will show you what we are doing in this respect. My office is providing for that. Every statement comes to my office and we are certifying that that address applies to a certain electoral district.

Mr. NIELSEN: It is important that I understand this.

Mr. CASTONGUAY: Well, this is what we are proposing now and this is what we have undertaken to do. This is what we have done; every statement now is processed.

Mr. NIELSEN: I want to understand the passed procedure in order that I can look at your proposed amendments in the light of that. Am I correct that in the past there was no way of a special returning officer or anyone in a service poll knowing whether a serviceman who had selected his constituency from a map had selected the proper one?

Mr. CASTONGUAY: No, because it was his responsibility and the deputy returning officer had no power to refuse that outer envelope providing it was signed by the deputy returning officer.

Mr. CASHIN: To my mind, Mr. Chairman, this is one of the big weaknesses we saw in it. The change you made was a substantial improvement because under the old way the elector, in fact, was his own scrutineer.

Mr. CASTONGUAY: Yes.

Mr. NIELSEN: So when the service vote was about to be counted prior to the adoption of the list system which you have described there was no way of determining whether the serviceman had selected the right constituency?

Mr. CASTONGUAY: He was aware but time did not permit it. It takes a long time once you start to process these outer envelopes as they are received. We received 35,000 in three days. It is a physical impossibility to ascertain that when you start receiving the other envelopes. So, as we receive the commanding officers' lists which may be five or six weeks before the service vote, we process each list and when the outer envelopes started coming in

they were compared with the list we had processed, "processed" meaning that all these lists had an electoral district opposite the elector on the list. But, in the past, you would start getting these outer envelopes on the Thursday, Friday, Saturday and on the Monday and you had to start counting Tuesday at 9 a.m., and there were no means for the scrutineers to effectively check these outer envelopes. So, in view of the results in St. John's West in 1962, I thought that the committee would expect me to take some precautions, therefore, I authorized every special returning officer to obtain a staff of trained people and send them to the four headquarters. His chief assistant in London was brought here and took a two week course. He was given all the equipment and everything else he needed. Every place was standardized. We did all we could.

Prior to this system, which I adopted in 1963, which did not require an amendment, the scrutineers and special returning officer had no opportunity to check these outer envelopes because of the time element. It may be that I will be criticized for not having implemented this before but there was no evidence before that it was not working that well because, progressively since 1945 we have tried to tighten these regulations, after the contested election in Digby-Annapolis-Kings, and we thought it was working. A further weakness was revealed in 1962, and that corrected it then. Now, I think we have a proposal that will further tighten this. However, I suggest to you that we cannot tighten this to the extent that it is 100 per cent foolproof because if you do that you are going to deny the right to vote to many eligible electors.

The CHAIRMAN: We will now start studying the amendments.

Do you want to consider only the amendments or do you want to consider the whole clause by clause?

Mr. MOREAU: I think the amendments would be adequate.

Mr. NIELSEN: I do not think so. I want to make one or two suggestions.

Mr. MOREAU: Could we consider it this way: could we consider the amendments which both Mr. Castonguay and the members wish to put. Would this meet with your approval?

Mr. CASTONGUAY: If you do that you are not going to save any time because there may be some consideration the committee may want in respect of rules that we are not suggesting; then you will approve our amendment and the members will bring up another suggestion, which brings about an amendment, and then we will have to go back and amend the amendment we submitted.

I think we should call it rule by rule, if that meets with your approval.

Mr. NIELSEN: Where are the proposed amendments to the armed forces?

The CHAIRMAN: They begin at page 51 of the draft bill.

I will now call rule 1.

Short title.

These rules may be cited as the Canadian forces voting rules.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

The next is rule 2.

Application

These rules apply only to a general election held in Canada and do not apply to a by-election.

The CHAIRMAN: The amendment suggested can be found on page 51 of your draft bill.

52. Paragraph 2 of *The Canadian Forces Voting Rules* in Schedule II to the said Act is repealed and the following substituted therefor:

Application.

"2. The procedure for the taking of the votes of the Canadian Forces electors contained in these Rules is applicable only at a general election held in Canada and is not applicable at a by-election, a postponed election described in section 23 of the *Canada Elections Act* or at an election in an electoral district where a writ has been withdrawn and a new writ issued in accordance with subsection (4) of section 7 of that Act."

Mr. CASTONGUAY: The amendment which I am suggesting is purely for clarification.

We had an election in 1962 where a candidate died after nomination day and it was not too clear whether we should continue the whole structure of Canadian forces voting regulations, maintain the headquarters of all the special returning officers and keep the scrutineers to the new date that was set for that election.

I ruled that the Canadian forces voting rules did not apply at a postponed election.

I would like to have the assistance of the committee and to seek your approval for this in order that we may clarify it. As it stands now, the act does not permit it. This amendment, as I say, is just for clarification.

Mr. NIELSEN; I am familiar with the problems in respect of the taking of the service vote at a by-election. There have been many complaints by service people to the effect that they are not entitled to vote at a by-election and I was wondering whether, in the consideration you have given to the problem, any solution has been found whereby a serviceman can cast his ballot at a by-election.

Mr. CASTONGUAY: That is, if he is living outside of the electoral district where the by-election is being held?

Mr. NIELSEN: Yes.

Mr. CASTONGUAY: You would have to maintain the whole Canadian forces voting rules and the whole mechanics of it to do that.

Mr. NIELSEN: Even if he is residing in the electoral district where the by-election is held?

Mr. CASTONGUAY: He could vote in the civilian poll then, if he is entitled to vote.

Mr. NIELSEN: And is there no way of doing it other than maintaining the whole structure of the armed forces?

Mr. CASTONGUAY: No, not that we know of. There may be other ways.

Mr. HOWARD: Presumably, you could give the armed forces personnel the right to determine when the writs are issued whether he wanted to reclassify his residence. I am referring to a by-election. In this way he would be able to vote in the by-election.

Mr. NIELSEN: What observations has Brigadier Lawson made in respect of these constituencies where you have a large service establishment?

Mr. CASTONGUAY: Just think of the effect that would have in a by-election in Renfrew North.

Mr. HOWARD: We might have a horse sitting in the house.

The CHAIRMAN: Is Rule 2 agreed to?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Rule 3 is next.

### 3. ADMINISTRATION

General direction.

3. (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed in these Rules.

Special powers.

(2) For the purposes of carrying into effect the provisions of these Rules, or supplying any deficiency therein, the chief electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of their intent.

Mr. CASTONGUAY: There is no amendment there.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Rule 4 follows.

### 4. INTERPRETATION.

Definitions.

4. In these Rules,

"Chief assistant."

(a) "chief assistant" means a person appointed by the Governor in Council, pursuant to paragraph 7, as chief assistant to a special returning officer;

"Chief Electoral Officer."

(b) "Chief Electoral Officer" means the person who holds office as Chief Electoral Officer under section 4\* of the *Canada Elections Act*;

"Clerical Assistant."

(c) "clerical assistant" means a person appointed by a special returning officer, pursuant to paragraph 12, for duty as clerical assistant in his headquarters;

"Commanding officer."

(d) "commanding officer" means the commanding officer of a unit, as hereinafter defined;

"Deputy returning officer."

(e) "deputy returning officer" means a Canadian Forces elector who has been designated by a commanding officer to take the votes of Canadian Forces electors, pursuant to paragraph 32;

"Deputy special returning officers."

(f) "deputy special returning officers" means the persons appointed by the Chief Electoral Officer, pursuant to paragraph 52 or 53, to take the votes of Veteran electors;

\*See section 4 of the *Canada Elections Act*, which is printed at page 54.

## Enrol.

- (g) "enrol" means to cause any person
- (i) to become a member of the Canadian Forces, or
  - (ii) to transfer to the regular forces from any other component of the Canadian Forces;

## Hours of the day.

- (h) "hours of the day" and all other references to time in these rules relate to standard time;

## Inner envelope.

- (i) "inner envelope" means the plain envelope in which a ballot paper is to be placed after it has been marked by a Canadian forces elector or a veteran elector, before it is transmitted to the special returning officer in the outer envelope hereinafter defined;

## Liaison officer.

- (j) "liaison officer" means the member of the naval, army, or air forces of Canada who has been designated by the Minister of National Defence to act as liaison officer between the special returning officer and the various commanding officers, pursuant to paragraph 27, with regard to the taking of the votes of Canadian forces electors;

## Outer envelope.

- (k) "outer envelope" means the envelope provided for the transmission of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope) of a Canadian forces elector or a veteran elector to the appropriate special returning officer, which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration in Form No. 7, Form No. 8 or Form No. 13;

## Polling day.

- (l) "polling day" means the date fixed as prescribed in subsection (1) of section 21\* of the *Canada Elections Act*, for holding the poll at a general election;

## Scrutineers.

- (m) "scrutineers" means the persons appointed by the Chief Electoral Officer, pursuant to paragraph 9, for duty as scrutineers in the headquarters of the special returning officer;

## Special returning officer.

- (n) "special returning officer" means a person appointed by the Governor in council, pursuant to paragraph 5, as special returning officer in a given voting territory;

## Superintendent.

- (o) "superintendent" means the person in charge of a hospital or institution where voting by veteran electors is authorized in these Rules;

## Unit.

- (p) "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section 18 of the *National Defence Act*;

## Veteran elector.

- (q) "Veteran elector" means a person as described in paragraph 44; and

\*See subsection (1) of section 21 of the *Canada Elections Act*, which is printed at page 55.

Voting territory.

- (r) "voting territory" means a specified area where a special returning officer shall be stationed and where the votes of Canadian forces electors and veteran electors shall be taken, received, sorted, and counted, as prescribed in these rules.

Mr. CASTONGUAY: This amendment is consequential to the amendment I am proposing in clauses 54 and 55 of the draft bill at page 51.

54. Paragraph 5 of the said rules is amended by adding thereto the following subparagraph:

Appointment of Chief assistant.

"(4) The Governor in Council shall appoint a person to act as chief assistant to each special returning officer appointed pursuant to subparagraph (1)."

55. Paragraphs 6 and 7 of the said Rules are repealed and the following substituted therefor:

Vacation of office.

"6. (1) The office of a special returning officer or of a chief assistant who is hereafter appointed shall not be deemed to be vacant unless he dies or, with prior permission of the chief electoral officer, resigns, or unless he is removed from office for cause within the meaning of subparagraph (2).

Removal from Office.

(2) The governor in council may remove from office for cause any special returning officer or chief assistant who

- (a) has attained the age of sixty-five years;
- (b) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under these Rules;
- (c) has failed to discharge competently his duties, or any thereof, under these Rules; or
- (d) has, at any time after his appointment, been guilty of politically partisan conduct, whether or not in the course of the performance of his duties under these Rules.

Appointment within limited period.

(3) In the event of a vacancy in the office of the special returning officer for a voting territory or in the office of chief assistant to a special returning officer for a voting territory, due to any cause whatsoever, the appointment, pursuant to these Rules, of a special returning officer or of a chief assistant, as the case may be, for that voting territory shall be made within thirty days from the day on which such vacancy occurred.

Special returning officer and chief assistant to be sworn.

7. Every special returning officer shall be sworn in Form No. 1, and every chief assistant shall be sworn in Form No. 2, before a judge of any court or a commissioner for taking affidavits within a province, to the faithful performance of his duties."

Mr. CASTONGUAY: The tenure of office of a special returning officer ceases with the election, so when a new election comes along there must be the appointment of a special returning officer. I am recommending that the special returning officer and his chief assistant be made permanent, on the same basis

as the returning officer, for this reason: my predecessor and myself have had the problem of having these appointments made within one or two days after the election has been ordered. These special returning officers have a greater job to do than any returning officer in an electoral district. If they are appointed the day after or even four or five days after the election is ordered our office is so tied up and busy that we have not any time to give these people any instructions. I will leave it to your imagination what our office is like in the first three or four days after the election is announced.

As I have said, we have no time to conduct courses for special returning officers or returning officers when the election is announced.

At every election there are two or three special returning officers on the staff who are not appointed in time, and I do not know the reason for this. The governor in council makes these appointments and I would not venture any reason for it. I ask you to solve my problem in this connection. You have approved it in connection with a returning officer; whenever there is a vacancy a returning officer has to be appointed within 30 days. In the last election I had to give a course to all of mine. However, this does not occur in every election.

As I said, the special returning officer, my assistant and myself had to give courses to returning officers, which occurred at the last moment and, at the same time, I am supposed to launch a general election. We have not two heads; no one can do this. So, if the returning officer and special returning officers are made permanent then the vacancies are filled and we can train these people before an election occurs. In this way they can discharge their duties in a much more satisfactory manner. So, I am recommending this. As I said, the reason I am asking that these people be made permanent is so that their appointment could be made before an election is ordered and could be trained and instructed so they could grasp the problems which they will have before an election is called.

Some hon. MEMBERS: Agreed.

Mr. CASTONGUAY: If you support me in this, then clauses 53, 54 and 55 are designed to make these people permanent.

Some hon. MEMBERS: Agreed.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): Mr. Chairman, I would like to get some explanation in French, if possible, in respect of his returning officers. You are speaking of special returning officers.

Mr. CASTONGUAY (*Interpretation*): Yes, special returning officers.

As I explained at the outset, we have three voting territories or divisions in Canada and one overseas. One includes the western part of the country, Manitoba, Alberta, Saskatchewan, British Columbia and the Northwest Territories; the other one includes Ontario and Quebec and the third one includes the maritime provinces and Newfoundland, and then there is the overseas one. Each is like a Canadian county or constituency and has a returning officer for itself. Now, these special officers are on duty for the purpose of the election.

Our recommendation is that they may be made permanent in order that they may be able to perform their duties more satisfactorily. In the past there has been great difficulty in this regard. We have had one, two, three and even four such special returning officers who have been appointed following the issue of the writ.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): Thank you.

Mr. NIELSEN: What are these returning officers paid now?

Mr. CASTONGUAY: A per diem allowance of \$30.

Mr. NIELSEN: Will these proposals of yours result in any increased expenditures in this connection?

Mr. CASTONGUAY: No. They are only paid during the period of the election, the same as the civilian returning officer.

Mr. NIELSEN: Does a special returning officer have a vote?

Mr. CASTONGUAY: Yes, he has a vote.

Mr. DUBE: Are they paid when they are briefed before the election?

Mr. CASTONGUAY: Yes, we pay not only the special returning officers but the civilian returning officer to come here to Ottawa to attend courses.

Mr. DUBE: But, it is a per diem allowance?

Mr. CASTONGUAY: Yes, the same.

Mr. NIELSEN: What is the reason for special returning officers having a vote when a returning officer does not?

Mr. CASTONGUAY: A special returning officer is in no position to decide a tie.

Mr. NIELSEN: Then, what is the reason for the special returning officer having a vote?

Mr. CASTONGUAY: Well, the civilian returning officer can decide a tie vote, and this is why the act does not allow him a vote in the first instance.

Mr. NIELSEN: I thought it was to ensure impartiality of his actions.

Mr. CASTONGUAY: We are an exclusive club; I am not allowed to vote nor is my assistant, the judges, and people in mental institutions. So, if you want these other people to join us it is all right.

Mr. NIELSEN: Judges do not have the right to vote.

Mr. CASTONGUAY: No.

Mr. NIELSEN: I think the basic reason there is they should not only be impartial but appear to be impartial. Is that not one of the reasons for the returning officer not having this?

Mr. CASTONGUAY: I can give you my opinion on this. He is in a position to decide an election and I think that is the only reason he is not given a vote. If it is a tie vote he can cast a deciding vote. Now, if he had previously cast a vote this would give him an opportunity to vote twice, or even three times. He could cast his vote as a civilian; then he could cast his vote at the official addition of the votes to decide a tie, and at the recount he again could cast the deciding vote if it ended up in a tie. So, I think this is the reason for it. But, whether this will make a returning officer more impartial—that is, the special returning officer if you put him into our group, I do not know. As you know, the special returning officer has in his office six scrutineers, three nominated by the leader of the government, two nominated by the leader of the opposition and one nominated by the party having the third largest membership in the house. Now, I do not know how he could be anything else but impartial in the presence of all these officials. It would take a real nut to do anything else.

Mr. HOWARD: Is Mr. Castonguay, by implication, suggesting that he also should have the right to vote? I, personally, think he should.

Mr. CASTONGUAY: Someone suggested it at the previous committee; it is immaterial to me.

Mr. HOWARD: In my own view I do not see why you should not vote; you are not in a position of casting a deciding vote.

Mr. CASTONGUAY: God forbid.

Mr. HOWARD: Unless you had the choice of selecting a government if there was a tie.

Mr. CASTONGUAY: Clauses 54 and 55 are consequential to clause 53.

Some hon. MEMBERS: Agreed.

Mr. CASTONGUAY: Now we can go to the book page 8, rule 5.

#### 5. SPECIAL RETURNING OFFICERS AND THEIR STAFFS.

Appointment of special returning officers.

5. (1) For the purpose of these Rules, the Governor in Council shall, with respect to a general election, appoint a person as special returning officer to superintend the taking, receiving, sorting, and counting of the votes of Canadian Forces electors and Veteran electors in each of the following voting territories:

Ontario and Quebec.

(a) the Provinces of Ontario and Quebec shall constitute a voting territory, with the headquarters of the special returning officer located at Ottawa;

Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

(b) the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland shall constitute a voting territory, with the headquarters of the special returning officer located at Halifax;

Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, and Northwest Territories.

(c) the Provinces of Manitoba, Saskatchewan, Alberta, British Columbia, and the electoral districts of Yukon and Northwest Territories, shall constitute a voting territory, with the headquarters of the special returning officer located at Edmonton;

Outside of Canada.

(d) a voting territory established by the Chief Electoral Officer pursuant to subparagraph (3) with the headquarters of the special returning officer located at a place to be determined by the chief electoral Officer.

Canadian Forces electors stationed outside of Canada.

(2) If, at the time of a general election, there are Canadian Forces electors, as defined in paragraph 21, stationed outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors can be efficiently superintended from one of the voting territories mentioned in subparagraph (1), the Chief Electoral Officer shall direct the appropriate liaison officer and special returning officer for such voting territory to deal with such Canadian Forces electors as though they were stationed in their voting territory.

Establishment by Chief Electoral Officer of voting territory outside of Canada.

(3) If, at the time of a general election, there is a substantial number of Canadian Forces electors, as defined in paragraph 21, serving outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories mentioned in subparagraph (1), the Chief Electoral Officer may, notwithstanding anything in these Rules, establish a voting territory in the area where such Canadian Forces electors are serving.

Some hon. MEMBERS: Agreed.

Oath and tenure of office of special returning officer.

6. Every special returning officer shall be sworn, in Form No. 1, before the Chief Electoral Officer, to the faithful performance of his duties; upon the completion of such duties the tenure of office of the special returning officer shall cease.

Appointment, oath and tenure of office of chief assistant.

7. The Governor in Council shall appoint a person to act as chief assistant to each special returning officer; after his appointment, the chief assistant shall be sworn, in Form No. 2, before the special returning officer, to the faithful performance of the duties imposed upon him in these Rules; the tenure of office of a chief assistant shall cease at the same time as that of the special returning officer.

Mr. CASTONGUAY: Rules 6 and 7 have been carried.

We have amended them. We now go to rule 8.

When special returning officer unable to act.

8. If, during the general election, the special returning officer becomes unable to act, his chief assistant shall, until a new appointment is made, or until the special returning officer is able to resume his duties, assume and perform the duties of such special returning officer.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: The next paragraph is rule 9.

Nominating, appointment, oath and tenure of office of scrutineers.

9. The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Rules, appoint six persons to act as scrutineers in the headquarters of each special returning officer; three of such six scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of the political group having the third largest recognized membership in the House of Commons; each scrutineer shall be appointed in Form No. 3, and shall be sworn according to the said Form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him in these Rules; the tenure of office of a scrutineer ceases immediately after the counting of the votes has been completed.

Mr. NIELSEN: When was this amended?

Mr. CASTONGUAY: 1960. It was amended at that time to fit into the framework of the House of Commons, as it existed politically then, but before that there was four parties in the house.

Mr. NIELSEN: Yes, and that bears on my question. You have five parties in the house now. Under section 9 there will be three Liberal appointees, two Conservatives and one N.D.P., but there will be no representative from either of the Social Credit groups. Do you not think that is unfair?

Mr. CASTONGUAY: There are two paragraphs of this type. I would draw your attention to rule 52, where the same formula exists for the selection of deputy special returning officer who takes the votes in D.V.A. institutions.

Mr. MOREAU: It would seem to me that the idea of scrutineers would be to ensure essentially an honest count and I do not think that any particular political advantage is gained by any party, assuming we have an honest count, and I wonder if you would not agree there would be sufficient representation under section 9, and that essentially would be a pretty square shake for everyone.

Mr. NIELSEN: The Social Credit groups may not agree with you, even though I may.

Mr. HOWARD: It is not a question about the fairness or honesty of the count or anything of that sort. Even if we have to do it on their behalf we have to exercise someone else's right to have representation. I think the Creditistes, for their own interests, should make some representation as to what they think it should be. Under this I think they should have the authority to have scrutineers.

The CHAIRMAN: But what if there were more parties?

Mr. HOWARD: If there are 20 candidates in a constituency each candidate is entitled to appoint two agents or scrutineers at each poll, and I do not see the difference.

Mr. MOREAU: I was thinking of the problem of getting them appointed. Of course, you would not make it mandatory that they do appoint them. I would not be opposed to the idea.

Mr. RONDEAU (*Interpretation*): I am sorry, but what disadvantage or advantage would you see in having one more of these people?

Mr. CASTONGUAY: We do not see any disadvantage whatsoever. This provision was written into the rouse after 1960 when there were only four parties in the house. It was amended in 1960 to provide for the number of parties in the house at that time.

But, the provision before provided for representation for the parties that were in the house prior to 1960, when there were four parties. If the committee will not chop me down I would suggest that a solution would be a 3-2-1-1-1 formula. I respectfully would ask the committee that any solution you arrive at end up in even numbers because we pair off the scrutineers and the deputy special returning officers. So, if you design a formula which ends up in an odd number we then have a person we cannot use. So, whatever formula you do accept, I would respectfully ask you to make it end up in even numbers.

Mr. MOREAU: It would be almost impossible to do this in view of the fact that we cannot make a prediction. The only thing we could do is limit it to a number, as is done in section 9 at the present time. If we were to provide for every party it would become very difficult.

Mr. CASTONGUAY: If my memory serves me right the previous one was hinged on everyone, the leader of the government, the leader of the opposition, plus any party in the house having a membership of ten was entitled to a scrutineer. This formula was acceptable to the committee in 1955 because they were fixing up this formula for the situation of the house as it existed at that time.

The CHAIRMAN: Now, there are two parties in the Social Credit and the only difference between them is on the atom bomb question; on the other points they are the same. Will they each have one?

Mr. HOWARD: The way I look at it we really have two Liberal parties in the house, except one calls itself Conservative at the moment, or vice versa.

Mr. NIELSEN: I thought one called itself the N.D.P.

The CHAIRMAN: I do not see it that way.

Gentlemen, we are on rule 9.

Mr. HOWARD: In order to get something before the committee I would move that we ask Mr. Castonguay to redraft rule 9 and arrange the number that each party or political group, or whatever you want to call it in the House of Commons will have; appoint two scrutineers each.

The CHAIRMAN: Two each or according to the formula Mr. Castonguay suggested awhile ago?

Mr. HOWARD: No, two each.

The CHAIRMAN: 3-2-1-1-1?

Mr. HOWARD: I said two each. I will put it in writing.

Mr. NIELSEN: The same as an ordinary poll.

Mr. HOWARD: In essence, this is the approach to it, regardless of the number of parties, and this will apply until some subsequent parliamentary review decides to change it. There is a revision after each election.

Mr. CASTONGUAY: Are you going to suggest that each group should have a certain number of members in the group before they are entitled to this?

Mr. HOWARD: Say, ten or over.

Mr. MOREAU: There is one principle Mr. Howard has overlooked. One group in the house may be very small and another large. There may be two larger groups and perhaps two scrutineers for one of the major parties would be inadequate, at least from the point of view of physical accounting, and the smaller groups may fail to nominate scrutineers and they may end up with no scrutineers.

Mr. CASHIN: Mr. Chairman, I would like to make a comment on this subject. The two parties with the largest number of seats in the house now run candidates in about every city across the country; they would be more apt to be interested in the service vote than some parties who do not run candidates in large sections of this country. Candidates that do run are partially token candidates.

I agree with the principle introduced by Mr. Nielsen, that the smaller parties should have representation, but I would suggest it follow the suggestion here of 3-2 and then add one for each additional small party until such time as the complexion of the house changes and we again review this. There may be five or even ten parties. I really do not agree with the suggestion made by Mr. Howard in respect of his numerical approach.

Mr. NIELSEN: I think Mr. Moreau has a very good point. The margin between these service voters voting for the Liberal, Conservative, N.D.P. and for instance, Creditistes, is likely to be very great indeed. If there were thousands upon thousands of ballots the scrutineers would be working at quite a pace in order to make their tallies and so on. Perhaps the Creditistes scrutineer might not have the same interest in accuracy of the count as others would. Perhaps that was the principle which underlies the amendment.

I was not here when this amendment was introduced in 1960.

The CHAIRMAN: It has been moved by Mr. Howard and seconded by Mr. Mather that rule 9 be redrafted to contain the numbers that each political party or group in the House of Commons having a membership of ten or more members be allowed to appoint two scrutineers each.

Mr. CASTONGUAY: I would draw your attention to rule 52; the same principle is there. To save the time of the committee, rule 52 would apply to this.

The CHAIRMAN: Then, can we take rule 9 and rule 52?

Some hon. MEMBERS: Yes.

The CHAIRMAN: And ask that they be redrafted.

Nominating, appointment, and oath of office of deputy special returning officers.

52. For the purpose of taking the votes of Veteran electors at the general election, the Chief Electoral Officer shall appoint six persons to act as deputy special returning officers in each voting territory; three of such six deputy special returning officers shall be nominated by the Leader of the Government, two by the Leader of the Opposition,

and one by the Leader of the political group having the third largest recognized membership in the House of Commons; each deputy special returning officer shall be appointed on Form No. 12, and shall be sworn according to the said Form No. 12, before a special returning officer, or a justice of the peace, or a commissioner for taking affidavits in the province, to the faithful performance of the duties imposed upon him in these rules.

Mr. NIELSEN: Mr. Chairman, before the question is put on the motion I wonder if Mr. Castonguay can recollect the reasoning of the committee in 1960 when this amendment was first proposed? What was the reasoning behind the formula suggested?

Mr. CASTONGUAY: In 1960?

Mr. NIELSEN: Yes.

Mr. CASTONGUAY: It was proportionate to the membership in the house of the parties.

Mr. NIELSEN: Were there any background discussions on the relative work which the scrutineers would have to do?

Mr. CASTONGUAY: That has no bearing on it at all, none whatsoever.

The CHAIRMAN: Shall the rule carry?

Some hon. MEMBERS: Hold it.

Mr. MOREAU: Would you wait for a moment, Mr. Chairman. We are going to make an amendment.

Mr. DUBE: We do not object to section 52.

Mr. CASHIN: The amendment, Mr. Chairman, is to substitute "one"—

The CHAIRMAN: Would you mind writing it out?

Mr. NIELSEN: Mr. Chairman, all Mr. Howard's motion request was that the section be referred to Mr. Castonguay in order that he could redraft it.

Mr. PENNELL: I will read the motion: that rules 9 and 52 be redrafted to contain the principle that each political party or group in the House of Commons having a membership of ten or more members be allowed to appoint two scrutineers each.

Mr. HOWARD: In order to have Mr. Cashin from doing all this writing could I make a suggestion which I think will speed it up. After listening about the other members talking about this it is obvious it is not going to carry. Why do you not put my amendment to a vote and then perhaps if it does carry, it does, but if it does not we will be able to have something new. It would be better than amending this. To word an amendment to this would make it very cumbersome.

Mr. MOREAU: I think we should move an amendment. I prefer to do it that way.

Mr. CASTONGUAY: The amendment moved by Mr. Pennell would make this odd numbers, three for the government, two for the leader of the opposition and two for each other party.

Mr. PENNELL: No, one.

Mr. DOUCETT: You said parties with over ten members. Is there not one of them which only has nine.

Mr. HOWARD: No; it just seems that way.

Mr. NIELSEN: Do you say, Mr. Castonguay, that either formula would work just as well in the poll?

Mr. CASTONGUAY: As long as it ends up in an even number any formula will work.

Mr. DUBE: Of course, we know now it will be an even number but we do not know what will take place between now and an election; there might be one extra party or one less.

Mr. CASTONGUAY: But if they have not ten they do not get any.

Mr. DUBE: Yes, but the opposition party or the party in power may break into a couple of other parties.

Mr. NIELSEN: It would end up in even numbers if each party appoints two.

Mr. RONDEAU (*Interpretation*): As far as I am concerned, I think one would be all right. I recall back in 1962, I think it was, the N.D.P. were excluded by the formula applied at that time. I feel this 3-2-1-1-1 formula would appear satisfactory.

The CHAIRMAN (*Text*): Are you ready with your amendment?

Mr. MOREAU: We are only suggesting; Mr. Castonguay is going to prepare the actual amendment.

Mr. CASTONGUAY: Once the committee agrees on the formula I understand from there on we were supposed to draft it for you.

The CHAIRMAN: Who is moving the amendment?

Mr. MOREAU: I will move it.

Mr. CASHIN: And, I will second it.

The CHAIRMAN: The clerk will read the amendment.

The CLERK OF THE COMMITTEE: The amendment to the motion will read as follows:

That rules 9 and 52 be redrafted to contain the principle that each party or group other than the government and the official opposition in the House of Commons with ten or more members be allowed to appoint one scrutineer in addition to the three appointed by the government and the two appointed by the official opposition.

The CHAIRMAN: All those in favour?

Mr. HOWARD: May I have one word. I think we are concerned about ensuring that representation is there amongst the various scrutineers. My contention is that in an ordinary poll and an advance poll each candidate is equal no matter if he is an independent or belongs to a political party or not. As I say, he has equal rights with the other candidates to appoint agents to represent him at the polls in the particular riding and, by the same contention, each political party is an equal entity, if you look at it from that point of view. I would disagree with the amendment on that principle, at the same time maintaining the thought that political parties and groups should have representation by way of the appointment and selection of scrutineers.

Mr. MOREAU: I have no serious objection to his point with one exception; I do not think the candidates are equal in a particular poll. I do not agree that parties are equal in the way that Mr. Cashin covered this point earlier. Some groups do not even run candidates in every riding across the country.

Mr. HOWARD: Like the Liberals in 1962.

Mr. MOREAU: After all, these are combined polls which represent a national cross section and I think the representation in the polls should be representative as much as possible of the parties that are running candidates.

The CHAIRMAN: All those in favour of the amendment to the amendment please raise your right hand. All those against?

The amendment to the amendment carries.

Amendment to amendment agreed to.

Now, I will put the motion. All those in favour of the motion please raise your right hand.

Mr. CAMERON (*High Park*): Do you not put the motion as amended? Is that not what we should do?

Mr. DUBE: It was put.

The CHAIRMAN: The second one, to me, appears to be a more substantial motion. It is the same thing and only changes the figures.

Mr. CASTONGUAY: For clarification, does this mean ten or more than ten.

Mr. MOREAU: Ten or more.

The CHAIRMAN: We will now proceed to rule 10.

Nominating, appointment, etc., of additional scrutineers.

10. When, after the date of the issue of the writs ordering the general election, it appears that the number of scrutineers provided in paragraph 9 is not sufficient, the Chief Electoral Officer shall appoint the additional number of scrutineers required; such additional scrutineers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in paragraph 9; every such additional scrutineer shall be appointed and sworn as prescribed in the said paragraph.

Mr. NIELSEN: I would like Mr. Castonguay to explain how he exercises the discretion which is given to him under this paragraph.

Mr. CASTONGUAY: I follow the formula in rule 9.

Mr. NIELSEN: Do you consult with the party leaders?

Mr. CASTONGUAY: If I need three extra scrutineers I follow the number outlined in the formula in rule 9.

Mr. NIELSEN: That implies you consult the party leaders.

Mr. CASTONGUAY: Well, I ask them to submit a nomination; if I need three extra scrutineers I go to the government, the leader of the opposition, and so on for the extra men.

Mr. HOWARD: On the basis of one each?

Mr. CASTONGUAY: Yes. I have done this in Ontario and Quebec. We need extra scrutineers there because we have a very high vote, and we also need this in the western territory. But, in the Atlantic provinces and overseas there was six provided before and now we do not need any more than this formula.

Mr. DUBE: Does section 9 not give you the even numbers you want. Could you use 10 to add an extra one?

Mr. CASTONGUAY: I would not add an extra one if it is not needed.

Mr. DUBE: But, you see—

Mr. CASTONGUAY: If I may interrupt, it would depend on the volume of votes which have to be counted in a voting territory. If, in the past, six scrutineers were not sufficient, and in the Quebec and western territory we needed extra ones, what I did, and what we have done since 1940 when this procedure has existed, is, if we need an extra one over and above the number of scrutineers provided in rule 9, to start with the Leader of the Government, Leader of the Opposition and third, fourth and fifth parties, but one each.

Mr. DUBE: Not one at a time; you would have to hire six.

Mr. CASTONGUAY: We have our normal requirement, which is six before—now, it will be eight, and anything I need above that—say, if I need a ninth and tenth, I will start with the Leader of the Government, the Leader of the Opposition and, if I need another one, I will go to the third largest party in the house, and I follow the number in rule 9.

The CHAIRMAN: If there are no objections, carried.

Rule 11 is next.

Remuneration.

11. (1) Special returning officers, deputy special returning officers, chief assistants, and scrutineers shall be paid for their services as the governor in council may provide; whenever one of these officials is called upon to act outside of the place of his ordinary residence, he shall be reimbursed his actual travelling expenses and allowed living expenses at a rate to be fixed by the governor in council.

Voting by officials.

(2) Special returning officers, deputy special returning officers, chief assistants, and scrutineers, appointed pursuant to paragraphs, 5, 7, 9, 52 or 53, are entitled to vote in the same manner as Canadian forces electors, if qualified to vote at the general election.

Procedure.

(3) For the purpose of the provision set out in subparagraph (2), the special returning officer and his chief assistant may act in the capacity of a deputy returning officer, as prescribed in paragraph 32, to take the votes of the special returning officer, deputy special returning officers, chief assistant, and scrutineers.

Mr. HOWARD: I notice there is a change here.

The CHAIRMAN: Yes, there is an amendment which can be found at page 52 of the draft amendments to the Canada Elections Act, clause 56.

Mr. CASTONGUAY: Yes, it is at page 52 of the draft bill, clause 56, and it is purely an amendment because we changed the numbers again. The substance is the same. This just concerns the renumbering of the paragraphs.

Voting by officials.

56. Subparagraph (2) of paragraph 11 of the said Rules is repealed and the following substituted therefor:

"(2) Special returning officers, deputy special returning officers, chief assistants, and scrutineers, appointed pursuant to paragraph 5, 9, 52 or 53, are entitled to vote in the same manner as Canadian forces electors, if qualified to vote at the general election."

Mr. CASTONGUAY: As I said, there is no change in substance; it is a question of renumbering the paragraphs.

Some hon. MEMBERS: Carried.

The CHAIRMAN: Carried.

The next is rule 12.

Appointment, oath of office, etc., of clerical assistants.

12. Each special returning officer shall, subject to the approval of the Chief Electoral Officer, select and appoint such clerical assistants as may be deemed necessary for the proper performance of his duties; clerical assistants shall be paid for their services at a rate to be fixed by the governor in council and shall be discharged as soon as their services are no longer needed; they shall be sworn before the special returning officer, and their appointment and oath of office shall be in Form No. 4.

If there is no objection, carried.

The next rule is number 13.

Duties of special returning officers.

13. Every special returning officer, upon being instructed by the Chief Electoral Officer, shall

- (a) secure suitable premises to be used as his headquarters for the proper performance of his duties;
- (b) maintain such headquarters until all the duties imposed upon him in these Rules are completed;
- (c) retain in his possession the oaths of office of deputy special returning officers, chief assistant, scrutineers, and clerical assistants, and, after the general election, transmit such oaths of office to the Chief Electoral Officer, as prescribed in paragraph 84;
- (d) select and appoint the clerical assistants required for the proper performance of his duties, as prescribed in paragraph 12;
- (e) secure from the various liaison officers the lists provided for in paragraph 29;
- (f) secure, through the liaison officers, a list of the name, rank and number of every deputy returning officer designated by each commanding officer to take the votes of Canadian forces electors as provided by paragraph 33;
- (g) distribute a sufficient number of copies of these Rules, ballot papers, envelopes, books of key maps, books of excerpts from the Canadian Postal Guide, lists of names and surnames of candidates, and other necessary supplies, to the commanding officers stationed in the voting territory under his jurisdiction, and to each pair of deputy special returning officers, as prescribed in paragraph 20;
- (h) direct pairs of deputy special returning officers to take the votes of veteran electors, as prescribed in these Rules;
- (i) receive completed outer envelopes containing ballot papers marked by Canadian forces electors and veteran electors in the voting territory under his jurisdiction, as prescribed in paragraphs 69 and 70;
- (j) stamp each completed outer envelope with the date of its receipt, as prescribed in paragraph 70;
- (k) provide that each completed outer envelope shall be sorted to its correct electoral district, as prescribed in paragraph 70;
- (l) on the day immediately following polling day, proceed with the counting of the votes cast by Canadian forces electors and veteran electors, as prescribed in paragraphs 75 to 83;
- (m) communicate by telegraph, or otherwise, to the Chief Electoral Officer the number of votes cast by Canadian forces electors and veteran electors in the voting territory under his jurisdiction for each candidate officially nominated in the various electoral districts in Canada, as prescribed in paragraph 85;
- (n) transmit to the Chief Electoral Officer the official statements of the count, the used outer envelopes, ballot papers and other documents, as prescribed in paragraph 84; and
- (o) perform all other duties prescribed to be executed by a special returning officer in these rules.

Mr. NIELSEN: Under subclause (f) I note that the special returning officer secures a list of name, rank and number of every deputy returning officer designated by each commanding officer to take the votes of Canadian forces electors as provided by paragraph 33. Are lists of the Canadian forces electors obtained by the special returning officer under this section?

Mr. CASTONGUAY: Not under this section.

The CHAIRMAN: Carried.

Mr. CASTONGUAY: There is an amendment in rule 13.

Mr. MOREAU: Yes, section (p).

57. Paragraph 13 of the said rules is amended by striking out the word "and" at the end of subparagraph (n) thereof, by adding the word "and" at the end of subparagraph (o) thereof and by adding thereto the following subparagraph:

"(p) secure for the Chief Electoral Officer the lists of Canadian forces electors as described in paragraph 15A."

Mr. CASTONGUAY: This is consequential to the change I am proposing in order to remedy the situation in respect of the check.

I would like clause 57 to stand until we deal with the main clause.

The CHAIRMAN: Clause 57 stands.

The next rule is 14, and it refers to clause 58 in the bill.

Liability of special returning officers and staff.

14. Every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who wilfully omits to comply with the provisions of these rules, is liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred dollars, and every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who refuses to comply with any of the provisions thereof, is, on summary conviction, liable to a fine of not less than two hundred dollars nor more than five hundred dollars.

Clause 58 reads:

58. Paragraph 14 of the said Rules is repealed and the following substituted therefor:

Liability of special returning officer and staff.

"14. Every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who

(a) wilfully omits to comply with the provisions of these Rules; or

(b) refuses to comply with any of the provisions of these Rules;

is guilty of an offence against this Act."

Mr. CASTONGUAY: This amendment is consequential to the amendments that were proved for the revision of the penalty and offence sections of the act.

Mr. NIELSEN: Yes, it makes armed forces officers subject to the same penalty if they commit an offence as any other person.

Mr. HOWARD: Not only forces officers but scrutineers.

Mr. CASTONGUAY: Yes, because they are election officers. They are not particularly armed forces officers. They probably would not be. But, they are election officers for the purpose of this.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Carried.

Rule 15 is next.

#### 6. GENERAL PROVISIONS.

Supplies to special returning officer.

15. The Chief Electoral Officer shall, whenever deemed expedient, provide each special returning officer with a sufficient number of ballot papers, outer and inner envelopes, copies of these Rules, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions, and other supplies required for the taking of the votes of Canadian Forces electors and Veteran electors.

Mr. CASTONGUAY: This also is consequential to the amendment in clause 61.

The CHAIRMAN: We will stand this one.

Mr. HOWARD: Without considering clause 61 I wonder if Mr. Castonguay could tell us what it involves.

Mr. CASTONGUAY: We can have a general discussion on clause 59 because that embodies it. The proposal is now that I will receive a statement of ordinary residence. Every statement completed by a member of the Canadian forces will come to my office and my staff will establish the electoral district under which the elector is entitled to vote in. That statement then goes back to the Department of National Defence and through computers; it will be key punched and, we hope, we will be able to provide from that information list of electors by electoral districts and all the electors entitled to vote in each district. That list will be in the office of the special returning officer and be provided to the deputy returning officers, where they are voting. So, this will obviate the necessity of having a large staff to process this when the election is called. So, each special returning officer will have a list of the electoral district and the members of the Canadian forces entitled to vote therein.

Mr. NIELSEN: Will the officer at the armed forces polling station, say in Metz, have a list showing where each member of the armed forces stationed at Metz is allowed to vote?

Mr. CASTONGUAY: Yes, he will have that. However, I do not want you to think that list will be complete. You will find there may be reserve forces on full-time training for two weeks during the summer the election is called. In that period they are allowed to vote at that military establishment, say at Petawawa. That list will not show everyone. This is the list we have processed and it will not show everyone.

As I said, the reserve forces can vote at the military establishments by completing a statement of their residence prior to their going into full-time training. They can vote at Petawawa, but do not think you are going to get a 100 per cent list. However, in so far as the permanent forces are concerned, you will have as up to date a list as you can get, except for the backlog of people who, two or three weeks before the date of the issue of the writ, enrolled. The Department of National Defence have not received from the unit their statement of ordinary residence and we have not processed it. But, as I say, it will be as complete as you can get it, and still allow members of the forces to vote as members of the reserve force, or people who inadvertently have not filed a statement.

Mr. CASHIN: I have one comment in this connection. I was involved in a little incident due to irregularity in the service vote. I think this particular amendment which is introduced here is a substantial improvement. In the particular case to which I am referring, at the point when the ballot was counted at these four centres there was no way of challenging their vote. If on the face of their form it said they were eligible to vote, say, in the Yukon, they did. It appeared to us this was not the best way of going about it. Of course, there were procedures to stop this at the point when they actually voted. However, I do think that this 15 (a) should please Mr. Justice Winter and those who made some comments about this system.

The CHAIRMAN: Shall clause 59 carry?

Mr. HOWARD: We were only discussing clause 59 for the purpose of considering whether or not we should pass it.

Mr. CASTONGUAY: Instead of 61. We could do it here, if you wished.

Mr. HOWARD: Well, Mr. Chairman, it is 12 o'clock and I wanted to inquire about the mechanics of setting this up.

Mr. MOREAU: Mr. Chairman, I have another meeting which I hope I will be able to attend.

Mr. NIELSEN: Before we adjourn I would like to make a motion concerning the business of the committee. We have had referred to the committee, the day before yesterday, by a motion of the member for Swift Current-Maple Creek, a matter concerning the Department of Agriculture.

On December 12, at 9 a.m. we are considering the Rodgers case, and I would like to move on December 13, which is a Friday, at 9 a.m. we consider the matter referred by this committee to the house. By passing this motion now it would give those interested in it sufficient time to prepare for the presentation to be ready for a specific date.

The CHAIRMAN: Then this is for next week?

Mr. NIELSEN: Friday, December 13.

Mr. HOWARD: I would like to move an amendment, that it be referred to the steering committee. I am not doing this to put it off. I think the steering committee, which is the committee which initially does this sort of thing, should try to come to some assessment on what progress we are making in order to see whether or not there is a likelihood of us meeting the time with which you are concerned, and whether or not we should try and fit this into it, if we can possibly do that.

Mr. NIELSEN: The only reason I make this motion is that we followed this procedure in setting down the Rodgers matter. We set down a specific date to assist those who had been charged with the responsibility for the preparation and so on. The same problem exists here. Whether we make it the 13th or another day is immaterial. I set that date because it was after the 12th. I suggest that we should follow the same procedure as set in the Rodgers case in order that there might be sufficient time for preparation.

Mr. MOREAU: The two suggestions are not incompatible; the steering committee can still set a date, if Mr. Nielsen agrees.

Mr. NIELSEN: Well, the committee set the 12th for the Rodgers matter.

The CHAIRMAN: The steering committee can meet this afternoon and decide this. We will meet at 4 o'clock after orders of the day, and tomorrow we will sit from 9 a.m. to 11 a.m.



HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**PRIVILEGES AND ELECTIONS**

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 14

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FRIDAY, DECEMBER 6, 1963

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Respecting  
CANADA ELECTIONS ACT

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WITNESSES

Mr. Nelson Castonguay, Chief Electoral Officer for Canada;  
and Brigadier W. J. Lawson, Judge Advocate General.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell  
and Messrs.

Cameron ( <i>High Park</i> ),	Greene,	Nielsen,
Cashin,	Howard,	Paul,
Chrétien,	Jewett ( <i>Miss</i> ),	Rhéaume,
Coates,	Leboe,	Ricard,
Crossman, <sup>1</sup>	Lessard ( <i>Saint-Henri</i> ),	Ricard,
Doucett,	Mather,	Rochon,
Drouin,	Millar,	Rondeau,
Francis,	Monteith,	Turner,
Girouard,	More,	Webb—29.

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

<sup>1</sup> Replaced Mr. Moreau on December 5, 1963

ORDER OF REFERENCE

THURSDAY, December 5, 1963.

*Ordered*,—That the name of Mr. Crossman be substituted for that of Mr. Moreau on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

REPORT OF THE

COMMISSIONERS OF THE

LAND OFFICE, IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1870.

ALBANY: PUBLISHED BY  
THE STATE OF NEW YORK.

## MINUTES OF PROCEEDINGS

FRIDAY, December 6th, 1963.

(24)

The Standing Committee on Privileges and Elections met at 9.30 o'clock a.m., this day. Mr. Alexis Caron presided.

*Members present:* Messrs. Caron, Chretien, Crossman, Doucett, Dube Francis, Girouard, Howard, Lessard (*Saint-Henri*), Nielsen, Pennell, Richard, Rondeau, Rochon.—(14).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

*Also in attendance:* Brigadier W. J. Lawson, Judge Advocate General, and Captain J. D. Dewis, Deputy Judge Advocate General.

Also, a Parliamentary interpreter and interpreting.

The Chairman read a report of the Subcommittee on Agenda and Procedure, which held a meeting on Thursday, December 5. The following schedule of meetings was recommended for the week starting on December 9.

Monday, December 9, 8.00 p.m. to 10.00 p.m. (Canada Elections Act)

Tuesday, December 10, 9.30 a.m. to 12.00 noon, (Canada Elections Act)

Thursday, December 12, 9.00 a.m. to 12.00 noon. (Press Gallery and Dr. M. Ollivier).

Friday, December 13, 9.00 a.m. to 11.00 a.m. (Question of Privilege; Mr. McIntosh).

The Committee agreed to the proposed schedule and it was understood that if the case of Mr. Rodgers could not be dealt with on Thursday, the question of privilege raised by Mr. McIntosh would be considered instead.

The Committee resumed from Thursday, December 5, its consideration of the Canada Elections Act. (*Canadian Forces Voting Rules*).

Mr. Castonguay tabled and distributed to the members the two amendments which he had been asked to prepare in connection with Paragraph 9 and Paragraph 52 of the Rules.

*On paragraph 9.*

The following amendment was adopted:

Paragraph 9 of the said Rules is repealed and the following substituted therefor:

Nominating, appointment, oath and tenure of office of scrutineers.

"9. The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Rules, appoint eight persons to act as scrutineers in the Headquarters of each special returning officer; three of such scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition and one by the

Leader of each political party or group having a membership in the House of Commons of ten or more; each scrutineer shall be appointed in Form No. 3 and shall be sworn according to the said Form No. 3 before the special returning officer, to the faithful performance of the duties imposed upon him in these Rules; tenure of office of scrutineers ceases immediately after the counting of the votes has been completed."

*On paragraph 52.*

The following amendment was adopted:

Paragraph 52 of the said Rules is repealed and the following substituted therefor:

Nominating, appointment, and oath of office of deputy special returning officers.

"52. For the purpose of taking the votes of Veteran electors at the general election, the Chief Electoral Officer shall appoint eight persons to act as deputy special returning officers in each voting territory whose headquarters is in Canada; three of such eight deputy special returning officers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of each political party or group having a membership in the House of Commons of ten or more; each deputy special returning officer shall be appointed in Form No. 12, and shall be sworn according to the said Form No. 12 before a special returning officer, a Justice of the Peace, or a Commissioner for taking affidavits in the Province, to the faithful performance of the duties imposed upon him by these Rules."

*On paragraph 15.*

Reverting to paragraph 15 of the Rules, the Committee considered clause 59 of the Draft amendments.

A discussion arose concerning some aspects of the security involved in the voting of the armed forces, as well as the political propaganda among the armed forces. The Committee decided to hear, at a subsequent meeting, representatives of the Armed Forces and of the Department of National Defence on these two matters.

Paragraph 15, and consequentially paragraph 59 were allowed to stand.

*On paragraph 16.*

Mr. Howard, seconded by Mr. Francis, moved,

*That* the list prepared pursuant to paragraph 16 of the Canadian Forces Voting Rules be provided to all Deputy Returning Officers in sufficient quantities to allow the said list, marked by the deputy returning officer so as to indicate the appropriate electoral district, to be provided to each elector who applies for a ballot so that the said elector may take the list in the polling booth with him if he so desires and return it along with his marked ballot and further that the said list for these purposes be entitled "List of Candidates with political affiliation".

And the examination of the witness still continuing, the Committee adjourned at 10.50 o'clock a.m., until Monday, December 9, 1963, at 8.00 o'clock p.m.

Marcel Roussin,  
*Clerk of the Committee.*

## EVIDENCE

FRIDAY, December 6, 1963.

The CHAIRMAN: Gentlemen, we have a quorum and we can start. We had a meeting of the steering committee the other day at which were present your Chairman, Mr. Nielsen, Mr. Rondeau and Mr. Girouard. In attendance was Mr. Castonguay, the Chief Electoral Officer.

The Chairman read the correspondence received since the last meeting and the Clerk was instructed to answer those letters.

The schedule of meetings for next week is as follows—the subcommittee recommends the following: Monday, December 9 from eight to 10 p.m.; Tuesday, December 10, from 9.30 a.m. to 12 noon; Thursday, December 12, from nine to 12 noon, to study the Rodgers' case; the witnesses will be Dr. Ollivier and the press gallery; Friday, December 13, from nine to 11 a.m., the question of Mr. Hays.

If the committee does not hear the Rodgers' case on Thursday, on account of the absence of Mr. Rodgers, it will proceed with the question of Mr. Hays. What is the wish of the committee? I hear no objection. It is agreed.

We have received from Mr. Castonguay amendments to clauses 29 and 59 in the Canadian forces voting rules which will be passed to everyone of you. The same amendment is suggested to both sections.

Paragraph 9 of the said Rules is repealed and the following substituted therefor:

Nominating, appointment, oath and tenure of office of scrutineers.

"9. The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Rules, appoint eight persons to act as scrutineers in the Headquarters of each special returning officer; three of such scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition and one by the Leader of each political party or group having a membership in the House of Commons of ten or more; each scrutineer shall be appointed in Form No. 3 and shall be sworn according to the said Form No. 3 before the special returning officer, to the faithful performance of the duties imposed upon him in these Rules; tenure of office of scrutineers ceases immediately after the counting of the votes has been completed."

59. The said Rules are further amended by adding thereto, immediately after paragraph 15 thereof, the following paragraph:

Lists of Canadian Forces electors.

"15A. (1) During the week commencing Monday the 21st day before polling day, the Chief Electoral Officer shall provide each special returning officer with lists of Canadian Forces electors as defined in paragraph 21 whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (8b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with Service numbers, of such Canadian Forces electors.

Safekeeping of lists.

(2) The lists described in subparagraph (1)

- (a) shall not be open to inspection or be copied or extracted except by the Chief Electoral Officer, a special returning officer or their respective staffs for the purposes described in clause (d) of paragraph 70; and
- (b) shall be carefully locked up when not in use and every precaution shall be taken for their safe-keeping and transmission pursuant to subparagraph (2) of paragraph 84.

Uses not prohibited.

(3) Nothing contained in subparagraph (2) shall prohibit the use of the lists described in subparagraph (1) by the Canadian Forces for official purposes or in respect of provincial elections, if it is necessary to establish entitlement of members of the Canadian Forces to vote at such elections, but the provisions of subparagraph (2) shall apply *mutatis mutandis*."

Mr. LESSARD (*Saint-Henri*): Was this amendment accepted yesterday?

The CHAIRMAN: It is supposed to be accepted today. Have you read it? Is there no objection? Amendments to sections nine and 59 should be accepted at the same time. Is it agreed?

Mr. Nelson CASTONGUAY (*Chief Electoral Officer*): I will now speak to clause 59 appearing on page 52 of the draft bill. I have a problem here which I wish to put to the committee. It has to do with the list of members of the Canadian forces that will be supplied under this particular clause 59 and also the list that can be examined by candidates in the units—this provision is in paragraph 29, and the problem relates to the two. Now, the thing that concerns me about this and the committee I think should be aware of this, is that the way paragraph 29 exists now it would be sufficient for one candidate to be officially nominated and he can organize it in such a way that he could obtain a list of the members of the Canadian forces in each unit in Canada. In effect, what he would have would be the ranks and the numbers and the names of any member of the Canadian forces in the units where they are stationed. My particular concern on this is the fact that this, for security purposes, is rather doubtful. I wish to point out to you that in the 1953 election the C.B.C. stipulated that any particular candidate could participate in a free time.

There is one party which never fielded more than 60 candidates on any occasion before, and as a result of this order of the C.B.C. they fielded 100 candidates. So, for \$20,000 they got time you could buy anyway. I do not think I should have to name the party.

From a security point of view, I do not know of any country where with an expenditure of \$200 you can get a list of all the forces and where they are stationed at the time of a general election. I do not want you to think I have been reading too many spy novels when I say this, but it is unique that this opportunity is there and that this can happen. I wish to place this problem before the committee. If you asked for this at a general election, I do not see how the Department of National Defence and the commanding officers are able to refuse a list to an officially nominated candidate or his designated representative. I put this problem to the committee fully realizing that the candidates at the local level under the present regulations must have access to the list of the commanding officer to find out what member of the Canadian forces is entitled to vote in the electoral district.

The necessity for the candidate, at the local level, to have that can be clearly demonstrated by the experience in 1962. At the Rockcliffe airport

there were four polling divisions and the enumerators picked up 1,097 names on the first enumeration. Then the commanding officer's list was made available after the enumeration. I extended the enumeration to see how many of these 1,097 electors which the enumerators had picked up would actually be eligible electors. The number of members of the Canadian forces on these four lists was 477; the others were wives and dependants who were entitled to vote. Of the 477 members of the Canadian forces, 337 were not entitled to vote in the electoral district of Russell.

So, there definitely is a need, from the point of view of the candidate at the local level, to have this information. In the way paragraph 29 is drafted—and this was extended by an order of the Department of Justice in 1962—commanding officers can give a copy of the list to any accredited agent or candidate who calls for it. The way the regulations are drafted here, they can only take extracts from it, but in addition to that, in 1962, an order came out saying that commanding officers could provide them with an additional copy of the list for the purpose of voting or sending to the special returning officer.

I do not know of any country in the world where the facilities are so easily available to obtain the full list of members of the forces. From a security point of view, I would think perhaps the committee would like to discuss this with officials of the Department of National Defence.

Mr. NIELSEN: Whose security; defence?

Mr. CASTONGUAY: I am not competent to discuss these matters.

Mr. NIELSEN: Is it the security of your office, or of national defence?

Mr. CASTONGUAY: National defence.

Mr. MILLAR: Were you not in Australia or New Zealand a short time ago?

Mr. CASTONGUAY: Yes.

Mr. MILLAR: Did you investigate how this is taken care of there?

Mr. CASTONGUAY: You see we are the only country in the western world which prepares lists of electors as we do. Every other country has permanent lists and absentee voting, so they do not have this problem. This problem is unique.

Mr. NIELSEN: My riding is not going to have this problem in the future, since the Minister of National Defence has taken away every soldier in my riding. The problem which existed, and still does for the moment, in my riding, can be duplicated in many other ridings across the country. I am thinking of the R.C.A.F. base at Greenwood, the Halifax military complex, and several others. However, I can understand and appreciate the need for security so far as national defence is concerned. It might be said that the provision of the name, rank and number of the individual is of questionable value to an enemy; but if it is considered in the best interests of national security not to disclose these lists, then there must be some other method made available to reach the military forces. If the Jehovah Witnesses can go to a camp and distribute religious leaflets, then a political philosophy should be able to be distributed in a like fashion. Candidates are not allowed to go on to national defence property in order to knock on doors, or organize a meeting. There is no way in which the members of the armed forces on national defence property can inform themselves on the same level as can the civilian voter not living on national defence property.

If it is the intention to secure the lists, I am all in favour of it, but we as candidates and parties must be allowed the facility of reaching the armed forces voters. The only way we can do it now is by mail, and we need the list. If the Department of National Defence wishes to extend, with limitations and only during an election, the privilege of entering on to national defence property for the purpose of visiting housewives and members of the armed

forces, or to organize a proper meeting in the recreational hall, this is fine, so long as we are allowed the privilege of getting to the voters; otherwise, I would be against these lists being made security material.

Mr. CASTONGUAY: There is a very simple solution to this. The committee could consider making it mandatory for the members of the Canadian forces to vote only and exclusively under the Canadian forces voting rules and not as civilians at civilian voting stations.

Mr. NIELSEN: That does not solve this problem.

Mr. CASTONGUAY: Then there would be no necessity for candidates to get the list, because they are voting only under the mechanics of the Canadian forces voting rules.

Mr. NIELSEN: It does not solve the problem I raised.

Mr. CASTONGUAY: No. The solution to removing the necessity or advisability of candidates receiving the list at local level is to not permit them to vote at the civilian polls. They can vote when on leave and furlough. If they were compelled to vote exclusively under the Canadian forces voting rules, they have more facilities for voting than any civilian elector in Canada. I am speaking purely of electoral districts where there are perhaps military establishments. There is the example of members of the forces on the civilian list who are not entitled to vote. So, if members of the Canadian forces were entitled to vote only under the Canadian forces voting rules, they would not be in the civilian polls. That is one solution, if a solution is desirable.

Mr. NIELSEN: That still does not alter the problem I raised. Members of the committee will appreciate the difficulty which arises particularly in the Yukon riding, the Cariboo to a certain extent, and Dawson Creek all the way up the Alaska highway, where there is a maintenance camp established every 90 miles with civilian workers. We cannot even reach these civilian workers; we get their names from the list. I do not think that we as politicians and members of political parties can deprive ourselves of the facility of having a mailing list to reach the armed forces voters, unless the Department of National Defence is prepared to relax their regulations to enable us to go on to national defence property or reach the members of the forces in another way.

Mr. MILLAR: If they are not accessible to all candidates, then what is the difference? I visited an army subdivision. I did not know I was breaking the rules. I went to every house, and they voted against me three to one.

The CHAIRMAN: That is pretty good.

Brigadier Lawson, do you have anything to say in this regard?

Mr. LAWSON: I do not feel I am in a position to speak in relation to the security aspect of this matter. However, if it would be helpful I easily could get a witness who would be an expert in respect of security who would be able to give evidence to the committee in respect of the security aspect in so far as opening camps and stations for political canvassing is concerned. There are obvious disadvantages and advantages to this. It is a matter of departmental policy. Again I feel really I am not in a position to speak on this authoritatively.

Mr. GIROUARD (*Interpretation*): If I understand your objection properly, Mr. Castonguay, it would appear to be to the list of the armed forces personnel in a constituency. For instance, in the constituency of Labelle, would you have any objection to the publication of the list of personnel at the Macaza base.

Mr. CASTONGUAY (*Interpretation*): In the present terms of rule 29, any candidate or his agent can obtain that list. A party with only one candidate could organize in order to appoint agents in every constituency and obtain lists of the armed forces personnel in every constituency in Canada—a complete list

of all the armed forces personnel in Canada. That is why I say, from the point of view of security, I have very serious reservations about this, not only in Canada but outside Canada as well.

Mr. GIROUARD (*Interpretation*): It seems insolvable.

Mr. NIELSEN (*Text*): I would like to draw the attention of the committee to several stations, for instance, Rockcliffe, Whitehorse, both R.C.A.F. stations, where security is not at such a level that you need to have a pass or special interview with anybody to get into the station. For instance, at Rockcliffe any person can drive on to the station without any checks. There are several air force stations like this where security is relaxed to that extent. There are other air force and army stations across the country where civilian workers live on national defence property, sometimes in substantial numbers.

There are, of course, other army stations and air force stations, and navy stations, where any breach of security might seriously endanger the national defence effort. I am not aware of these; I do not know, for instance, whether or not Suffield comes under the army, air force or navy, but it is a national defence establishment of some sort. At an establishment like this, if it is national defence property, then it likely would be against the interests of our national defence if we were allowed to go on that station. However, if the regulations of national defence are going to prevent us going to these units, then we must have these lists.

The observation has been raised by Mr. Millar that all candidates are treated the same, and if one cannot go on the station, it does not prejudice the others, because they are all in the same boat. He might be interested to learn that in respect of the army units in my riding they went eight to two and seven to three against me. Nevertheless, if the candidates were allowed to hold a meeting at that national defence establishment, on that property, it might very well be that the vote could be changed. That has been a consistent statistic.

Mr. LESSARD (*Saint-Henri*): If no one is allowed to go, it would not make any difference.

Mr. NIELSEN: I think it would. One candidate may be better than another in the sense that he can appear at a public meeting and manage to gain a good deal of support; whereas another candidate might suffer exactly the reverse fate at the public meeting. I think this opportunity should be given. As a member of this committee, I would like to have views in respect of whether or not national defence policy can be altered to allow candidates to go on to national defence property. I can see no reason why this should not be the case at Rockcliffe, and a good many other stations like Edmonton, Portage la Prairie and Winnipeg, where I am sure national security would not suffer. Perhaps the Department of National Defence could segregate areas of high security risk.

Mr. GIROUARD: During an election?

Mr. NIELSEN: Yes. The suggestion has been made that expert evidence might be called. As it involves a matter of policy, I think the person to give that evidence to us is the deputy minister.

The CHAIRMAN: I was going to suggest we suspend the rest of the bill and that we get a security officer to give us an opinion.

Mr. NIELSEN: He cannot be questioned on matters of policy; the decision, if it is policy, has to be explained by someone at the executive level. That is why I suggested the deputy minister. The deputy can be advised by an expert, and he then will be able to discuss the merits of policy with us which the expert could not do. I would suggest we have the deputy minister, or someone delegated by him.

Mr. MILLAR: If such an arrangement could be made to obtain information on this policy question from the Department of National Defence, then do you

go along with Mr. Castonguay's suggestion that these military personnel vote under the armed forces voting rules only?

Mr. NIELSEN: I do agree to that. However, I have other observations to raise in that connection, as Mr. Castonguay knows.

Mr. CASTONGUAY: Mr. Chairman, with all due respect, I think a person from the Department of National Defence competent to speak on security also should be here. I am expressing doubts here in respect of the security angle. I am not competent to judge it; but as I point out it is easily possible for an agent of a foreign power to obtain a complete list of every member of the Canadian forces.

Mr. NIELSEN: Honestly, I do not see any security problem in respect of the name, rank and number of an individual. I do not think this will seriously affect our national security.

Mr. CASTONGUAY: But there would be the unit at which he is stationed coupled with the ranks of these people, and so on.

Mr. NIELSEN: It might have an effect at a place like Suffield, but not at Rockcliffe and Edmonton, for instance. In respect of special national defence establishments, I agree with you. If you have a group of people, all of whom are engineers, then an enemy agent may wonder about this and come to conclusions.

Mr. CASTONGUAY: You are only speaking of Canada. This list can be obtained in respect of every unit outside Canada. I am not competent to speak on this, but someone from security should be able to explain it.

Mr. MILLAR: Mr. Chairman, are you proposing to leave these armed forces rules now?

The CHAIRMAN: We will go on to the forms.

Mr. NIELSEN: Why are we skipping over the rest of it?

The CHAIRMAN: We will have the opportunity this morning to explain this, and then we can go on.

Mr. CASTONGUAY: I would suggest, if the committee should decide, for instance, that the members of the Canadian forces only vote under the Canadian forces voting rules, and if the committee should decide the lists are not to be made available, and since so many things hinge on what the committee will decide on the evidence these witnesses may give which would affect the whole of the rules, it is my observation that you may go along and study everything here in the rules and then, if as a result of the witnesses you hear you arrive at another conclusion, we would have to go over all these rules and reamend them in the light of what the committee wishes.

Mr. HOWARD: We already have gone over much of it.

Mr. CASTONGAY: Only to paragraph 9.

Mr. NIELSEN: I thought we were at 24.

Mr. MILLAR: I do not know whether or not this is in order, but one of our fellows went through a recount in this last election. When the judge was counting the ballots, the armed forces ballots were sent to be opened by that judge, and when they were opened it was found there were ballots in that envelope for candidates all over Canada. When the envelope was opened there were votes in his riding and some which were for candidates in Montreal, Toronto, and out west. These all were in the same envelope.

Mr. CASTONGUAY: You mean in one envelope?

Mr. MILLAR: Yes. And here we have an election in Canada which hinges on one vote. This is what was discovered. To me this is typical of the way the armed forces vote is handled all over the country. They do not care whether they vote or not.

Mr. CASTONGUAY: There would be an easy explanation if there was only one ballot in the envelope which did not apply to the proper district, because if there is one outer envelope it is quite conceivable the address given on the outer envelope would be in the electoral district of Oxford but that the member of the forces in voting applied it to a candidate in the adjacent electoral district. When this envelope is received it is put in the bin for Oxford, That happens; but to have several ballots in one outer envelope is unique.

Mr. MILLAR: I am sure this member would be prepared to come here as a witness if you were interested in hearing him.

Mr. NIELSEN: I have something to suggest which is a little different to what Mr. Castonguay suggested. I do not think this will seriously impede the work of the committee. There are one or two fairly contentious observations I would like to make with regard to the regulations. Perhaps if they were raised at this time it would give the witnesses from the Judge Advocate's branch as well as others, a warning so that they will be better able to reply when they appear before the committee. Therefore I would suggest, if it meets with the acceptance of other committee members, that we proceed, because a lot of these regulations are not going to be contentious at all; but there is one serious observation with respect to the qualification of voters. Undoubtedly, Brigadier Lawson will be speaking with the deputy minister before he is called.

Mr. CASTONGUAY: Any matter dealing with qualification would not slow up the work of the committee. Any observation in respect of paragraph 21 would not affect this matter I brought up.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): Is there anything to gain by hearing these people? Likely they would not be able to tell us whether the candidates should be allowed to vote on national defence property to indulge in politics. These people do not have authority to decide that.

Mr. CASTONGUAY: I think this question should be directed to Brigadier Lawson, since this is a matter which comes under the Department of National Defence.

Mr. GIROUARD (*Interpretation*): We all know there is a risk in security in respect of defence. We understand it and I do not see why we should question them. All we need to discuss is the solution.

Mr. NIELSEN (*Text*): The reason I have asked the committee to support me on this is to determine whether it is going to create, first, any security risk for Canada and, secondly, any administrative problems for the national defence department if candidates in an election are allowed to go on to national defence property in this country in order to conduct their political affairs. For the moment I cannot answer the question in my mind in respect of whether it is possible for the Department of National Defence to segregate their installations into areas of high risk where candidates would not be allowed and probably areas, which probably would be the bulk of them, where the risk is low enough so that there would not be any substantial risk if candidates were allowed to go on the premises.

Mr. GIROUARD (*Interpretation*): We do not know exactly who will vote if we have no list.

Mr. NIELSEN: We would if we were allowed to hold public meetings.

Mr. LESSARD (*Saint-Henri*) (*Interpretation*): I doubt very much whether, because of the security problem, you would be allowed to go there to hold a political meeting.

Mr. NIELSEN (*Text*): Then why are religious groups allowed to go on to national defence property and disseminate their literature? The Jehovah Wit-

nesses go around with pamphlets and step into every parlour of the houses there. If this is allowed, why should not a political philosophy also be allowed?

The CHAIRMAN: Are the two philosophies so much alike?

Mr. NIELSEN: An agent could be in the guise of the Jehovah Witnesses as much as in the guise of a candidate.

Mr. GIROUARD (*Interpretation*): What is the solution, Mr. Castonguay?

(Discussion follows between Mr. Girouard and Mr. Castonguay in French.)

Mr. NIELSEN: May we have a translation? The question was asked, then there was an answer, and another question and another answer.

The INTERPRETER: Mr. Castonguay, said: Well, to begin with, so far as my reservations on this matter are concerned, I think I would like to hear somebody in authority to establish whether or not my reservations are well founded.

Mr. Girouard said: But we have discussed this.

Mr. Castonguay said: We have discussed it, but I think I would like a competent witness to appear before this committee to deal with this matter, because personally I do not feel I am competent to deal with these security matters. So far as the other matter raised by Mr. Nielsen is concerned in respect of candidates distributing political material on national defence property, I think I would like to see a witness here who is competent to deal with this and one who has the power to make decisions in this regard, possibly the deputy minister; because, if you are to allow any candidate of any party this opportunity, that is up to you. But if you decide against it, then possibly you will have to decide that henceforth a member of the armed forces will be entitled to vote only according to the Canadian forces voting rules.

*Text.*

Mr. CASTONGUAY: There is one correction. It is not what I would like. It is that I thought the members of the committee would like to have the evidence.

Mr. GIROUARD: What kind of control do the politicians have when they are voting?

Mr. CASTONGUAY: The control is this: if the members of the Canadian forces have to vote exclusively under the Canadian forces voting rules, then the names which appear on any civilian list can be struck off. This facilitates the work of the enumerator. I can see one problem. A lot of the retired members of the regular forces still carry their military titles. I can see a case where an enumerator might see the name Colonel Buggins and decide that he cannot be put on the list. However, he is no longer a member of the regular forces. There will be that problem. However, on the military bases certainly it would help the candidates to feel assured that only eligible electors can vote in their constituency. There is still the problem of people retaining their title who are no longer members of the forces, and the enumerator saying you cannot go on the list.

Mr. DOUCETT: In respect of the armed forces personnel who are enumerated in a village or town where they live, what is the protection there with relation to their going on the armed forces poll? Is there a pretty good safeguard there?

Mr. CASTONGUAY: There is, if the candidates wish to exercise it, but from the practical point of view it is rather complicated. One has the right to have an accredited agent present when the voting takes place so that he will know who is voting at the army depot. Therefore he is organized in that way and has the names of all persons voting through the service voting procedure, and he can relay that information to the civilian polls where it can be checked. However, I do not think any candidate would be that well organized.

Mr. DOUCETT: There is nothing done by the official set-up so that it is sent to the different D.R.Os?

Mr. CASTONGUAY: No.

Mr. DOUCETT: It could not be.

Mr. CASTONGUAY: The checks rest exclusively with a candidate, and in my point of view, no candidate is so well organized he can have an agent in every voting place where there is a military establishment to weed out that information and give it to his agent in the civilian poll. It is almost impossible from the candidate's point of view.

Mr. LESSARD (*Saint-Henri*): Is it your intention that we have a witness appear to explain these things?

Mr. CASTONGUAY: It is not my intention, but it is a recommendation to the committee.

Mr. LESSARD (*Saint-Henri*): Would that witness have the power to tell us who could have the right to go into those establishments, or would he have to refer to his superior officer?

Mr. CASTONGUAY: I believe only Brigadier Lawson can answer that.

Mr. LAWSON: The regulations relating to establishments and so on are made by the Minister of National Defence, and only the minister could alter the regulations. Of course, if the deputy minister were here, he undoubtedly could advise the minister and discuss the matter with the minister.

Mr. LESSARD (*Saint-Henri*): I think our first move would be to ask the Minister of National Defence. I do not see any point in having a witness here if he has to contact a superior?

Mr. NIELSEN: In all likelihood the minister is going to follow the advice of the deputy minister, and in all likelihood the deputy minister will follow the advice of his armed forces adviser. What I would like the committee to do is to hear the deputy minister so that he can tell us whether it is practicable from the point of view of security and administration to change the regulations to allow what I suggest.

Mr. GIROUARD (*French*)

Mr. NIELSEN: Mr. Chairman, I am sorry to interrupt, but might we have a translation of the question before we have a translation of the answer? It is very difficult to follow otherwise.

The INTERPRETER: Mr. Girouard asked: Is it absolutely necessary to segregate the names of the service personnel from the civilians? There would be only one list. There seems to be no need to segregate between civilian personnel and armed forces personnel.

Mr. CASTONGUAY (*Interpretation*): There are two lists. There is the commanding officer's list prepared for the purposes of the armed forces voting regulations, and this list is communicated to the special returning officer and to the various deputy returning officers involved. There is another list, the civil list, which includes names of civilians as well as names of military personnel who are qualified to vote under the residence regulations. I have been dealing only with the first list, the commanding officer's list and have expressed opinions only in this regard.

Mr. GIROUARD: Through the information we obtain in the House of Commons and in the newspapers, we know the exact number of our forces; everybody knows it. I do not know why it is so secret. All this information is public now.

Mr. NIELSEN (*Text*): There is another problem, as Mr. Castonguay knows; that is, wherever there are military establishments there are civilians living; there might be hundreds of these, for all I know. So, when the enumerators

go around in the military establishments they do not just knock on civilian doors; they knock on all doors.

Mr. GIROUARD: What difference does it make when we have this information in respect of the numbers in any event?

Mr. CASTONGUAY: This is rather public information, as you say, but when you have a list with the name of the unit, where it is located, the various names and ranks, in Canada and overseas, you have a security risk. It is only the security people who could tell us exactly about this. I have had some discussion with people who tell me this is a security risk.

Mr. HOWARD: I think we can anticipate what these people will say. They will say it is a security risk to make these lists available. There is no doubt in my mind that that is what their opinion will be. I wonder whether we should go through the process of putting aside what we are considering, or spend the whole morning talking about it, and then have to put it aside when somebody comes before us and says it is a security problem. Why cannot we decide at this moment that it is a security risk and that these lists should not be made available to anybody? Then we could go through the process of asking for someone from the Department of National Defence, preferably the minister or deputy minister, to deal with the question of free access to armed forces camps. I think we have to approach it from this point of view and try to disseminate political information to everybody and not exclude certain people. To me it is that simple.

Mr. GIROUARD: Agreed. Concede it is a security risk.

The CHAIRMAN: Then we will go ahead with the amendments as prepared.

Mr. CASTONGUAY: Clause 59 in the draft bill, at page 52.

59. The said Rules are further amended by adding thereto, immediately after paragraph 15 thereof, the following paragraph:

Lists of Canadian Forces electors.

"15A. (1) During the week commencing Monday the 21st day before polling day, the Chief Electoral Officer shall provide each special returning officer with lists of Canadian Forces electors as defined in paragraph 21 whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (8b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with Service numbers, of such Canadian Forces electors.

Safekeeping of lists.

(2) The lists described in subparagraph (1)

- (a) shall not be open to inspection or be copied or extracted except by the Chief Electoral Officer, a special returning officer or their respective staffs for the purposes described in clause (d) of paragraph 70; and
- (b) shall be carefully locked up when not in use and every precaution shall be taken for their safekeeping and transmission pursuant to subparagraph (2) of paragraph 84.

Uses not prohibited.

(3) Nothing contained in subparagraph (2) shall prohibit the use of the lists described in subparagraph (1) by the Canadian Forces for official purposes or in respect of provincial elections, if it is necessary to establish entitlement of members of the Canadian Forces to vote at such elections, but the provisions of subparagraph (2) shall apply *mutatis mutandis*."

If you read (a) on page 53 you will see that the list is available only under special circumstances, to me and to the special returning officers. At the headquarters of the special returning officers, this list can be examined by the scrutineers sent there by either party, but they take an oath of secrecy under the Official Secrets Act. So, the security people are satisfied with this. The other problem is in paragraph 29 of the Canadian forces voting rules, which we will deal with later on.

The CHAIRMAN: Is this carried?

Mr. NIELSEN: No; not until the other matter which I raised is disposed of. If you do not agree to the suggestion I have put forward before the committee, there is no way except by radio and T.V. that you can reach the armed forces vote. You are simply cut off.

Mr. GIROUARD (*Interpretation*): I cannot see where there is a real difficulty there. There is one way to reach these people. You can always send out circular letters to these people.

Mr. NIELSEN (*Text*): Not without lists.

Mr. GIROUARD: Yes. The names need not be on it. In paragraph 29 it says the list shall be open to inspection by any officially nominated candidate or his accredited representative.

Mr. NIELSEN: What is the difference between a list being made available at a later date and it being made available under the restriction in new 15(a)?

Mr. CASTONGUAY: The committee seems to agree this is a security risk?

Mr. GIROUARD: Yes.

Mr. CASTONGUAY: If so, these lists will not be made available to candidates under paragraph 29, and then I also assume the committee will agree to the principle that members of the Canadian forces can only vote under the Canadian forces voting rules and not in the civilian polls. There is no protection to the candidates in an electoral district where there is a large military establishment as they do not have those lists. Where there is a large military establishment and the candidates do not have access to these lists, how can the candidate determine what elector is entitled to vote in his district? The political party would be denied the right and privilege they have now to find out whether or not these members of the Canadian forces are entitled to vote. Therefore, I assume if the committee is agreed in principle, these lists should not be provided, then they should protect themselves by having the members of the Canadian forces vote exclusively under the Canadian forces voting rules. They have six days to vote and they can vote when they are on leave or furlough.

Mr. HOWARD: I am not prepared to prohibit the use of these lists, and then later on find we cannot have access to the camps; neither is Mr. Nielsen.

The CHAIRMAN: We will stand 59.

Mr. CASTONGUAY: Clause 59 and paragraph 29.

The CHAIRMAN: Item 16, list of names and surnames of candidates.

List of names and surnames, etc. of candidates.

16. (1) As soon as possible after the nominations of candidates at the general election have closed, on the fourteenth day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer.

Idem.

(2) Upon the list referred to in subparagraph (1) shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations.

Idem.

(3) The designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer.

Mr. HOWARD: Sixteen is in respect of the preparation of the list of candidates which has, alongside the name, the designation with regard to what is the political party or political affiliation of the candidate. It seems to me that is a reasonable bit of information to make available to people so that they will have a more clear idea in respect of which way they might vote.

Mr. FRANCIS: Would you explain that again? You feel there should be a list of candidates and their political affiliations which would be distributed as information?

Mr. HOWARD: There is now prepared a list of the names of the candidates with designation of their political party. It seems to me this is the sort of information which should be made available to everybody. In fact, I have prepared a motion to do just that.

The proposed amendment reads as follows:

That the list prepared pursuant to paragraph 16 of the Canadian forces voting rules be provided to all deputy returning officers in sufficient quantities to allow the said list, marked by the deputy returning officer so as to indicate the appropriate electoral district, to be provided to each elector who applies for a ballot so that the said elector may take the list in the polling booth with him if he so desires and return it along with his marked ballot and further that the said list for these purposes be entitled, "List of Candidates with political affiliation".

The suggestion is that this document prepared here under the Canadian forces voting regulations be renamed and that this be retained but also be produced in sufficient quantities to be sent to all deputy returning officers in Canada so that when an individual comes into a polling booth, say in Algoma East, it is opened at that page, and the deputy returning officer shows it to him and if he wants to take it into the polling booth with him he may do so.

Mr. FRANCIS: Would this apply to every polling booth in Canada?

Mr. HOWARD: Yes. Incidentally, Mr. Chairman, this is the general system used in absentee polling in British Columbia.

Mr. DUBE: Mr. Chairman, we are not now discussing the Canadian forces vote regulations. The amendment, if it applies to all polling booths, civilian and armed forces, is not being introduced at the proper time.

Mr. GIROUARD: It applies to paragraph 16.

Mr. HOWARD: This is the only time in which I can introduce this amendment because it is under paragraph 16 of the Canadian forces vote regulations. This particular document is prepared under that authority, and I do not know of any other place where I can raise this question.

Mr. DOUCETT: This does not apply only to the armed forces.

Mr. FRANCIS: I think Mr. Howard's suggestion is a good one and in respect of which any voter may have access for the purposes of information describing the different candidates and the political parties to which they belong. Since we have decided presumably not to have this information contained on the ballot, I think it is quite right that a voter should be able to ask for a list of

the candidates and their political affiliations similar to that document, prepared for the purposes of the military vote, containing that general information. I repeat, Mr. Howard's suggestion is a good one in my opinion and I will support it.

Mr. NIELSEN: Perhaps we could ask Mr. Castonguay if there will be any consequential amendments to the Canadian Election Act as a result of the adoption of Mr. Howard's motion?

Mr. CASTONGUAY: There certainly will have to be amendments. I should like to point out one problem in this regard. This list is compiled on enumeration day, that is the fourteenth day before polling day. We do not compile this for electoral districts in schedule three. We would not be able to compile it for civilian purposes on that day.

At the present time, in order to give you an idea of the time involved, we receive a telegram from every returning officer on enumeration day and I am speaking of the fourteenth day, and we are able to process this information, send it to the queen's printer by midnight on Monday and because of the excellent co-operation of the queen's printer have it back the next morning at nine o'clock. That would be the thirteenth day before polling day. In order to distribute these to each polling station, and there are 50,000 polling stations, it would require a great deal of time and I cannot guarantee to the members of this committee that all polling stations would have received this information before polling day.

I also suggest that the committee consider one great difficulty involved. This is now only being used by the members of the Canadian forces. If this were to be used in every polling station in Canada, candidates would be looking at this, and there are a lot of political affiliations which are very hard to decide even with the best sources of information available, and my life would be complete hell, with this list being exposed to ten million electors. I like the formula we previously had of putting the onus on the leaders to give me this information, giving me some control. I get away with this situation now because it only applies to the forces electors. I do not know whether the political abbreviations I put down here would stand up for civilian use. I will not elaborate on this, although I could, but will leave it to the imagination of the committee members.

Mr. FRANCIS: Have you ever received a complaint in this regard?

Mr. CASTONGUAY: No, I have not. I have been very lucky, but mind you, these lists have only been sent to 300 voting places, not 50,000.

Mr. NIELSEN: How many of these publications does Mr. Howard's motion contemplate? Are you suggesting that we provide one for each polling station, or one for each elector, or one for the D.R.O.?

Mr. HOWARD: I have referred to sufficient quantities. For instance, in a polling station comprised of a number of polling divisions there may be four or five, or 20 or 30 polling booths and you are likely to have perhaps three or four people in any one polling division in some process of voting; some in the polling booth, someone else getting his ballot, so three or four of these lists would be sufficient. This is the case in British Columbia where a similar list is used for the assistance of absentee polling and this is what this armed forces document is for primarily. I think in that regard there are two or three lists for each D.R.O.

Mr. NIELSEN: How many are printed now, Mr. Castonguay?

Mr. CASTONGUAY: A sufficient supply involves approximately 1,500.

Mr. NIELSEN: This proposed amendment would mean the publication of some 250,000?

Mr. CASTONGUAY: The number depends on how many you wish each polling station to have.

Mr. NIELSEN: Perhaps we could work on the basis of five.

Mr. CASTONGUAY: There are 50,000 polling stations. I do not wish to give the committee any impression that I could supply these in time to the 50,000 polling stations. First of all, I have to have it printed and then distributed to 263 returning officers who in turn have to distribute to 50,000 polling stations. A certain amount of these stations could be reached, I think, but anybody who thinks I could reach them all, that is the 50,000 in time is wrong. Furthermore the advanced polls would not have them. I could not supply these in the time permitted to the advanced polling stations.

Mr. HOWARD: I think there is a practical solution to the difficulty, and that is to have the returning officers make these arrangements. This is a bit awkward, because we should confine our considerations to paragraph 16. However, if the committee agrees in principle, what Mr. Castonguay has suggested is actually no barrier. Regardless of the care taken in drafting a motion, such a motion has always been subject to a change of wording so that it will fit mechanically and reasonably into the act itself.

The CHAIRMAN: What you really want is a change in the act so that the names will appear on the ballot.

Mr. HOWARD: Mr. Chairman, you know how I voted in that regard.

The CHAIRMAN: That is what you really would like. You would like us to go on back to the main act and put that in, then you would be satisfied.

Mr. HOWARD: Yes.

The CHAIRMAN: Is there any objection to going back to the act and proposing an amendment including the party affiliations of the candidates?

Mr. GIROUARD: I was not here when the vote was taken regarding the inclusion of party affiliation on the ballot, but I think I have a greater objection to this amendment than that, because if the affiliation was included on the bulletin everyone could see it, but if there are only three or four copies to each polling station of this information even though the electors were advised that it was available, only one of several would ask for it, and in that sense it would not be public information.

In view of the fact that the amendment in respect of this inclusion in the bulletin has been rejected, it is my suggestion that if we adopt this amendment we will be doing something even worse.

Mr. HOWARD: If I understood Mr. Girouard correctly, he is stating that the individual electors may not know that this information is available?

Mr. GIROUARD: Yes.

Mr. HOWARD: I am suggesting that this information be provided by the deputy returning officer to the elector by saying: "Do you want to take this with you?", so that each individual who comes for a ballot will know the existence of this information. That is the procedure followed in British Columbia in respect of absentee polling. When each elector comes to get his ballot the deputy returning officer if it is an absentee vote, gives him a document which has this information.

Mr. GIROUARD: Mr. Howard, were you in favour of or against the motion regarding the placing of this information on the ballot?

Mr. HOWARD: I moved that motion. It was the Chairman who was against it.

Mr. GIROUARD: The present amendment is a means of getting back to the original motion.

Mr. NIELSEN: I should like to know what consequential amendments would be necessary to the Canada Election Act. I think the idea is basically a good one, but what are the dangers inherent in allowing an elector to take this information into the polling booth with him? At the present time the elector is only allowed to take the ballot with him.

Mr. CASTONGUAY: It would not be difficult from that point of view, and I think it would only require one amendment to the act. However, the members of the committee must realize the difficulties involved. As Mr. Howard has pointed out, in British Columbia they use this procedure when an elector applies for an absentee ballot. However, my experience is that very few electors know the actual name of their electoral district. They are presented with a document and may confuse the candidates of different electoral districts. I think it would be much more practical from the point of view of mechanics to put this information on Form 37 or 38, and then the elector would only have the names of the candidates of his district on that form.

I fully appreciate that the members of the committee voted this down earlier. I do not know how many days would be required to print and distribute these documents. It would take perhaps two days to print which would bring us down to the 12th day. It would take two or three days to get these out to the 263 returning officers. How long will it take the returning officers, for instance in Mr. Howard's constituency, to distribute these documents to the polling stations?

Mr. NIELSEN: This could not be done.

Mr. CASTONGUAY: I suggest the most practical way of doing this is by putting the information on Form 37 or 38 and have the returning officers print them in their local areas. The printing of such a document would only involve information in respect of the candidates in the various electoral districts.

Mr. HOWARD: Perhaps I could raise one further point. Mr. Castonguay may have misunderstood my intention. The information I propose would not confuse the elector who did not know his electoral district, because he would be right there, and that is the information he would be given, whether it is in the Yukon or elsewhere.

Mr. CASTONGUAY: He would have to look up the riding.

Mr. HOWARD: No. In my proposed motion I have suggested that the document be marked by the deputy returning officer indicating the appropriate electoral district.

Mr. MILLAR: Mr. Castonguay, at the present time in every polling station you post a sample ballot showing how it should be marked?

Mr. CASTONGUAY: Yes.

Mr. MILLAR: The returning officer in each electoral district also posts an official document naming the candidates; is that right?

Mr. CASTONGUAY: That is Form 37 or 38, and this committee has dispensed with the suggestion in that regard.

Mr. MILLAR: Included in that document are the names of the official candidates, is that right?

Mr. CASTONGUAY: That form has been dispensed with in respect of urban polls by this committee.

Mr. MILLAR: The returning officer in each electoral district is the first one to know who the official candidates are, and knows even before you get your telegram. Why could he not receive letters from the candidates designating their political affiliations, and then distribute this information to the polls of his own riding?

Mr. CASTONGUAY: One difficulty in that regard, sir, arises from the fact that in some returning officers' areas they have three official candidates for the same party.

Mr. MILLAR: Perhaps he could then list them all as Liberals or otherwise, as they designate themselves.

Mr. CASTONGUAY: Everyone would suffer in that way.

Mr. HOWARD: Mr. Chairman, if it is the wish of this committee to return to a discussion of Forms 37 and 38 I would be very happy to withdraw this motion and put the other motion again. I do not have that motion with me but it is on the record.

Mr. CASTONGUAY: The consideration of Forms 37 and 38 has been stood because the committee asked that I prepare an amendment.

Mr. HOWARD: Yes, but if it is agreeable to the members of this committee we could return to our consideration of that subject and accomplish my intentions quite easily.

Mr. CASTONGUAY: Our considerations of that subject stood so that we could have an opportunity of looking at the situation.

Mr. HOWARD: The subject to which I refer has not been stood because we had a motion and voted upon it.

Mr. NIELSEN: I like Mr. Howard's idea because it provides an alternative solution to many of the problems involved in making this information available. This solution to my mind was not desirable in respect of Form 37, but if it is at all possible to do this without affecting these two forms, then I for one would be in favour of it. However, Mr. Castonguay obviously feels that the administrative difficulties involved would result in the information not being made available to many polls.

Mr. HOWARD: This problem could be solved if the returning officers prepared this information for distribution to the polls only in their own ridings. If the deputy returning officer prepared this information on the basis of information supplied to him by the candidates, which involves the consent of my motion in respect of Form 37, there would be no great difficulty. I did not go any further with that particular proposal in respect of Form 37, but if there is some discrimination in respect of the party affiliation of a particular candidate, that candidate could correct that discrimination. We could solve this problem by allowing the leaders of the parties to designate the political affiliation.

Mr. FRANCIS: Mr. Chairman, I understand the difficulties Mr. Castonguay had indicated, and I respect his position because he has had a great deal of experience. I am not in favour of allowing a candidate exclusive right to designate his affiliation. I think to do so he would run into confusion in respect of several constituencies. I think the information would have to be supplied by the candidate and the leader of the national party.

The CHAIRMAN: We will sleep on this problem because we are unable to sit again until Monday night.

The committee now stands adjourned.

## APPENDIX "A"

(Should follow the list published as Appendix A, in issue No. 4, of November 12, 1963)

<i>Name and address</i>	<i>Date</i>	<i>Addressed to</i>	<i>Amendment suggested</i>
69 Colin Nicholson 291 Westgate Crescent Rosemere, Que.	14 May 1963	Chairman	Selling list of electors
70 Hugh R. Kyte Ontario and Quebec Typographical Conference 1303 Lascelle Ave. Cornwall, Ont.	17 June 1963	Chairman	Printing of voters lists
71 Mr. Clément Coulombe Canadian Embassy 35 ave. Montaigne Paris 8, France	29 July 1963	Chairman	Voting of civil servants abroad
72 Mr. Norman Long Kitchener, Ont.	18 Oct. 1963	Mr. M. Weichel MP	Voting hours on election day
73 J. Leslie O'Breham 1048 Papineau Ave. Longueuil, Que.	18 November 1963	Chief Electoral Officer	Enumerators, bilingual- ism, etc.
74 F. A. Fraser (Pelham Township) University of Toronto	21 November 1963	W. H. McMillan MP	Voting age
75 Stephen A. Scott 636 Clarke Ave. Westmount	20 November 1963	The Chairman	Privileges of the Senate and of the House of Commons
76 C. P. Wright 407 Island Park Drive Ottawa 3, Ont.	8 November 1963	The Chairman	Computing equipment for counting votes
77 J. Leslie O'Breham 1048 Papineau Ave. Longueuil, Que.	3 December 1963	Chief Electoral Officer	Open polls



HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

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MONDAY, DECEMBER 9, 1963

TUESDAY, DECEMBER 10, 1963

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Respecting

CANADA ELECTIONS ACT

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WITNESSES:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada; Mr. E. B. Armstrong, Deputy Minister, Department of National Defence; Brigadier W. J. Lawson, Judge Advocate General.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Alexis Caron

Vice-Chairman: Mr. Larry T. Pennell

and Messrs.

<sup>1</sup>Brewin,  
Cameron (*High Park*),  
Cashin,  
Chrétien,  
Coates,  
Doucett,  
Drouin,  
Dubé,  
Francis,

Girouard,  
Greene,  
<sup>2</sup>Hamilton,  
Jewett (Miss),  
Leboe,  
Lessard (*Saint-Henri*),  
Mather,  
<sup>3</sup>McIntosh,  
Millar,

Monteith,  
<sup>4</sup>Moreau,  
Nielsen,  
Paul,  
Rhéaume,  
Rochon,  
Rondeau,  
<sup>5</sup>Turner,  
Webb—29.

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

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<sup>1</sup>Replaced Mr. Howard on December 9, 1963

<sup>2</sup>Replaced Mr. Ricard on December 9, 1963

<sup>3</sup>Replaced Mr. More on December 9, 1963

<sup>4</sup>Replaced Mr. Crossman on December 9, 1963

<sup>5</sup>Replaced Mr. Richard on December 9, 1963

ORDERS OF REFERENCE

HOUSE OF COMMONS,  
MONDAY, December 9, 1963.

*Ordered*,—That the names of Messrs. Hamilton and McIntosh be substituted for those of Messrs. Ricard and More respectively on the Standing Committee on Privileges and Elections.

MONDAY, December 9, 1963.

*Ordered*,— That the names of Messrs. Moreau, Turner, and Brewin be substituted for those of Messrs. Crossman, Richard, and Howard respectively on the Standing Committee on Privileges and Elections.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY JOHN BURNET

IN TWO VOLUMES

LONDON

1704

## MINUTES OF PROCEEDINGS

MONDAY, December 9, 1963.

(25)

The Standing Committee on Privileges and Elections met at 8.19 o'clock p.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Messrs. Brewin, Cashin, Caron, Chretien, Doucett, Dube, Francis, Girouard, Greene, Hamilton, Lessard (*Saint-Henri*), Mather, McIntosh, Moreau, Nielsen—(15).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q. C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

*Also in attendance:* Mr. E. B. Armstrong, Deputy Minister, Department of National Defence; Brigadier W. J. Lawson, Judge Advocate General, and Captain J. D. Dewis, R.C.N. Deputy Judge Advocate General.

Also, a Parliamentary Interpreter and interpreting.

In connection with the question of privilege raised by Mr. McIntosh and referred to the Committee, Mr. Nielsen suggested that some witnesses would have to appear before the Committee on Friday, December 13.

After discussion, on motion of Mr. McIntosh, seconded by Mr. Nielsen,

*Resolved*,—That the following individuals be called to give evidence before the Committee:

1. The Minister of Agriculture, the Honourable Mr. Hays.
2. Mr. Roy Faibish, C.B.C. Employee, Ottawa.
3. Mr. Howard Riddell, Director, P.F.A.A., Head Office, Regina, Sask.
4. Mr. George Walker, 303—13th N.E., Swift Current, Sask.
5. Mr. William Bird, Director of Crop Insurance, Department of Agriculture, Ottawa, Ont.

and that Mr. Howard Riddell and Mr. George Walker bring with them all admissible correspondence, telegrams, documents and other papers pertinent to the dismissal of Mr. George Walker by Mr. Howard Riddell, including all such correspondence, telegrams or other communications between the aforesaid Messrs. Riddell and Walker and the Minister of Agriculture, or any official or employee of the said Department and Messrs. Walker and Riddell, or any other person; and that the travelling and per diem expenses of the aforesaid witnesses be paid.

*(Relevant certificate signed by Mr. McIntosh is on file)*

And a discussion arising, on motion of Mr. Francis, seconded by Mr. Nielsen,

*Resolved*,—That the Minister of Agriculture be requested to name to the Committee such additional witnesses as in his opinion should be summoned to appear before the Committee on Privileges and Elections.

Mr. Nielsen, seconded by Mr. McIntosh, also moved,

*That* the Clerk notify the witnesses forthwith by telegram or telephone.

Thereupon, the Committee resumed from Friday, December 6, the study of the Canada Elections Act (*Canadian Forces Voting Rules*).

Mr. Armstrong made a short statement on the Army regulations pertaining to political activities and candidature for office. The witness tabled and distributed to the Committee extract from QR(Army) reading as follows:

Extract From QR(Army):

*Article 19.44—Political Activities and Candidature for Office*

(1) No commanding officer shall:

- (a) allow a political meeting to be held or a political speech to be delivered at his station or unit; or
- (b) allow a candidate in a federal, provincial, or municipal election or a political agent or canvasser to visit his station or unit for the purpose of carrying on political activities unless authorized by or under the Canada Elections Act or by service instructions or orders.

(2) No officer or man of the Canadian Army (Regular) shall:

- (a) take any active part in the affairs of any political organization or party; or
- (b) issue an address to electors, or announce himself or allow himself to be announced as a candidate, or prospective candidate, for election to the Parliament of Canada or a provincial legislature; or
- (c) except with the permission of the Chief of the General Staff, accept any office in any municipal corporation or other local government body or allow himself to be nominated for election to such office.

(3) No officer or man shall institute or take part in any party or political meeting at any station, unit, or property occupied by the army.  
(M)

After discussion, the Chief Electoral Officer undertook to prepare an amendment, which would be a separate rule, and would require the Department of National Defence, on the date of the issue of the writ, to compile a list by electoral districts of members of the Canadian forces in each electoral district, giving their postal address where they are serving at that time. In addition to that the Department of National Defence will set a date at which they themselves will produce this list for the Chief Electoral Officer. From that date on the list will be sent to the returning officer.

And debate arising thereon, Mr. Moreau, seconded by Mr. Lessard (*Saint-Henri*), moved,

*That* all Canadian Armed Forces be required to vote under Canadian Armed Forces Regulations.

And the question being proposed on Mr. Moreau's motion, it was resolved in the affirmative. Yeas, 8; Nays, 2.

It being 10.00 o'clock p.m., and the examination of the witnesses still continuing, the Committee adjourned until Tuesday, December 10th, at 9.30 o'clock a.m.

TUESDAY, December 10, 1963.

(26)

The Standing Committee on Privileges and Elections met at 9.59 o'clock a.m., this day. The Chairman, Mr. Alexis Caron, presided.

*Members present:* Messrs. Brewin, Cameron (*High Park*), Caron, Chretien, Doucett, Francis, Hamilton, Leboe, Lessard (*Saint-Henri*), McIntosh, Moreau, Nielsen, Pennell.—(13).

*In attendance:* Messrs. N. J. Castonguay, Chief Electoral Officer; E. A. Anglin, Q.C., Assistant Chief Electoral Officer, and G. Fournier, Administrative Officer, of the Chief Electoral Officer's office.

*Also in attendance:* Brigadier W. J. Lawson, Judge Advocate General, and Captain J. D. Dewis, R.C.N., Deputy Judge Advocate General.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Monday, December 9, its consideration of the Canada Elections Act (*Canadian Forces Voting Rules*).

The Chief Electoral Officer tabled and distributed to the Committee the following amendments which were adopted:

*On Section 14 (of the Act).*

Subsection (5) of section 14 of the Act is repealed and the following substituted therefor:

Voting by members of the Canadian Forces.

"14. (5) A Canadian Forces elector, as defined in paragraph 21 of the Canadian Forces Voting Rules, is entitled to vote

- (a) at a by-election only if he is actually residing in the electoral district in which the election is being held and in which is located his place of ordinary residence as shown on the statement made by him under paragraph 25 of those Rules, and
- (b) at a general election only under the procedure set forth in those Rules."

*On paragraph 15 of the Rules*

The said Rules are further amended by adding thereto, immediately after paragraph 15 thereof, the following paragraph:

Lists of Canadian Forces electors.

"15A. (1) At a general election, during the week commencing Monday the 21st day before polling day, the Chief Electoral Officer shall provide each special returning officer with lists of Canadian Forces electors as defined in paragraph 21 whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (8b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with Service numbers, of such Canadian Forces electors.

Safekeeping of lists.

(2) The lists described in subparagraph (1)

- (a) shall not be open to inspection or be copied or extracted except by the Chief Electoral Officer, a special returning officer or their respective staffs for the purposes described in clause (d) of paragraph 70; and

(b) shall be carefully locked up when not in use and every precaution shall be taken for their safekeeping and transmission pursuant to subparagraph (2) of paragraph 84.

Uses not prohibited.

(3) Nothing contained in subparagraph (2) shall prohibit the use of the lists described in subparagraph (1) by the Canadian Forces for official purposes or in respect of provincial elections, if it is necessary to establish entitlement of members of the Canadian Forces to vote at such elections, but the provisions of subparagraph (2) shall apply *mutatis mutandis*."

The said Rules are further amended by adding thereto, immediately after paragraph 15A thereof, the following paragraph:

Lists of Canadian Forces electors at a by-election.

"15B. (1) At a by-election, a postponed election and at an election in an electoral district where a writ has been withdrawn and a new writ issued in accordance with subsection (4) of section 7 of the Act, during the week commencing Monday the thirty-fifth day before polling day, the Chief Electoral Officer shall provide to the returning officer of that electoral district a list of Canadian Forces electors, as defined in paragraph 21, whose statements of ordinary residence show those Canadian Forces electors as having a place of ordinary residence in that electoral district.

(2) The list described in sub-paragraph (1) shall be open to inspection, at the office of the returning officer, by an officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom."

*On paragraph 26*

Paragraph 26 of the said Rules is repealed and the following substituted therefor:

Voting by Canadian Forces electors at a general election.

"Every Canadian Forces elector, as defined in paragraph 21, is entitled to vote at a general election only according to the procedure set forth in these Rules."

*On paragraph 42*

Sub-paragraph (1) of paragraph 42 of these Rules is repealed.

Thereupon, Mr. Nielsen, seconded by Mr. Doucett, moved,

*That* the Committee include in its final report a recommendation that Queen's Regulations for the Army, Navy and Air Force be amended to permit candidates and their agents to visit, during an election, the residences of armed forces personnel on property under the control of the department of National Defence without in any way prejudicing existing security regulations in force with respect to National Defence establishments.

And the question being put on the motion of Mr. Nielsen, it was resolved in the affirmative. Yeas, 5; Nays, 3.

Mr. Francis recorded his opposition to the motion.

Mr. Castonguay informed the Committee that consequentially subparagraph (3) of paragraph 29 of the Rules (Clause 64 of the draft amendments) was to be deleted.

Opening lists for inspection of candidates.

(3) At any reasonable time during an election, the list described in subparagraph (1) and the statements of ordinary residence relevant to the list shall be opened for inspection at the applicable unit by an officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom."

Paragraphs 16 to 23 inclusive were severally adopted.

*On paragraph 24*

The following amendment was adopted:

Clause (b) of subparagraph (1) of paragraph 24 of the said Rules is repealed and the following substituted therefor:

"(b) specifies in a declaration in Form No. 7

- (i) the place of his or her ordinary residence as shown by the elector on the statement referred to in clause (a), if there is not on file in the unit in respect of such elector a statement of ordinary residence stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25; or
- (ii) if there is on file in the unit in respect of such elector a statement of ordinary residence stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25, the name of the electoral district shown on that statement."

Paragraph 24 was adopted, as amended.

*On paragraph 25*

The following amendment was adopted:

Paragraph 25 of the said Rules is repealed and the following substituted therefor:

Ordinary residence on enrolment in regular forces.

"25. (1) Every person other than a person referred to in subparagraph (2) shall, forthwith upon his enrolment in the regular forces, complete in triplicate before a commissioned officer a statement of ordinary residence in Part I of Form No. 16 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which his place of ordinary residence immediately prior to enrolment was situated.

*Idem.*

(2) Every person who did not have a place of ordinary residence in Canada immediately prior to his enrolment in the regular forces shall, as soon thereafter as he acquires a place of ordinary residence in Canada as described in subclause (i) or (ii) of clause (a) of subparagraph (3) complete in triplicate before a commissioned officer, a statement of ordinary residence in Part II of Form No. 16.

Change of ordinary residence and statement of ordinary residence when not previously completed.

(3) A member of the regular forces who is not a member of the active service forces of the Canadian Forces may, in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election,

- (a) subject to subparagraph (4), by completing a statement of ordinary residence in Part III of Form No. 16, in triplicate, before a commissioned officer, change his place of ordinary residence to the city, town, village, or other place in Canada, with street address, if any, and including the province or territory, in which is situated:
- (i) the residence of a person who is the spouse, dependant, relative, or next of kin of such member;
  - (ii) the place where such member is residing as a result of the services performed by him in the forces; or
  - (iii) his place of ordinary residence immediately prior to enrolment; and
- (b) if he has failed to complete a statement of ordinary residence mentioned in subparagraph (1) or (2), complete such statement of ordinary residence in Part I or II of Form No. 16, as applicable.

Debate arising thereon, Mr. Nielsen moved,

*That* subparagraph 3 be allowed to stand.

And the question being put on the motion of Mr. Nielsen, it was resolved in the negative. Yeas, 3; Nays, 6.

The following amendment was adopted.

Not effective during a by-election.

(4) Notwithstanding subparagraph (3), where a statement of ordinary residence is completed changing the member's place of ordinary residence to a place in an electoral district where a writ ordering a by-election has been issued, the statement shall not be effective to change the member's place of ordinary residence for the purpose of that by-election.

On Subparagraph (5) the Chief Electoral Officer tabled and distributed the following amendment which was adopted.

(5) Every member of the reserve forces of the Canadian forces who has not completed a Statement of Ordinary Residence during the current period of his full-time training or service and who at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day is on full-time training or service, shall complete, in triplicate, before a commissioned officer, a Statement of Ordinary Residence on Form No. 17, indicating the city, town, village or other place in Canada, with street address, if any, including the province or territory, where his or her place of ordinary residence was situated immediately prior to commencement of such period of full-time training or service.

The following amendments were adopted:

Ordinary residence of member of reserve forces on active service.

(6) Every member of the reserve forces of the Canadian Forces who is placed on active service and who during a current period of full-time training or service has not completed a statement of ordinary residence pursuant to subparagraph (5) shall complete, in triplicate, before a commissioned officer a statement of ordinary residence in Form No. 17, indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which is situated

- (a) in the case of a member on full-time training or service, his or her place of ordinary residence immediately prior to the commencement of such full-time training or service; or
- (b) in the case of a member not on full-time training or service, his or her place of ordinary residence immediately prior to being placed on active service.

Ordinary residence on enrolment in active service forces.

(7) On enrolment in the active service forces, every person who is not a member of the regular forces or reserve forces shall complete, in triplicate, before a commissioned officer a statement of ordinary residence in Form No. 17 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which is situated his place of ordinary residence immediately prior to enrolment in the active service forces.

Statement to be sent to Service Headquarters in duplicate.

(8) The original and duplicate copy of a statement of ordinary residence completed pursuant to this paragraph shall be forwarded to the appropriate Service Headquarters and the triplicate copy shall be retained in the unit with the declarant's service documents for disposal pursuant to subparagraph (8c).

Disposal by Service Headquarters.

(8a) The original and duplicate copy of a statement of ordinary residence in Form No. 16 received by a Service Headquarters pursuant to subparagraph (8) shall be forwarded to the Chief Electoral Officer, and the original and duplicate copy of Form No. 17 shall be retained on file in the Service Headquarters.

Stamping the statements.

(8b) Upon receipt pursuant to subparagraph (8a) of the copies of a statement of ordinary residence in Form No. 16, the Chief Electoral Officer shall cause them to be stamped with the description of the electoral district in which is situated the place of ordinary residence as shown thereon; and the original of each such statement shall be retained in the custody of the Chief Electoral Officer and the duplicate copy returned to the applicable Service Headquarters.

Recording statement at elector's unit.

(8c) Upon receipt of the duplicate copy of the statement of ordinary residence stamped as to electoral district pursuant to subparagraph (8b) the Service Headquarters shall forward the same to the commanding officer of the unit in which the Canadian Forces elector is serving; and upon receipt of the stamped duplicate statement the commanding officer shall destroy the triplicate copy of the statement and retain the stamped duplicate copy in the elector's unit service documents.

Destruction of prior statement.

(8d) Upon the completion of a statement in Part III of Form No. 16, the original and all copies of any prior statement of ordinary residence may be destroyed.

Retention of statements.

(8e) The original and duplicate copy of a statement of ordinary residence of a person who ceases to be a Canadian Forces elector shall be retained for a period of one year after his ceasing to be a Canadian Forces elector and may thereafter be destroyed.

Validity of previous statements.

(9) In lieu of the forms prescribed in this paragraph, the following forms may be used:

- (a) the forms prescribed in paragraph 22 of *The Canadian Forces Voting Regulations* in Schedule Three to the *Canada Elections Act*, Chapter 23, Revised Statutes of Canada, 1952, which may be used in the circumstances prescribed in that paragraph;
- (b) the forms heretofore prescribed under these Rules, which may be used in the circumstances prescribed in this paragraph."

*On paragraph 26*

The following amendment was adopted:

Paragraph 26 of the said Rules is repealed and the following substituted therefor:

Voting by Canadian Forces electors.

"26. Every Canadian Forces elector, as defined in paragraph 21, is entitled to vote at a general election only according to the procedure set forth in these Rules, unless such elector is on polling day *actually residing in the electoral district in which is located his place of ordinary residence* as shown on the statement made by the elector under *these Rules*, in which case the Canadian Forces elector may vote as a civilian elector, subject to the limitation set out in paragraph 42."

*On paragraph 27*

Adopted.

*On paragraph 28*

The following amendment was adopted.

63. Subparagraph (1) of paragraph 28 of the said Rules is repealed and the following substituted therefor:

Publication of notice of general election.

"28. (1) Every commanding officer shall, forthwith upon being notified *by the appropriate Service authority* that a general election has been ordered in Canada, publish as part of Daily Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed as polling day."

*On paragraph 29*

The following amendment was adopted:

64. Paragraph 29 of the said Rules is repealed and the following substituted therefor:

List of Canadian Forces electors.

"29. (1) Immediately upon being informed pursuant to subparagraph (1) of paragraph 28 that a general election has been ordered in Canada, each commanding officer shall prepare a list of the names of Canadian Forces electors, as defined in paragraph

21, who are serving in or attached to his unit, including, where applicable, Canadian Forces electors as defined in paragraph 22; and such list shall be in alphabetical order and shall contain the following information:

- (a) in the case of a Canadian Forces elector defined in paragraph 21, the surname, initials, rank, service number, and
  - (i) the place of ordinary residence as declared in a statement of ordinary residence made under these Rules, if such statement has not been stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25, or
  - (ii) the electoral district if the statement of ordinary residence has been stamped pursuant to subparagraph (8b) of paragraph 25, and
- (b) in the case of a Canadian Forces elector as defined in paragraph 22, her surname and initials, and the surname, initials, rank and service number of her husband, and
  - (i) the place of ordinary residence as declared in the statement of ordinary residence made under these Rules by her husband if such statement has not been stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25, or
  - (ii) if such statement of ordinary residence has been stamped pursuant to subparagraph (8b) of paragraph 25, the electoral district as so shown therein.

Copies of lists to be furnished special returning officer.

(2) Within one week of being informed pursuant to subparagraph (1) of paragraph 28 that a general election has been ordered, the commanding officer shall, through the liaison officer, furnish to the special returning officer of the headquarters for the appropriate voting territory and to the deputy returning officer or officers of his unit a copy of the list described in subparagraph (1).

*On paragraph 30*

The following amendment was adopted:

Subparagraph (1) of paragraph 30 of the said Rules is repealed and the following substituted therefor:

Canadian Forces elector in hospital, etc.

"30. (1) Every Canadian Forces elector, as defined in paragraph 21, who is undergoing treatment in a Service hospital or convalescent institution during the period prescribed in subparagraph (2) of paragraph 28 for the taking of the votes of Canadian Forces electors at a general election shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution, and a Canadian Forces elector, as defined in paragraph 22, whose husband is in such hospital or institution may vote at the place where her husband may vote or at the place where he could have voted before he went in such hospital or institution."

Paragraph 30 was adopted, as amended.

Paragraphs 31 to 35 inclusive were severally adopted.

*On paragraph 36*

(1) Subparagraphs (1) to (3) of paragraph 36 of the said Rules are repealed and the following substituted therefor:

Declaration of Canadian Forces elector as defined in paragraph 21.

"36. (1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 21, the deputy returning officer before whom the vote is to be cast shall

(a) require such *Canadian Forces* elector to make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, and the declaration

(i) shall state such elector's name, rank and number

(ii) shall state that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 21), and that he has not previously voted at the general election, and

(iii) shall show

(A) the name of the electoral district only, if his statement of ordinary residence on file in his unit has been stamped as to electoral district pursuant to subparagraph (8b) of section 25, or

(B) if the statement of ordinary residence on file in his unit has not been stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25, the city, town, village or other place in Canada (with street address, if any, and including the province or territory) shown in such statement, together with the electoral district as ascertained by such elector, or

(C) if no such statement of ordinary residence appears to have been made by such elector, the place of ordinary residence (and the electoral district applicable to that residence as ascertained by such elector) as shown by a statement, *which shall be subscribed in triplicate* before a commissioned officer or a deputy returning officer in Form No. 16 (*Part I or Part II, as applicable*) if such elector is a member of the regular forces or in Form No. 17 if such elector is a member of the reserve forces or the active service forces;

and

(b) cause such Canadian Forces elector to affix his signature to the declaration made under clause (a);

and the certificate printed under the declaration shall then be completed and signed by the deputy returning officer.

Declaration of Canadian Forces elector as defined in paragraph 22.

(2) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 22, the deputy returning officer before whom the vote is to be cast shall

(a) require such Canadian Forces elector to make a declaration, in Form No. 8, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, and the declaration

- (i) shall state such elector's name, and the name, rank and number of her husband,
- (ii) shall state that she is a Canadian citizen or other British subject, that she has attained the full age of twenty-one years, that she has not previously voted at the general election, and
- (iii) shall show such information in respect of the place of ordinary residence and electoral district as is required under subclause (iii) of clause (a) of subparagraph (1) to be shown by her husband,

and

- (b) cause such Canadian Forces elector to affix her signature to the declaration made under clause (a);
- and the certificate printed under the declaration shall then be completed and signed by the deputy returning officer.

Warning to Canadian Forces elector and deputy returning officer.

(3) At this stage, the Canadian Forces elector and the deputy returning officer shall bear in mind that, as prescribed in paragraph 73, any outer envelope that does not bear the signature of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or any outer envelope upon which the name of the electoral district as stamped on the statement of ordinary residence pursuant to subparagraph (8b) of paragraph 25 does not appear or, alternatively, the place of ordinary residence of the Canadian Forces elector is not sufficiently described to permit the ascertainment of the correct electoral district, will, (unless the electoral district is ascertained pursuant to clause (d) of paragraph 70), be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope will not be counted."

(2) Subparagraph (7) of paragraph 36 of the said Rules is repealed and the following substituted therefor:

Filing of statements.

"(7) The original and other copies of a statement of ordinary residence completed pursuant to subparagraph (1) shall be disposed of and otherwise dealt with pursuant to subparagraphs (8) to (8e) of paragraph 25."

Paragraph 36 was adopted, as amended.

Paragraphs 37 and 38 were severally adopted.

*On paragraph 39*

The following amendment was adopted.

Paragraph 39 of the said Rules is repealed and the following substituted therefor:

Voting by deputy returning officer.

"39. Subject to these Rules, a deputy returning officer before whom Canadian Forces electors have cast their votes may cast his own vote after completing the declaration in Form No. 7 printed on the

back of the outer envelope; in such case, it is not necessary for the deputy returning officer to complete the certificate printed at the foot of such declaration."

Paragraphs 40 and 41 were severally adopted.

*On paragraph 42*

The following amendment was adopted:

Subparagraph (1) of paragraph 42 of the said Rules is repealed and the following substituted therefor:

Canadian Forces elector voting as civilian.

"42. (1) A Canadian Forces elector described in paragraph 26 who has not voted under the procedure set forth in these Rules may cast his vote, in the electoral district applicable to the place of his ordinary residence as shown on the statement of ordinary residence, in the manner prescribed in the *Canada Elections Act* for civilian electors; but nothing in this subparagraph shall be deemed to enable a Canadian Forces elector to vote in an urban polling division unless his name appears on the official list of electors used at the poll."

Paragraph 42 was adopted as amended.

Paragraphs 43 to 51 inclusive were severally adopted.

Paragraph 52 had already been amended and adopted, as amended.

Paragraphs 53 to 69 inclusive were severally adopted.

*On paragraph 70*

The following amendment was adopted:

Clause (d) of paragraph 70 of the said Rules is repealed and the following substituted therefor:

"(d) direct the scrutineers to ascertain, from the details given on the back of each outer envelope or, where applicable, from the lists described in paragraphs 15A and 29, the correct electoral district containing the place of ordinary residence of the Canadian Forces elector, or Veteran elector, and to sort such outer envelope thereto; and"

Paragraph 70 was adopted, as amended.

Paragraphs 71 and 72 were severally adopted.

*On paragraph 73*

The following amendment was adopted:

Subparagraph (1) of paragraph 73 of the said Rules is repealed and the following substituted therefor:

Disposition of outer envelope when declaration incomplete.

"73. (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41),

or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 61 and 62), or, pursuant to clause (d) of paragraph 70, the correct electoral district cannot be ascertained, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper."

It being 11.55 o'clock a.m., and the examination of the witness still continuing, the Committee adjourned until Thursday, December 12, at 9.00 o'clock a.m. to consider the question of Mr. Rodgers' rights (Press Gallery).

Marcel Roussin,  
*Clerk of the Committee.*



## EVIDENCE

MONDAY, December 9, 1963.

The CHAIRMAN: Gentlemen, I see a quorum. We will commence the proceedings right away.

Mr. NIELSEN: Pertinent to the business which will be coming before the committee on December 13 and possibly December 12, there should be a motion in order to call certain witnesses so they will have the opportunity to make travel arrangements before next Thursday or Friday. Since the matter of privilege was raised by Mr. McIntosh, perhaps it would be best if he would put the motion as it involves witnesses he feels should be present.

Mr. McINTOSH: I move, seconded by Mr. Nielsen:

that the following individuals be called to give evidence before the committee:

1. The Minister of Agriculture, the Hon. Mr. Hays.
2. Mr. Roy Faibish, C.B.C. employee, Ottawa.
3. Mr. Howard Riddell, director, P.F.A.A., head office, Regina, Sask.
4. Mr. George Walker, 303-13th N.E., Swift Current, Sask.
5. Mr. William Bird, director of crop insurance, Department of Agriculture, Ottawa, Ont.

and that Mr. Howard Riddell and Mr. George Walker bring with them all admissible correspondence, telegrams, documents and other papers pertinent to the dismissal of Mr. George Walker by Mr. Howard Riddell including all such correspondence, telegrams, or other communications between the aforesaid Messrs Riddell and Walker and the Minister of Agriculture or any official or employee and the said department and Messrs Walker and Riddell or any other person; and that the travelling and per diem expenses of the aforesaid witnesses be paid.

Mr. MOREAU: I have a question. Are the documents in question subject to the usual reservations and at the minister's discretion?

Mr. McINTOSH: I would think he would use his discretion.

Mr. NIELSEN: If the documents are privileged the ordinary rules would apply and the arguments would be raised in regard to any particular document at the appropriate time.

Mr. FRANCIS: I wonder if the Minister of Agriculture, who I think is involved, might want also to have other witnesses.

Mr. NIELSEN: This was discussed at the steering committee, and I take it the Chairman has discussed it with the minister.

The CHAIRMAN: I saw the minister this morning and he said he would be willing to come on Thursday, but on Friday he will be away.

Mr. NIELSEN: How is Mr. Rodgers feeling these days?

The CHAIRMAN: The secretary tells me he is back in town and will be available.

Mr. NIELSEN: Perhaps if this motion carries we could deal with all the witnesses other than the Minister of Agriculture, and hear him when he is available.

Did Mr. Hays indicate that he had any witnesses he wished to call?

The CHAIRMAN: He did not tell me.

Mr. MOREAU: Did you identify the gentlemen in question by position or just by name?

Mr. McINTOSH: By position where they had a position.

Mr. NIELSEN: It should be explained, I think, that in the steering committee it was understood that Mr. McIntosh would list his witnesses on this question and that the Chairman would convey to the minister the activities of the steering committee, and that he should indicate witnesses he wished to call.

Mr. MOREAU: Did the minister indicate any witnesses he might want to call?

The CHAIRMAN: The minister did not tell me anything about his witnesses. He just told me he would be ready to appear on Thursday and that on Friday he would be away.

Mr. MOREAU: Would it require a motion for him to call witnesses here?

Mr. NIELSEN: I think it would.

Mr. MOREAU: Perhaps we should have a motion at tomorrow's meeting if that is necessary.

Mr. FRANCIS: I think we can accept the motion as presented, but I would like to move that the Minister of Agriculture be invited to indicate if there are any additional witnesses he would like to have called to the committee.

Mr. NIELSEN: I second that motion.

Mr. MATHER: May we have a vote on the present motion?

The CHAIRMAN: It is moved by Mr. McIntosh, seconded by Mr. Nielsen:

That the following witnesses be called to give evidence before the committee:

1. The Minister of Agriculture, the Hon. Mr. Hays.
2. Mr. Roy Faibish, C.B.C. employee, Ottawa.
3. Mr. Howard Riddell, director, P.F.A.A., head office, Regina, Sask.
4. Mr. George Walker, 303-13th N.E., Swift Current, Sask.
5. Mr. William Bird, director of crop insurance, Department of Agriculture, Ottawa, Ont.

and that Mr. Howard Riddell and Mr. George Walker bring with them all admissible correspondence, telegrams, documents and other papers pertinent to the dismissal of Mr. George Walker by Mr. Howard Riddell including all such correspondence, telegrams or other communications between the aforesaid Messrs Riddell and Walker and the minister of agriculture or any official or employee and the said department and Messrs Walker and Riddell or any other person; and that the travelling and per diem expenses of the aforesaid witnesses be paid.

Then there is a certificate.

I hereby certify that the evidence to be given by the following persons before the standing committee of the House of Commons on privileges and elections is important and relevant to the consideration of the said committee:

1. The Minister of Agriculture, the Hon. Mr. Hays.
2. Mr. Roy Faibish.
3. Mr. Howard Riddell.
4. Mr. George Walker.

## 5. Mr. William Bird.

Mr. MOREAU: The only difficulty I have, frankly, is perhaps because of my inexperience. I am not at all clear how regular it might be to produce departmental papers in such a case when they may have been written in confidence. I wonder if we are getting into any difficulty. I do not have any objection to the motion other than that particular point, and as I say it is particularly because I really do not understand the consequences. I just raise this point. Perhaps Mr. Hamilton could indicate to us what could be involved.

Mr. NIELSEN: The documents that are privileged are privileged documents, and if the minister objects to any particular document that might be referred to by any member of the committee, which document's production has been requested, then the refusal to produce can be raised at the time the matter is raised in the committee. But right now this resolution refers to all documents and correspondence which are pertinent to the committee's investigation.

Mr. MOREAU: Could we put a reservation on that and say "other than privileged documents"?

Mr. NIELSEN: I would suggest not because the matter of privilege should be raised at the time.

Mr. McINTOSH: We do not know which are the privileged documents. The minister would be the only one to know that.

Mr. NIELSEN: Further, the minister may be willing to produce privileged documents.

Mr. MOREAU: I do not think the minister's feelings are involved. I think the consequences of our actions here may be somewhat larger than that, perhaps relating to the question of privileged communication between officials in a department. I wonder—and this is the reason why I raised the point—just what the consequences would be of our actions here.

Mr. NIELSEN: Perhaps I may amend my motion by inserting before the word "documents" wherever it appears in the motion the word "admissible".

The CHAIRMAN: All telegrams, correspondence and admissible documents?

Mr. MOREAU: Would it not be better to put in the word "admissible" before "all letters, telegrams and documents" and say "all admissible letters, telegrams and documents"?

Mr. NIELSEN: That is fine.

The CHAIRMAN: You have heard the motion. Is there any objection?

Motion agreed to.

There is another motion here moved by Mr. Francis seconded by Mr. Nielsen:

Resolved that the Minister of Agriculture be requested to name to the committee such additional witnesses as in his opinion should be summoned to appear before the committee on privileges and elections.

Are there any objections to that motion?

Motion agreed to.

Mr. NIELSEN: Mr. Chairman, I take it it is your intention to ask the clerk to read the minutes of the steering committee so the members have the dates in their minds.

The CHAIRMAN: I gave the report of the steering committee to the last meeting.

Mr. NIELSEN: My memory may be faulty, but it was my recollection that the members were not aware of the dates upon which the question of privilege would be brought before the committee.

The CHAIRMAN: I think I brought it before the committee. On Thursday from 9 a.m. to 12 o'clock the press gallery and Dr. Ollivier will be present. On Friday from 9 a.m. to 11 a.m. the question of privilege of Mr. McIntosh will be discussed, and we have decided that if Mr. Rodgers does not appear on Thursday, then we will call Mr. Hays to appear on Thursday. As it seems Mr. Rodgers is in town he will appear on Thursday.

Mr. McINTOSH: Might I also remind the Clerk that Friday the 13th is not too far distant and, considering the distance between here and the place from which some of the witnesses are coming, they should be advised as soon as possible. There may be a problem in making contact with Mr. Walker; he may be in Swift Current or he may be in Winnipeg. I presume the wheels of government have ways and means of finding that out.

The CHAIRMAN: He will have to be advised by telegram.

Mr. NIELSEN: I move that the Clerk notify the witnesses forthwith by telegram or telephone.

The CHAIRMAN: Is that agreed?

Mr. McINTOSH: I second the motion.

Motion agreed to.

The CHAIRMAN: We were on section 16 the other day and I think we were expecting Mr. Armstrong, the deputy minister of the Department of National Defence to appear before us and give an opinion on the question of giving permission to officers to campaign in the military camps. We will ask the deputy minister of defence what he thinks of this.

Mr. E. B. ARMSTRONG, (*Deputy Minister, Department of National Defence*): Mr. Chairman, I do not know whether the committee is familiar with the rules that now apply. Would you like me to read or distribute the rules as they now apply?

The CHAIRMAN: It would be helpful if you would distribute them.

Mr. ARMSTRONG: As you say, Mr. Chairman, in effect this regulation precludes a commanding officer from permitting political meetings on stations or units or allowing canvassing or the placing of posters and so on.

When you asked me to come here I thought at least I should endeavour to establish when these rules were first established, and I asked some of our officers to do that. They did check back as far as 1904, and similar regulations applied at that time. As far as the department is concerned, quite frankly, Mr. Chairman, we believe these are desirable rules in the interests of the well understood tradition in the public service and in the armed forces that members should not participate actively in political affairs. We would, of course, like to retain these rules in the form in which they are now.

Perhaps I could endeavour to answer any questions the committee might wish to put to me.

The CHAIRMAN: Are there any questions?

Mr. FRANCIS: I think it is too complete a prohibition. I am thinking here of section (2) (c) which says:

Except with the permission of the chief of the general staff, accept any office in any municipal corporation or other local body or allow himself to be nominated for election to such office.

This totally prohibits being a candidate for municipal office except with the expressed permission, as I understood it, of the Chief of General Staff. Is that right?

Mr. ARMSTRONG: That is right.

Mr. FRANCIS: Even though no party activity is involved?

Mr. ARMSTRONG: This is generally directed at a somewhat different aspect. Permission would be granted ordinarily to an officer to participate in a municipal election.

Mr. FRANCIS: On a non-partisan basis?

Mr. ARMSTRONG: On a non-partisan basis, provided that it could be done satisfactorily without interfering with his military duty. If I remember rightly, there was a naval officer in Ottawa who ran for office. Now, he may have been retired; I have forgotten the exact facts on this.

Mr. FRANCIS: Yes, and this was prior to his retirement.

Mr. NIELSEN: General Foulkes was retired.

Mr. McINTOSH: Why is just an officer involved? Why does it not apply to other ranks as well?

Mr. ARMSTRONG: It applies to either.

Mr. GIROUARD: (*Interpretation*) Since the regulations are quite clear, Mr. Chairman, I do not think we need to discuss the actual meaning here. I think all we need do is to ask the representative of the department if there is any point in amending it.

Mr. ARMSTRONG: Mr. Chairman, as I said, we in the department are very satisfied with this regulation and, if you are seeking my advice, I would suggest it not be amended. However, there may be problems which other people would like to bring up at this time, as perhaps they are looking at it from a different point of view than I am.

Mr. BREWIN: Mr. Chairman, I am sorry that I am somewhat confused in this. It may be because I was away for the last meeting and I have not read the proceedings.

Are we asked here to revise the armed forces regulations and, if so, is that part of the function of this committee?

The CHAIRMAN: We are studying the armed forces voting regulations and if there are any suggested changes we could take them up at this time.

Mr. BREWIN: But not in regard to the voting rules?

The CHAIRMAN: Yes, we are studying those as well.

Mr. BREWIN: I understood we were dealing with section 16 of the voting rules.

The CHAIRMAN: No; it is section 59 of the draft amendments and article 19.44.

59. The said rules are further amended by adding thereto, immediately after paragraph 15 thereof, the following paragraph:

Lists of Canadian Forces electors.

"15A. (1) During the week commencing Monday the 21st day before polling day, the chief electoral officer shall provide each special returning officer with lists of Canadian forces electors as defined in paragraph 21 whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (8b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with Service numbers, of such Canadian forces electors.

## Safekeeping of lists.

(2) The lists described in subparagraph (1)

- (a) shall not be open to inspection or be copied or extracted except by the chief electoral officer, a special returning officer or their respective staffs for the purposes described in clause (d) of paragraph 70; and
- (b) shall be carefully locked up when not in use and every precaution shall be taken for their safekeeping and transmission pursuant to subparagraph (2) of paragraph 84.

## Uses not prohibited.

(3) Nothing contained in subparagraph (2) shall prohibit the use of the lists described in subparagraph (1) by the Canadian forces for official purposes or in respect of provincial elections, if it is necessary to establish entitlement of members of the Canadian forces to vote at such elections, but the provisions of subparagraph (2) shall apply *mutatis mutandis*."

## Extract from QR(Army):

## Article 19.44—Political Activities and Candidature for Office

(1) No commanding officer shall:

- (a) allow a political meeting to be held or a political speech to be delivered at his station or unit; or
- (b) allow a candidate in a federal, provincial, or municipal election or a political agent or canvasser to visit his station or unit for the purpose of carrying on political activities unless authorized by or under the Canada Elections Act or by service instructions or orders.

(2) No officer or man of the Canadian army (regular) shall:

- (a) take any active part in the affairs of any political organization or party; or
- (b) issue an address to electors, or announce himself or allow himself to be announced as a candidate, or prospective candidate, for election to the parliament of Canada or a provincial legislature; or
- (c) except with the permission of the chief of the general staff, accept any office in any municipal corporation or other local government body or allow himself to be nominated for election to such office.

(3) No officer or man shall institute or take part in any party or political meeting at any station, unit, or property occupied by the army.

Mr. ARMSTRONG: If you would like an explanation, Mr. Brewin, this regulation that I obtained is an excerpt from the Queen's Regulations.

The Queen's Regulations are established under the authority of the National Defence Act, some of them being authorized by the minister and others by the governor in council.

This particular regulation is one that comes under the authority of the Minister of National Defence and it is established by him pursuant to the powers granted to him under the National Defence Act.

Mr. NIELSEN: Perhaps for Mr. Brewin's information and for those who were not here, as well as other new members of the committee, I might be permitted a minute or two to explain the situation.

Under section 16 of the Canadian forces regulations references are made to the use of lists of armed forces electors.

There is an amendment suggested on page 52 of the draft bill to add a section 15A concerning the use of lists. The suggestion is, by the amendment contained in the draft bill, that the lists be not made public or available to candidates for the purpose of a campaign, the reason being that it prejudices the security of our national defence in that the names, ranks and numbers of individual members of the forces by unit all across Canada and overseas are made available generally to any candidate.

I question the validity of the amendment on the basis that at the moment the only way that political candidates and parties can reach the armed forces electors is by mail. Of course, in built up areas it is possible to do this by radio and television. But, the basic political advantage of a canvass is denied on armed forces stations because of the existence of the prohibition of political activities under Queen's Regulations, army, and the same applies to navy and air force units in the country. So, because at the moment political parties and candidates cannot go on property owned by the Department of National Defence in order to carry their message from door to door we should have some method of reaching the armed forces voter. At the moment there is only the use of these lists, which the amendment suggests we should prohibit.

At the last meeting I stated that I was agreeable to denying the publication of these lists which they now have if the Department of National Defence would relax their regulations to allow political candidates to enter national defence properties in the same fashion as Jehovah witnesses or any other group of salesmen who sell vacuum cleaners and so on. That is the reason this is relevant at the moment.

Mr. MOREAU: In view of the security risks which are raised in the publication of these lists, in the 1962 election the Conservative candidates were considered not a security risk in respect of other candidates. I had the impression the lists were available to certain candidates and were not available to others.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): These lists were made available to all candidates.

Mr. BREWIN: At the same time?

Mr. CASTONGUAY: No, not at the same time.

Mr. BREWIN: You mean some knew about it and others did not?

Mr. CASTONGUAY: No; they knew about it but not at the same time.

There are two sections: the one I suggest in clause 59 and the one in paragraph 29 of the Canadian voting regulations. It is in paragraph 29 of the Canadian forces voting rules that the problem exists in so far as security is concerned.

For instance, in the 1945 and 1949 elections the scrutineers who went overseas to London were given access to the lists; they all received the lists at the same time, and they addressed political propaganda to the forces overseas. All parties have done this at one stage or another. It may be that in one election one party decided not to do it and in another election another party decided to do it. But, up until 1962 the mailing had been confined more by the scrutineers at London headquarters overseas. In 1962, this party, acting perfectly within the rules, got all the lists of the commanding officers in Ottawa and mailed propaganda from Ottawa.

I suggest these were valid reasons; it was to send propaganda. I would suggest this should also be made available to other candidates who may be using it for the same purpose. But, in view of the 1962 election, I consider there could be a security risk. However, I am quick to point out that perhaps I am not competent to judge this.

I point out that a candidate could be nominated for the sole purpose of getting these lists under paragraph 29 of the voting regulations; he could then get the names of all the commanding officers inside and outside Canada, could request lists from all of them or send an accredited agent to get the lists for him and, therefore, if this was an organized plan they could get a list from every commanding officer in Canada and outside of Canada. As I say, whether or not that is a security risk I am not competent to say.

Mr. MOREAU: Would you consider that a security risk, Mr. Armstrong?

Mr. ARMSTRONG: I cannot give you a strictly yes or no answer to your question. Obviously, lists of this character, if they are put together, provide information with respect to the various sectors that comprise the Canadian defence forces. In respect of this I think I would say that our security officers would prefer not to make it that easy. But, obviously, information of this kind could be secured from a variety of sources, if you are willing to work hard enough for it. This information can be built up. But, when you put the list together, particularly if they were joined in a complete comprehensive list, then the whole job is done in one place and, if anyone wishes to have access to it at that time it would be comparatively easy to do so. However, I think we might say we would prefer not to do this. But, as I say, perhaps it is not that secure in terms of security. As I said before, people who want to work at it possibly could get about the same kind of information by such work and digging, as a result of which a variety of information would be forthcoming.

Mr. MATHER: Mr. Chairman, under the present regulations it seems to me that political meetings, political speeches, political canvassing and so on are prohibited in respect of service personnel. If we are going to prohibit contact by mail and propaganda what will be left for the personnel concerned on which to form a political opinion?

Mr. ARMSTRONG: Of course, the department have no restrictions on mailing. Naturally, we have no objections to it. I suppose the real problem is to get the information which permits you to do the mailing.

The CHAIRMAN: Is there any possibility of sending the mail to one central place?

Mr. ARMSTRONG: There may be other ways of doing this.

I discussed with some of our people today whether it would be possible, for example, to take off the declarations of residence the man's name and his place of ordinary residence for voting purposes and, additionally, his mailing address which, presumably, would be his service unit, to which you could mail things to him. This would involve establishing an additional card for the information that we have. I do not think this would be a terribly complicated job. It could be done. As a result of last minute changes of address we probably would find there would be some inaccuracies in it. However, I think it would be substantially correct. This then would be available only in respect of a particular electoral district. So, you would have, if you wished, a list of the people whose ordinary place of residence is in that district and, for that purpose, I suppose it would be a great deal more convenient than anything you have had so far.

Mr. MOREAU: Yes, and my obvious follow-up question would be: can this be made available in four or five copies to each returning officer in each electoral district so that the nominated candidates could have access to the list in the riding.

Mr. ARMSTRONG: I think this would be the object. I am putting this forward, without exploring it as fully as I should do because I was just aware

that I was appearing before you this morning. However, it did seem to me as though this would be a feasible idea.

Mr. MOREAU: Mr. Castonguay, have you any comments on this subject?

Mr. CASTONGUAY: It could be incorporated in the amendment I proposed in clause 59. But, the doubts I have is that for it to be of any use to candidates the Department of National Defence would have to be able—and, I am assuming now you are going to let the members of the Canadian forces continue voting as they do now, as civilians, if they are entitled to vote in that electoral district—

Mr. MOREAU: Yes.

Mr. CASTONGUAY: Then, for it to be of any use it must be given to the returning officer before the nomination commences. I pointed out a case in Rockliffe last time where there were over 450 names of members of the Canadian forces put on in four polling divisions and we found 330 were not entitled to vote that day. So, to be of any use for the enumeration and for candidates I would suggest to the committee that it would have to be produced in time before the nomination. As you know, nomination commences on the 49th day, and I wonder whether the forces could produce these lists for us in time. We never get more than 60 days between the date of issue of the writ and polling day. I was wondering whether the forces could supply me a list for 263 districts in time for me to get these to the returning officer in a period of eight or nine days. I would doubt it very much.

Mr. MOREAU: When is the enumeration?

Mr. CASTONGUAY: It commences on the 49th day before polling day.

Mr. MOREAU: Eleven days after the writ?

Mr. CASTONGUAY: Yes.

Mr. ARMSTRONG: I would have thought that we produced the normal list for nomination purposes and that this would not be used; I was thinking of this as a list for the convenience of the people.

Mr. CASTONGUAY: There is another scheme where the list will be produced by the commanding officer for enumeration purposes.

Mr. FRANCIS: As I understand it, you will have available in one riding people eligible in the armed forces all across Canada and overseas. Now, the list that is going to be useful will have to be a list put together from every one of these sources. Am I not correct in this assumption?

Mr. ARMSTRONG: Yes, that is right.

Mr. FRANCIS: Is this not almost a physical impossibility?

Mr. ARMSTRONG: No; you could put them on a punch card where the original residence, which designates where a man is entitled to vote, is listed there. We would have then to put on, to make it useful to you for mailing purposes, the address of the individual, which may be quite different. His place of ordinary residence for voting purposes is not necessarily where he is living. You would have to have that address. I do not think this is too complicated a task.

Mr. FRANCIS: I just wanted to be sure I had it right. We are talking about putting everything together, a composite list from all the armed forces from all the places in which they are located.

Mr. ARMSTRONG: We maintain on punch cards the information as to the man, his name, his regimental number, where his place of ordinary residence is and the constituency.

Mr. FRANCIS: And this is all centrally maintained?

Mr. ARMSTRONG: We do have that on cards. We would have to put on the card—and this would be a little more difficult because it changes more often—where the man is residing, where his postal address is, not his residence.

Mr. McINTOSH: Mr. Chairman, I want to get off this list for a few moments and go back to Mr. Francis' original question, in respect of these regulations with which I agree.

I would like to ask the deputy who determines what a political speech is or what political activities are, or what political organizations are? Is it defined in the act?

I would also like to ask what charge would the individual officer or other rank be brought up under if he did not adhere to the regulations, and how extreme would the penalty be?

Perhaps, first of all, I should ask the deputy to go over these regulations point by point and tell us the reasons for them. There must be a reason behind them because it seems to me you are taking away the citizenship of the service personnel.

Mr. ARMSTRONG: No, we are not taking away the citizenship.

I think members of the committee appreciate both public servants and members of the regular forces traditionally by law should not participate actively in political elections, and it seems to me the reasons for that are fairly obvious.

In the normal sense they are public servants. In certain respects, by reason of their position they obviously have available to them privileged information of some sort and another, and I think this is basically the reason for this. While what we have here perhaps cannot be a direct guide to that it is traditional, as I say. It dates back to 1904. We do feel it advisable in military camps not to permit political canvassing. There could be some reasons for this in terms of security. However, there are many camps where I think it could be done obviously without affecting security. On the other hand, in those sensitive camps, which we do have, we would not like to earmark them as being sensitive; that is, making an exception of them and, more or less, writing on the wall: this is a camp that has special security features attached to it.

Certainly on the whole, from the point of view of the administration, we believe that it is highly desirable to have this in the way we have it so that political activity during a campaign does not take place on a camp.

Now, this should not preclude military members of the forces having adequate access to information in terms of the campaign issues and so on. They do have available to them certain political broadcasts through radio stations and television. Most of them live adjacent to communities where they can attend political meetings off the base, if they wish to.

Mr. McINTOSH: Would you not say that a political program, where a candidate was broadcasting over a television station, is a political activity? I was wondering if these regulations are not outdated. Can you give us the dates at which time they were put in?

Mr. ARMSTRONG: There were essentially similar regulations as far back as 1904. Incidentally, I have also been able to check British regulations which are essentially the same as Canadian in this respect.

Mr. McINTOSH: Suppose my son were a member of the armed forces, and I, as a member of a political party, in fact a member of parliament, wished to visit him. I could not go to see my son in his camp because it could be construed that this was a political activity.

Mr. ARMSTRONG: Of course you can go and see your son in the camp. There would be no question about it.

Mr. GIROUARD (*Interpretation*): Mr. Chairman, this is the second meeting we have had on this matter. It would appear to be clear that the service regulations cannot be changed by us too readily. In any event the service people do not appear to be ready for a change. Since we have been on this matter for some time, I suggest we vote on the amendment now before us.

Mr. MOREAU: I would like to simply ask a question on the matter of the lists. What I think might be valuable to members of the armed forces is to know something about the candidates that are running in their particular riding. It seems to me that if a candidate could be given in some way the information on where these people are, we could then get a mailing out to them of some form of literature, whether it would be a picture and something of our own personal history, and this would be desirable. Could you give us an idea of how long it would take to prepare such lists in view of the fact that we do have this at the central command, at least most of the information, bearing in mind that I do not think we would be too worried about whether the list was only 70 per cent accurate? A 70 per cent hit, it seems to me, would be better than no hit at all in this situation. Could you give us any idea of how long it would take?

Mr. ARMSTRONG: I would not like to hazard a guess precisely, but I would say it would not be very long, so long as the cards would be available. It is only a matter of putting them through the machines. It could be done in a few days.

Mr. MOREAU: I have another follow up question. In view of those remarks, I wonder if Mr. Castonguay might indicate whether he sees any particular difficulty in perhaps adopting this procedure.

Mr. CASTONGUAY: Not at all if it is made the exclusive responsibility of the national defence to supply the candidates with these lists; that is if it is not done through me.

Mr. MOREAU: Should you not say through the returning officers?

Mr. CASTONGUAY: So long as the candidates apply to the national defence for the lists.

Mr. FRANCIS: I do not agree with Mr. Castonguay. The Department of National Defence should supply the lists to the chief electoral officer, and it should go from the chief electoral officer to the candidates.

Mr. CASTONGUAY: Would the committee be prepared to put a time limit on that?

The CHAIRMAN: The other day Mr. Millar said that he went to a camp and he was badly defeated in that camp.

Mr. GIROUARD: More than that; Mr. Moreau is speaking about some literature. My opinion is that it is always possible to send this through a circular letter. You send hundreds of circular letters and those are distributed around. The only thing we need to know is the names to which we should address those letters.

Mr. FRANCIS: There are other camps, not just those.

Mr. GIROUARD: You can send those to any camps.

Mr. BREWIN: Mr. Chairman, could we achieve some finality by making a motion asking the chief electoral officer to amend the rule to provide that this list of voters be prepared by electoral districts and sent in sufficient numbers to the returning officer in each constituency for distribution to candidates?

We should let Mr. Castonguay do the actual wording. I think it is an admirable idea. I have always felt completely isolated from the service vote and unable to give them any idea of what I stood for as a candidate. I am sure other candidates have felt the same way. I would appreciate very much knowing

where they were, instead of being out in the wide field from which I could not reach them and having to leave it to some central office to give them some generalized propaganda. I like to give them specific information about the candidates running in their riding. This would interest them much more I am sure.

The CHAIRMAN: Have you got an amendment?

Mr. CASTONGUAY: We will prepare the amendment but I would like some clarification first. What you want is an amendment. This would not come into this clause; it would have to be a separate rule, and would require the Department of National Defence on the date of the issue of the writ to compile a list by electoral districts of members of the Canadian forces in each electoral district, giving their postal address where they are serving at that time. In addition to that the Department of National Defence will set a date at which they themselves will produce this list for me. From that date on I will send it to the returning officer.

Mr. NIELSEN: That can be thwarted, whether intentionally or unintentionally. If the Department of National Defence wishes to sit on it, they can do so, and the list could be sent after the voting date.

Mr. CASTONGUAY: How could I force the Department of National Defence to do it?

Mr. NIELSEN: There must be some limitation set out here, if it is going to be of any use.

Mr. MOREAU: Would two weeks be sufficient?

Mr. ARMSTRONG: I was going to suggest that if Mr. Castonguay is to produce an amendment, we might have a few days to see what the time factors are. The period might be within 14 days, or whatever seems reasonable, from the date of the writ.

Mr. MOREAU: I would like to move that this matter be taken under advisement by Mr. Castonguay and the deputy minister with the view of preparing an amendment so we can incorporate this if possible. I think there is a very important thing there; that a lot of members of the armed forces perhaps feel quite isolated, particularly in overseas camps, from our democratic process, from the news of Canada, and all the rest. It would be admirable to do this if possible.

Mr. CASTONGUAY: I have one more suggestion, that the returning officer supply that only to the officially nominated candidates in the electoral district.

The CHAIRMAN: That is agreed.

Mr. NIELSEN: Before the motion is put I would like to speak to it and to the whole aspect of the matter. This solution, which is a good one, is simply a variation of the existing procedure. It just removes the facility with which any interested subversive party can obtain information of the individuals in units in the Canadian forces because any interested subversive person need only obtain the lists from each returning officer or from the candidate and put them all together and correlate them and have the same information that he is able to obtain under the existing procedure under the objections that have been raised.

Mr. FRANCIS: I should like to make a correction, if I may. It is not quite that simple because this is distributed to each constituency. In order for a subversive party to get a total picture, he would have to have a candidate in each riding, would he not?

Mr. NIELSEN: This still only removes it one step.

Mr. FRANCIS: But it does give some protection.

Mr. MOREAU: In view of the remarks made by the deputy minister earlier, this information is available to anyone who really wants to work for it. In any

case what I am suggesting will not make it a great deal easier. He is going to have to work very hard if he wants to use this source as it is broken down to electoral districts.

Mr. NIELSEN: Those are observations I had on this suggestion.

I have another point that I wish to make in respect of the related matter of these regulations. I was listening very carefully to the deputy minister when he made his opening statement. The only reason which I heard the deputy minister state for forbidding political candidates canvassing or visiting National Defence units was, and I think I am quoting him here, that the armed forces should not participate actively in political affairs. The further reason was that the sensitive National Defence unit should not be open to intrusion by those persons other than armed forces which would endanger the security of the unit in question. Now his remarks concerning the classification of units, which was my suggestion at the last meeting, which would result in delineating sensitive as opposed to non-sensitive units, are valid.

I note further that when I suggested classifying units at the last meeting I was sure that under the existing rules the canvassing by religious sects, the canvassing by charitable organizations, the canvassing by sales persons, is subject to the same prohibitions with regard to sensitive units as would be the political candidates. For instance this type of person, let us say a representative of a religious sect or a salesman, would now be permitted on the station in Rockcliffe, they would now be permitted on the station in Whitehorse, they would now be permitted at the army installation in Whitehorse, the residences of which are removed from the actual functioning of the army. I daresay the same situation exists in other units, for instance Shearwater where naval residences are quite far removed from the naval station itself.

I do not think that the armed forces are participating actively in political affairs. If you allow a political candidate to knock on the door and say "I am representing Mr. Joe Doe, candidate in this election; here is some information", and if the armed forces person involved wishes to invite him in for a cup of coffee in an area such as Shearwater or Whitehorse or Rockcliffe, I can see no real threats to security. However, if it is a sensitive unit, the same prohibition against the admission of a political candidate or an agent would exist as does exist against all other salesmen or other foreigners into these sensitive units. Rather than delineating them you could apply the existing security regulations to prohibit their entrance. Just because the regulation is traditional and has been with us since 1904, I do not think it is a valid reason for continuing something which may, after reasonable consideration, be viewed as not being a threat to the security of the nation. I cannot for the life of me see how it is a threat to the security of the nation.

Conversely I can see how it would be advantageous from every point of view to allow a member of the armed forces and his wife and family to be as fully acquainted as possible with the political issue of the day. The only way to accomplish this is by allowing the same access to the armed forces vote as is allowed to any other type of vote. Where you have a sensitive unit the rigid regulations which now exist prohibiting entry can be applied. If that is the reason, I am sure any reasonable political candidate will go along with them without raising any fuss. Surely in the large majority of cases the units in Canada are certainly not that sensitive that an alteration of these regulations would harm the defence of the nation.

Mr. MATHER: Mr. Chairman, I thought for a moment that we were beginning to approach a decision or a vote maybe on the suggestion by the deputy minister and Mr. Castonguay on this list proposition. I think that if we could do so and approve it, it would put us a step forward. I think it is very difficult to consider a list on the one hand and then to go back to the presence of candidates

in different areas at the same time. I would like to see us decide to approve this motion that we have before us which I think would help both the military personnel and the candidates.

The CHAIRMAN: We have in front of us at the present time the suggestion that Mr. Castonguay with the Department of National Defence prepare an amendment or a paragraph to be put into the Canadian forces voting rules. Are there any objections to that?

Mr. GIROUARD: I think Mr. Nielsen is right. I think that it is quite as easy to get a copy from the candidate as from anyone else and to obtain in this way all the information. We should stand the paragraph as it now exists.

The CHAIRMAN: We should decide whether we stand what we have now or whether we want something else. Let Mr. Castonguay prepare something else. At the present time we have nothing in front of us except the demand for Mr. Castonguay to prepare something which we may discuss once it is in front of us. At the present time we have nothing at all in front of us except the old rules.

Mr. FRANCIS: I agree with this, and I intend to support the suggestion, if it is in the form of a motion. In reply to Mr. Girouard, I will say that I personally as a candidate do not intend to hand the list around to everybody. I would use it as a basis for mailing some literature. We are going perhaps to have to caution candidates that it is not desirable to have a wide circulation of this kind of list. If someone came to me and said, "look, may I have a copy of this list", I would ask why he wanted it. I would suspect he wanted it for the opposition, or to do me in.

The CHAIRMAN: If the committee has no objection, we will ask Mr. Castonguay to have something prepared for the next meeting.

Mr. NIELSEN: Before you leave it, Mr. Chairman, I wanted to make an observation with regard to Mr. Mather's remarks. The reason why I raise this business of access to Department of National Defence units is, that if the existing regulations with regard to this use of lists are amended, as suggested by the draft bill, or if they are not made broader by some suggestion, as has come from Mr. Moreau of Mr. Francis, then I want to press this point of access because if candidates that it is not desirable to have a wide circulation of this kind of list. It is going to affect the vote on the question of the use of the lists.

Mr. MATHER: Apparently we do not have the lists.

Mr. MOREAU: I might say it was exactly my intention. I felt if we could decide the matter of the lists we could broaden this and make these available to the candidates, and then the matter of access and so on would not be nearly so important; at least the candidates would be able to send out direct mail.

The CHAIRMAN: Is that what you are asking Mr. Castonguay to prepare? He could prepare something and bring it to the committee, and then we can discuss it. At the moment you are trying to discuss something that we do not have.

Mr. CASTONGUAY: There is the other point which I suggest has to be decided, and that is in regard to paragraph 29. This list I am asked by the committee to prepare will be of no use to check the civilian lists in your electoral districts.

Mr. NIELSEN: Those will be available anyway.

Mr. CASTONGUAY: It will be available before revision but that list will not be as complete as, say, the commanding officer's list in Whitehorse from which you can take extracts. If the candidates are only to be supplied with a list for mailing purposes, it will be of no value to a candidate in a district

in a military establishment if he cannot have access to and take extracts from the commanding officer's list of that unit. Is that list a security risk? Should that list be provided to candidates or, as was suggested last time, should it not be provided? Should the members of the Canadian forces be required to vote under the Canadian forces voting rule? The amendment I am asked to prepare is of no use for checking your list in the electoral district.

Mr. NIELSEN: And it leaves off all the wives.

Mr. MCINTOSH: Have we any power to request that it be changed if this is under Queen's regulations?

Mr. MOREAU: Mr. Chairman, it seems to me we have two different problems. We have the problem of the candidates who are trying to make contact with the voters who are spread all across the country and overseas, and who do not necessarily have any bases and so on.

Mr. FRANCIS: We have resolved that.

Mr. MOREAU: The second problem is quite a distinct one; it is a matter of candidates who are running in a riding where there is a military establishment and service personnel who will qualify to vote in that electoral district out of that establishment. I think those are two separate problems.

Mr. NIELSEN: And civilians living on that establishment are also concerned.

Mr. MOREAU: I was essentially dealing with the first problem.

Mr. MATHER: We have solved that.

Mr. CASTONGUAY: I suggest the first problem is that we were asked to produce an amendment; but I would suggest what the committee now should tackle in view of the deputy minister being here is paragraph 29. Is the committee in agreement that candidates should continue to be permitted to examine the list compiled by the commanding officer, to take extracts therefrom and to be given copies of these lists? Is there a security risk involved?

Mr. MOREAU: Is this the prevalent practice today?

Mr. CASTONGUAY: Until 1962 this was used to the extent that the candidates who contested elections in electoral districts where there were military establishments were very anxious to get those extracts.

Mr. NIELSEN: And in 1963, too.

Mr. CASTONGUAY: Up until then. In many other places the candidates would never go near a command because it was not of interest but in 1962, this problem of collecting the list in one central place of all the units in Canada and outside Canada for propaganda purposes certainly showed that any party could do the same. This is a perfectly legitimate thing which was done in 1962, but if a party can do that legitimately for purposes of sending out propaganda to troops and collect a complete list of every unit inside and outside Canada, then another party for subversive purposes could do the same thing for about \$2,000.

Mr. ARMSTRONG: I had understood that the list we talked about earlier with the names of the members of the forces, by electoral districts, would include all members of the forces entitled to a vote in that electoral district, whether they resided there or not. The list under paragraph 29 is a list of the people at a unit with, at the same time, the ordinary place of residence where they are entitled to vote. I would think that if you have a list which sets out the members of the forces by the electoral district in which they are entitled to vote, that is really all you need. However, it is true that if that is published, say within a week or two weeks of the writ, it will not be as up to date as these lists; there would be some changes in addresses that would take place in that intervening period, so that some of the addresses would not be right by that time.

Mr. MOREAU: Mr. Castonguay raised the very point. I gather the feeling of the committee, at least of those members sitting around me, from their comments is the same as mine: that we should prevent the situation you raised, Mr. Castonguay. I wondered if the deputy minister would comment. It seems to me that no great security risk is involved by candidates approaching the commanding officers of the stations to find out about civilian employees who may not be on the lists we referred to earlier, or even personnel on the base who may be eligible to vote in that electoral district. Would you consider that a security risk? It would seem to me not to be a very great danger. I wonder what your views would be on that.

Mr. ARMSTRONG: In terms of attempting to assess the security risk involved, I would think it is better to have a list of people by electoral district rather than by unit, which is what is provided for now. I would prefer the other system in terms of security for what the difference between the two is worth.

Mr. CASTONGUAY: We are asked to prepare an amendment. That list would not at the time of the general election have the members of the reserve forces who are in full time training in those places. That list, for instance, would not be as accurate as the commanding officers' lists at that level, because he has all the servicemen's documents at that time. Therefore, in my opinion, the candidate should be allowed access to that list and be permitted to take extracts, as provided in paragraph 29, if the members of the Canadian forces are entitled to vote in the civilian polls. Last time over 400 names were added to Rockcliffe; we had to knock off 330 that were put on by the enumerators.

The question I am concerned about is this particular provision in paragraph 29. If the members of the Canadian forces are to continue to vote and have the right of voting as civilians, if they are entitled to vote in electoral districts, then I suggest to the committee that the right of taking extracts therefrom should be retained.

Mr. MOREAU: I think the taking of extracts should be done entirely at the local level. I think the point you mentioned of the party doing it is a dangerous one—for they are doing it from a central district.

Mr. CASTONGUAY: They did it at local levels with local agents. They had their accredited agents do it and send it to Ottawa.

Mr. NIELSEN: In 1962 and 1963.

Mr. CASTONGUAY: In 1962. Nobody did it in 1963.

Mr. NIELSEN: Do not say that nobody used it in 1963.

Mr. CASTONGUAY: But they did not do it to the extent that they did it in 1962. Scrutineers went overseas; the lists were received in the office and propaganda was mailed, but there was no 1962 operation there. If the members of the Canadian forces were solely entitled to vote under the Canadian forces voting rules, then the candidates would not need those lists to make sure the lists were accurate in the districts where the military establishments are situated. This would make it simpler. Then there would be no use and no need for candidates to get the list at the local level if the members of the Canadian forces were only entitled to vote under forces rules. I am not speaking now of wives and dependents.

The CHAIRMAN: Paragraph 29 should disappear?

Mr. CASTONGUAY: That is something for the committee to decide.

Mr. ARMSTRONG: You have not asked me to comment on this but I would say that in my judgment, from my association with members of the forces, I would think many of them feel quite strongly about having the privilege of voting where they reside, as they do now. If I understand your suggestion, this would remove that right, would it not?

Mr. CASTONGUAY: It would remove it.

Mr. ARMSTRONG: Many are separated from the place of enrolment and so on, and their relations often are far distant from those areas. Many of them would much prefer to vote where they are resident. I would think this would be a privilege which the members of the forces now have that they would not like to see disappear.

Mr. CASTONGUAY: It would not take any privilege away from them. They can vote where they like. If a man is serving in Rockcliffe and his place of ordinary residence is Edmonton, he can vote in Rockcliffe.

Mr. ARMSTRONG: He can establish his place of ordinary residence at Rockcliffe?

Mr. CASTONGUAY: I am not suggesting this be changed.

Mr. McINTOSH: Suppose it was only a matter of two or three votes—and this has been known in history—and say one of the services moved in a battalion to that area just before an election.

Mr. CASTONGUAY: My suggestion of restricting the forces to vote under the Canadian forces voting rules does not change their right, but you do get the situation where a member of the Canadian forces may have on his most recent statement or ordinary residence. Rockcliffe airport. That gives him, under Canadian forces voting rules, the right to vote either at Rockcliffe airport or on the civilian list. All I am saying is that he votes in the Canadian forces poll, not that he cannot vote in the civilian station.

Mr. ARMSTRONG: The man could vote in Rockcliffe but through the service poll?

Mr. CASTONGUAY: Through the service poll, yes.

Mr. ARMSTRONG: I would like to bring up one other point about this. I know it has been brought up before at the committee. Members of the department and the forces have felt very strongly that every effort should be made to have the service vote available, counted and produced on election night. This, of course, would mean that more people than do now would vote through the service polls, and there would be a somewhat larger group whose votes would be counted in the week after elections unless the rules could be changed to avoid that. If the committee with their experience in these affairs were able to devise a system under which the vote for the services could be counted in time to be announced with the civilian vote on election night, I am sure we would all be extremely gratified in the Department of National Defence, because I believe of all the factors in the service vote this is the one that is regarded generally as being the most undesirable from the point of view of the services.

Mr. MOREAU: Mr. Chairman, I would suggest that Mr. Castonguay prepare an amendment. I see no reason why it is desirable to provide essentially duplicate voting facilities provided that the serviceman has the right to establish a place of residence as he sees fit; and, if he happens to forget where he enlisted and wants to establish a residence, say, at Rockcliffe or wherever else it might be, I cannot see any objection to having him vote under the Canadian armed forces regulations. Am I correct in assuming that it would be much simpler that way?

Mr. CASTONGUAY: Two things could be accomplished this way: firstly, there would not be any necessity then to give access to any candidate any list of a commanding officer on the local unit and, secondly, the work of the enumeration is complex enough now. We did straighten this out in 1963, because of the circumstances which occurred at Rockcliffe in 1962, and at that time the same situation existed at every military camp across the country. As I say, this was

rectified in 1963 because the service made available to us before enumeration commenced the lists of all the commanding officers and these were forwarded to the returning officers before the nomination commenced. This is all right in big military places but take a place like Montreal, Vancouver or Winnipeg, where people live in residential areas; it is no help there. So, if the members of the Canadian forces were entitled to vote under the Canadian forces rules I cannot see how they could be mechanically denied their vote. They have six days to vote; they can vote on leave or they can vote on furlough; they have more privileges and rights in respect of voting than any civilian I know.

Mr. Armstrong has suggested before in this connection that there is only one cure and that is permanent lists and absentee voting.

Mr. FRANCIS: If I understood correctly, he said if we made a service vote a vote exclusively through his service establishment there would be no reason for a candidate to go to a camp of the commanding officer to obtain a list. But, we are still concerned about the wife on that camp, the civilian employees on that camp and so on. There are still problems in respect of these others.

Mr. CASTONGUAY: I mean only in so far as it relates to the member of the Canadian forces. The wife's residence is rather easy to establish; it is the residence in the camp on the date of the issue of the writ, like every other citizen and elector in the poll.

Mr. FRANCIS: Yes, but there is still the problem of access to the camp to deal with people who are not members of the armed forces, which is the point Mr. Nielsen raised.

There is a second point which concerns me here and this is the point which was made a moment ago: the larger the number of people voting in the armed forces the more it appears we have two elections really because we have election night and then the marginal constituencies and, if you throw more votes into the armed services, this highlights even more the present anomaly of the deferred count, which very much upsets the ridings. For my part, I do not want to have any more votes in a deferred count than I can avoid.

Mr. MOREAU: Surely Mr. Castonguay is agreeable at least to excluding civilian employees. We are assuming here that wives are living with their husbands, so if you mail a piece of literature there is a hope they would take it home, and I would think we are getting access to them.

Mr. FRANCIS: In many families the husband and wife do not vote the same way.

Mr. GIROUARD (*Interpretation*): If a wife follows her husband, say, from Edmonton to Rockcliffe station and has been on the station for a fortnight where does she have a right to vote?

Mr. CASTONGUAY (*Interpretation*): She has to meet the same conditions as any other civilian voter.

Mr. GIROUARD (*French*):

Mr. NIELSEN (*French*):

Mr. GIROUARD (*French*):

Mr. CASTONGUAY (*French*):

Mr. NIELSEN: Mr. Chairman, I missed this exchange.

The INTERPRETER: I have lost a part of it but Mr. Castonguay finished up by saying that she has to be in that place at the time of the writ.

Mr. CASTONGUAY: Mr. Francis, we received 95,128 armed forces envelopes the last time, of which there may be 6,000 D.V.A.

Mr. NIELSEN: I hate to interrupt, Mr. Chairman, but I missed completely the French exchange between Mr. Girouard and Mr. Castonguay.

Mr. GIROUARD: You will have to learn French.

Mr. NIELSEN: There were two questions and two answers and I would like to know what they were.

Mr. MOREAU: If I could help you, Mr. Girouard asked what would happen to a woman who moved from Edmonton to Rockcliffe with her husband 15 days before the election and Mr. Castonguay indicated she was governed by the same rules as apply to other civilians; she had to be there on the day of the issue of the writ in order to qualify.

Some hon. MEMBERS: Hear, hear.

Mr. CASTONGUAY: The potential service vote was 130,000 including D.V.A. personnel and we received 95,128 envelopes.

Mr. NIELSEN: Mr. Chairman, I have listened to all this discussion and, perhaps, I might help to bring it to a head.

I think some small but not very significant progress is made in so far as security is concerned by adopting this system where the Department of National Defence provides to the candidates in an electoral district all of the names of the armed forces personnel qualified to vote in that electoral district in an election. I think that is a step forward and is a very desirable thing.

I also think the committee should recommend that the Department of National Defence amend their regulations so as to allow at least political access to these camps that are not security sensitive, and we need not delineate them for this purpose because the normal security prohibition is there. But, where there are civilians in large numbers in many cases resident on properties of national defence and you normally would have access to them, you do not have that access because they are on that property. I think the matter should be extended so we are allowed access in the normal course and, if it is a sensitive unit, we will be told so and entrance will be denied. But, if it is not I cannot see any real good reason why you should not be allowed access. If the sergeant or airman or the soldier or officer does not want to talk to us they will soon slam the door on us, the same as any other civilian, and we will go on to the next door.

I would suggest that as a recommendation, Mr. Chairman, from this committee in their final report.

The CHAIRMAN: Well, in Canada surely if a serviceman wants to listen to a political party he can go outside of the unit and, if he does not want to we can leave him there as he is not interested.

Mr. NIELSEN: But, Mr. Chairman, in organizing a political meeting one of the most effective ways to get people out is a door to door canvass. I do not know what experience you have had but I know that unless I get to the serviceman and urge him to get out I will not see him. I have not seen six out to political meetings in my constituency.

Mr. CASHIN: How can you tell?

Mr. LESSARD (*Saint-Henri*): I understand there is a man in your party who is not very capable in respect of door to door canvassing.

The CHAIRMAN: That is what Mr. Millar said the other day. He said he tried. Mr. Millar was in attendance at the last meeting and he said he did not know it was forbidden and he went to a camp and he was badly defeated in that campaign.

Mr. MCINTOSH: He might have been defeated by a larger margin of votes if he had not.

Mr. NIELSEN: I feel it is the right of a serviceman to be treated in the same way as any other individual Canadian, unless there is a security problem. If there is not, I think we should have access.

The CHAIRMAN: Will you put a motion, Mr. Nielsen?

Mr. McINTOSH: Mr. Armstrong, would there be any security camps in which there would be a place of residence for the wife or civilian workers.

Mr. ARMSTRONG: Yes, there would be some.

I think this problem really goes a little beyond the question of security. As you know, there are many groups of people who are public servants and members of the forces in these camps and we in the Department of National Defence believe that this has proved to be very useful from our point of view and I think it is properly desirable not to get that group of people who are all government workers or members of the forces involved in political meetings on the camp.

One area which I believe is bothersome is when there are sometimes married quarters which are essentially on a public road and where there is public access to them and so on, and you really cannot distinguish them from other residences in the area.

Mr. McINTOSH: Do you restrict visitors to these married quarters?

Mr. ARMSTRONG: Yes, we are restricted under our present rules. However, that is one area that might be given some consideration by the department. For example, we have in Gagetown some houses on one side of the street, which are married quarters, and on the other side they are not. These types of areas are difficult to handle in respect of the rules.

The CHAIRMAN: Mr. Nielsen, would you write out your amendment to clause 29, if you care to do so?

Mr. NIELSEN: Yes, but I wonder if I could say two things in respect of the observations raised by Mr. Armstrong.

One of the reasons he has just given us has nothing really to do with security, namely the problems of departmental personnel in respect of nuisance activities, if you want to call them that, instituted by politicians.

Mr. ARMSTRONG: I did not suggest that.

Mr. NIELSEN: But, you have the same problem with every single airport in this country that is managed by the Department of Transport, where there are civilian residents on the airport, and there may be 100 of them. What is good for one department should be good for another, if the reason is valid.

The same problem exists with regard to other departments, for instance the C.N.T., a crown corporation, who have isolated units and residences and offices, and so on, away from departmental property. In several polls you will find the civil service residences are lumped together and isolated so that you can say that all of these people being government employees should be subject to the same regulations. I do not think that reason is valid. If there is a security reason, I can see it, but if there is such a security reason, I suggest the ordinary security regulations can provide that degree of security.

Mr. ARMSTRONG: I agree that that is making a distinction between camps. I think your problem, if I may suggest, really centres in the areas where you have married quarters which are largely secluded from the camp; that is, such as in Sheerwater, which you gave as an example, or in Dartmouth where the married quarters are quite outside the areas of the camp, and a part of the town of Dartmouth. In these areas perhaps there are reasonable grounds for having these rules. Certainly, if the committee would wish, the minister could have a look at these particular points.

Mr. MATHER: If Mr. Nielsen would make a motion, perhaps we could consider this.

The CHAIRMAN: Have we got the right to study this? It is not in the act, it is not in the rules and it has not been submitted to us by the house. I do not think we can do anything with this.

Mr. LESSARD (*Saint-Henri*): Mr. Moreau is preparing a motion which will settle the problem.

The CHAIRMAN: If it is on this, it is no use.

Mr. NIELSEN: A point of order has been raised. Any variation of the existing procedure regarding the use of lists is, as far as the committee's view of that procedure is concerned, going to be affected by other means of access to the armed forces votes. If they are to be denied a restrictive use of the list, then the access to the Department of National Defence becomes very relevant indeed.

The CHAIRMAN: I have a motion made by Mr. Moreau, seconded by Mr. Lessard, that:

All Canadian armed forces be required to vote on the Canadian armed forces regulations.

Mr. GREENE: Why is it that this privilege of either being on the forces list or being on the civilian list was given the servicemen in the first place? There must be some reason why it was thought that this was the proper thing to do. Before we take away any of the privileges of the servicemen, I would like to be sure why they were given this privilege in the first place.

Mr. ARMSTRONG: Perhaps one of our experts could answer this better than I. They have been involved in voting rules for longer than I have.

Captain J. D. DEWIS (*Deputy Judge Advocate General*): Whilst all members of the forces appreciate very much the fact, it is difficult for them to lose their votes because they can vote on leave, or practically any place. Nevertheless, over the years—and I have been chairman of the tri-service committee on this for about 16 years—the biggest source of complaint has been the fact that servicemen can vote in a service poll and write their name on the envelope, but why cannot they vote in the civic poll? In the Canadian forces voting regulations provision is made allowing him to vote in the civic polls if he happens to be living in the electoral district in which his place of ordinary residence is located. Ontario has been using federal statements for a number of years now in taking the service vote, and up until the last general election they did provide that servicemen could only vote by mail. In every election there were specific complaints, letters to the editors, letters to the chief electoral officer of Ontario, and every serviceman I ran into was highly incensed; he said that he lived in his own house and paid the taxes; his statement said that it was his place of ordinary residence, and he still had to vote by mail.

In the last Ontario election, the chief electoral officer in effect gave in and made the same provision that we have; that if he was living in the electoral district in which his residence was located, he could vote in the civic polls. In the last Ontario election there was not one complaint. Those that were not living in their places of ordinary residence of course had to vote by mail. I can certainly assure you that the servicemen much prefer to vote in the civic poll, and there are an awful lot of complaints about having to vote in the service polls. There are relatively few who are able to vote in the civic poll, but I am sure there will be a lot of objections if this privilege is taken away.

Mr. MOREAU: I am curious about what the basis for this objection is.

Mr. DEWIS: The general objection is that he is living next door to his civilian friends; he may have lived there two or three years; he may own his house; he is enumerated—sometimes they should not enumerate him, but they do—and he says “why cannot I vote in my electoral district in the civic poll?”. You can tell him the many advantages he gets over the civilians, nevertheless he prefers to vote in the civic poll.

Mr. FRANCIS: Is the secrecy of the military ballot really being lost in some cases?

Mr. DEWIS: There is no more disclosure of individual votes among the service votes than among the civilian votes. The votes come from all over the place. I do not know of any electoral district where there is one service vote. There is always a whole handful from where those votes came.

The CHAIRMAN: We have a motion in front of us, moved by Mr. Moreau, seconded by Mr. Lessard:

That all Canadian armed forces be required to vote under the Canadian armed forces regulations.

Mr. GREENE: It seems to me that the serviceman, when he is on the station, is presently as much precluded from receiving the amount of attention from an office seeker as is the civilian. More and more people in the armed forces are taking part in the narrow community life, if they happen to be in an area where they can do so, as apart from service life. If we take away from them the right to participate in election activities if they are off the premises, we are taking something away from them where clearly we want them to do more and more, in other words, be normal citizens, subject to the same rights, privileges and responsibilities.

Mr. MOREAU: How does it restrict him from partaking in ordinary life?

Mr. GREENE: As the witness said here, he is next door to a civilian and they are discussing election candidates. He cannot vote in the civic poll, he has to vote in the service poll.

Mr. MOREAU: It still comes back to his riding.

The CHAIRMAN: Is there objection to the motion?

Mr. NIELSEN: I would like to speak to it. I feel that the purpose of Mr. Moreau's motion is in the right direction, but I do not think that he has given the matter the consideration which it requires. I may be wrong. It seems to me that while these privileges have been given very broadly in the past to the servicemen, the purpose, mainly for the reasons stated by Mr. Greene, have been largely disappearing in recent years. The serviceman in Canada, on enlistment, declares his ordinary place of residence, which is usually the place listed. The existing regulations are that in January of each year he is entitled to change that place of residence to any electoral district which he pleases. Theoretically, the whole of station Greenwood, or the whole of Camp Borden, could change their place of ordinary residence to the electoral district of any member in the house. This is wrong in principle for, as Mr. McIntosh pointed out, it would be possible for a whole regiment to be induced to change their place of residence.

Mr. MOREAU: The motion does not make this possible.

Mr. NIELSEN: In order to overcome this, the serviceman in Canada should be required to vote at the ordinary civilian poll, or at the place of his ordinary residence declared at the time of his enlistment, and he should not be entitled at his whim to change his place of ordinary residence as often as he pleases.

Mr. MOREAU: Mr. Chairman, on a point of order, the motion simply deals with voting procedures; it does not deal with the residency requirement at all.

Mr. NIELSEN: Yes, but the motion is that servicemen be required to vote only according to the armed forces regulations.

Mr. MOREAU: That has nothing to do with residence requirements.

Mr. DEWIS: It is not correct to say that he can change his ordinary place of residence whenever he likes. All he can do in January or February is change it to the place where he is living as a result of his service, or he can change it back to where he was living at the time of enrolment. The whole of Greenwood station cannot change their addresses to the addresses of the members that are here.

Mr. NIELSEN: I have misconstrued the regulations. However, let me give you an example; there are over 350 armed forces electors who vote in the electoral district of Yukon, and I defy anybody in the government of Canada to tell me that there are 350 members of the armed forces who live in the Yukon.

Mr. DEWIS: Maybe they changed their addresses when they went there and then did not change them again when they went to Calgary or to Edmonton.

Mr. MOREAU: I do not think the matter of residence is relevant to the motion. I suggest we are discussing a motion before us and we should stick to it.

The CHAIRMAN: Those in favour of the motion please raise your right hands?

Motion agreed to: yeas, 8; nays, 2.

The motion is agreed to.

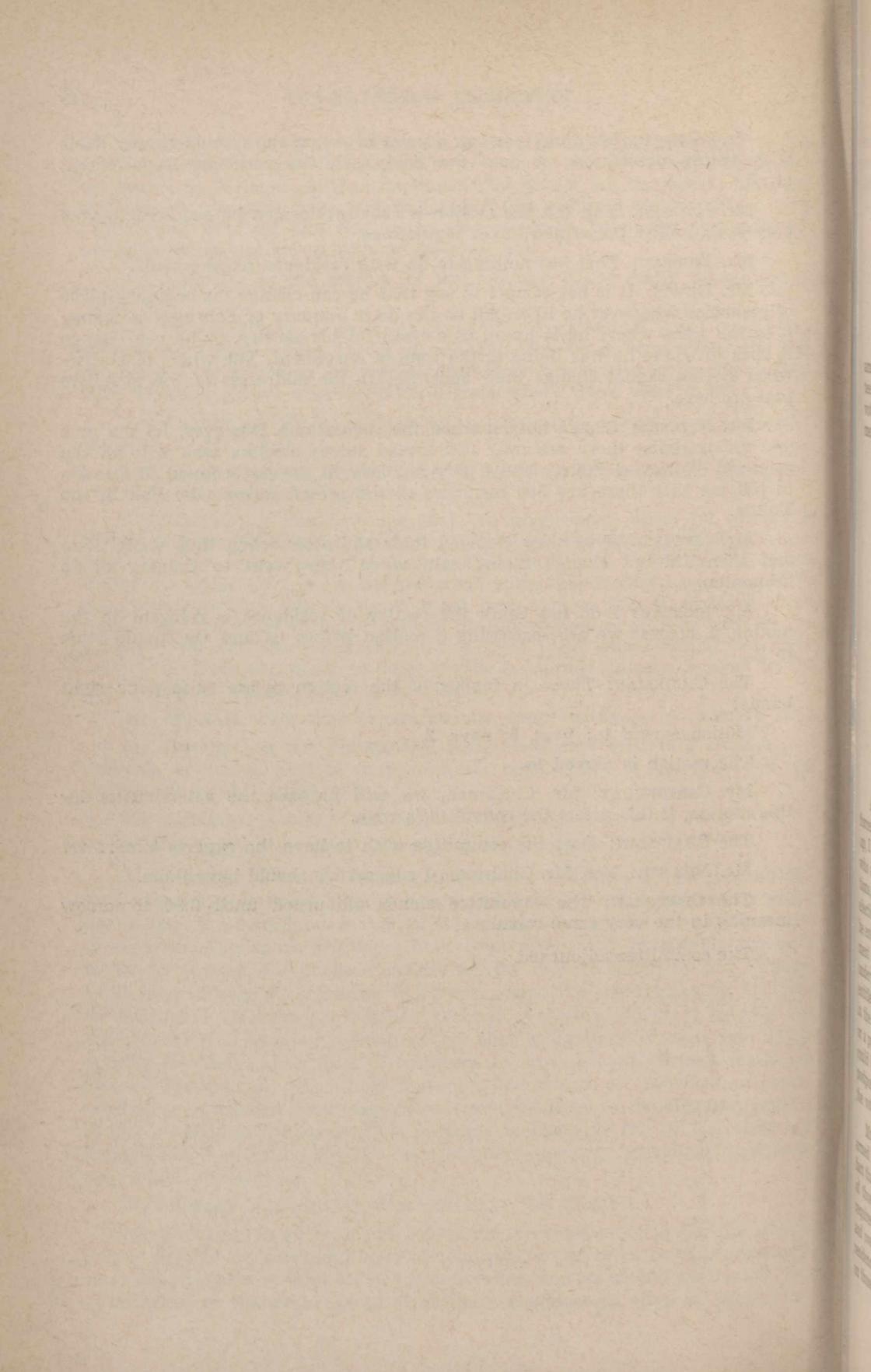
Mr. CASTONGUAY: Mr. Chairman, we will prepare the amendments for this motion, if this meets the committee's wish.

The CHAIRMAN: Does the committee wish to have the experts tomorrow?

Mr. NIELSEN: Yes, Mr. Chairman, I suggest we should have them.

The CHAIRMAN: The committee stands adjourned until 9.30 tomorrow morning in the very same room.

The committee adjourned.



## EVIDENCE

TUESDAY, December 10, 1963.

The CHAIRMAN: Gentlemen, I see a quorum. May we proceed right away.

Mr. Castonguay has prepared some amendments to the draft amendments.

M. N. J. CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman, these amendments were prepared to implement the motion approved by the committee at last evening's session to require that members of the Canadian forces vote under the Canadian forces rules only, and these would be the amendments that would be required to implement this into legislation.

The first amendment is to the Canada Elections Act, section 14:

### Canadian Forces Voting Rules.

Subsection (5) of section 14 of the Act is repealed and the following substituted therefor:

Voting by members of the Canadian Forces.

"14. (5) A Canadian Forces elector, as defined in paragraph 21 of the Canadian Forces Voting Rules, is entitled to vote

- (a) at a by-election only if he is actually residing in the electoral district in which the election is being held and in which is located his place of ordinary residence as shown on the statement made by him under paragraph 25 of those Rules, and
- (b) at a general election only under the procedure set forth in those Rules."

At by-elections, for which we do not have the mechanism of the Canadian forces voting rules, and at general elections where this mechanism is not kept up, I thought it would be the wish of the committee that members of the forces who are entitled to vote in by-election or postponed election or deferred elections, and who are present in the district, would be able to vote at the by-election; but at a general election the members of the Canadian forces would be entitled to vote only under the Canadian forces voting rules. So this amendment is prepared on the basis that at a general election—clause (b)—only under the procedure set forth in the rules would members of the forces be entitled to vote. At a by-election, if a member of the Canadian forces is serving in the electoral district and living in the electoral district where a by-election or a postponed election is being held, then that member of the Canadian forces could be put on the list of electors and be entitled to vote at the by-election, postponed election or an election where the writ has been withdrawn, where the vote could not be held because of some disaster or something.

Mr. NIELSEN: I would be against subclause (a). My reasons are these. An armed forces elector now is given extended voting privileges by virtue of the fact that he is serving in the armed forces. If the theory behind the extension of those broad privileges to a member of the armed forces is that he is required, by virtue of the orders, to move from point to point within Canada and overseas, and should therefore be entitled to select his place of ordinary residence and change it from time to time as he deems fit—and I will elaborate on those remarks because I am theoretically still right in what I said last night,

Captain Dewis—then I do not think that he should be extended the additional privilege, for it is that, of voting at a by-election. Here you have a member of the armed forces who declares his place of ordinary residence when he enlists, and then he can change it in either January or February of any year by completing a statement of change of address.

Let us assume that the armed forces elector has enlisted in Edmonton and has changed his place of residence to some place in Toronto and happens to be stationed in Halifax at the time of the by-election. He is entitled to vote at the by-election in Halifax. Ordinarily, a civilian is entitled to vote in one electoral district, whether it is an election or a by-election. If this amendment goes through, the serviceman will not only be entitled to vote in Toronto at a general election, by virtue of the fact that he has regularly filed a change of address statement under the rules, but if there is a by-election in Halifax, he can vote in Halifax.

Mr. FRANCIS: Only if the place shown in the statement is shown as the place where he happens to be.

Mr. CASTONGUAY: The place of ordinary residence that entitles him to vote is the one that appears on the last statement; that could be the original statement or a changed one. If the Canadian forces member's place of last ordinary residence is shown as Toronto, he cannot vote in Halifax.

Mr. NIELSEN: That is fine. Then my statement is not valid.

Mr. MOREAU: He has no more privileges than a civilian who has moved from Edmonton.

Mr. FRANCIS: And no less.

Mr. MOREAU: And no less; that is right. It is the same thing.

The CHAIRMAN: Is the amendment carried?

Amendment agreed to.

The next amendment is the addition of clauses 15A and 15B:

59. The said Rules are further amended by adding thereto, immediately after paragraph 15 thereof, the following paragraph:

Lists of Canadian Forces electors.

"15A. (1) At a general election, during the week commencing Monday the 21st day before polling day, the Chief Electoral Officer shall provide each special returning officer with lists of Canadian Forces electors as defined in paragraph 21 whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (8b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with Service numbers, of such Canadian Forces electors.

Safekeeping of lists.

- (2) The lists described in subparagraph (1)
- (a) shall not be open to inspection or be copied or extracted except by the Chief Electoral Officer, a special returning officer or their respective staffs for the purposes described in clause (d) of paragraph 70; and
  - (b) shall be carefully locked up when not in use and every precaution shall be taken for their safekeeping and transmission pursuant to subparagraph (2) of paragraph 84.

Uses not prohibited.

(3) Nothing contained in subparagraph (2) shall prohibit the use of the lists described in subparagraph (1) by the Canadian Forces for official purposes or in respect of provincial elections, if it is necessary to establish entitlement of members of the Canadian Forces to vote at such elections, but the provisions of subparagraph (2) shall apply mutatis mutandis."

The said Rules are further amended by adding thereto, immediately after paragraph 15A thereof, the following paragraph:

Lists of Canadian Forces electors at a by-election.

"15B. (1) At a by-election, a postponed election and at an election in an electoral district where a writ has been withdrawn and a new writ issued in accordance with subsection (4) of section 7 of the Act, during the week commencing Monday the thirty-fifth day before polling day, the Chief Electoral Officer shall provide to the returning officer of that electoral district a list of Canadian Forces electors, as defined in paragraph 21, whose statements of ordinary residence show those Canadian Forces electors as having a place of ordinary residence in that electoral district.

(2) The list described in sub paragraph (1) shall be open to inspection, at the office of the returning officer, by an officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom."

Mr. CASTONGUAY: At present under the Canadian Forces voting rules at a by-election or a postponed election, candidates or their accredited representatives cannot examine, as they can at a general election, the commanding officers' lists, because there is none prepared for a by-election. I thought it may be the wish of the committee that at a by-election we should prepare a list showing the name of the Canadian Forces electors who are entitled to vote at that by-election. They may not necessarily all be there at that time, but it will be the up to date list they have in the Department of National Defence showing these are the members of the Canadian Forces entitled to vote in Halifax, and that would be given to the official candidates at a by-election or a postponed election.

At present, the Department of National Defence co-operate with us to this extent: when a by-election is ordered they have instructed their commanding officers that either the enumerators or the returning officers may obtain the information of the right of the members of that unit to vote in that district. At least now we are providing an additional facility to candidates. We will provide a copy of the list of members of the Canadian Forces eligible to vote in that electoral district. It does not follow always that the people are there at the time of the by-election; we cannot establish that. So this would give facilities to candidates in political organizations.

The CHAIRMAN: Are there any objections?

Amendment carried.

We now come to the Canadian Forces voting rules, paragraph 26, and an amendment thereto:

Paragraph 26 of the said Rules is repealed and the following substituted therefor:

Voting by Canadian Forces electors at a general election.

"Every Canadian Forces elector, as defined in paragraph 21, is entitled to vote at a general election only according to the procedure set forth in these Rules."

Mr. CASTONGUAY: This is self explanatory.

The CHAIRMAN: Are there any objections?

Amendment agreed to.

Mr. NIELSEN: May I put my motion now, Mr. Chairman, because it is related to these amendments? I do not think I need elaborate on my reasons; they were sufficiently given last night. I would like to move, seconded by Mr. Doucett:

That the committee include in its final report a recommendation that Queen's regulations for the army, navy and air force be amended to permit candidates and their agents to visit, during an election, the residences of armed forces personnel on property under the control of the Department of National Defence without in any way prejudicing existing security regulations in force with respect to national defence establishments.

I think the deputy minister went so far as to express sympathy for the principle expressed in the motion last night.

Mr. FRANCIS: In connection with paragraph 26, I would like my personal objections recorded. This is the matter we debated at some length last night. It would mean that an armed forces elector could only vote at the establishment.

Mr. CASTONGUAY: At a general election.

Mr. FRANCIS: I wish my personal objection recorded.

The CHAIRMAN: We have a motion by Mr. Nielsen, seconded by Mr. Doucett:

That the committee include in its final report a recommendation that Queen's regulations for the army, navy and air force be amended to permit candidates and their agents to visit, during an election, the residences of armed forces personnel on property under control of the Department of National Defence without in any way prejudicing existing security regulations in force with respect to national defence establishments.

Those in favour of the motion please raise their right hands. Those against? Motion agreed to.

The next amendment refers to subparagraph (1) of the Canadian Forces voting rules:

Subparagraph (1) of paragraph 42 of these Rules is repealed.

Mr. CASTONGUAY: This is a consequential amendment.

Mr. BREWIN: These amendments do not cover, do they, the point we made about the list of people?

Mr. CASTONGUAY: I am coming to that.

I refer the committee to page 58 of the draft bill, line 27. Subparagraph (3) should be deleted from this bill. This then would implement the motion passed last night that this be deleted from the amendment.

The CHAIRMAN: Is it the wish of the committee that we should delete subparagraph (3) of paragraph (29) of the Canadian Forces voting rules, which is at page 58 of the draft bill?

Amendment agreed to.

The CHAIRMAN: We will proceed with paragraph 16 of the Canadian Forces voting rules, which refers to a list of names and surnames of candidates.

Are there any objections?

Mr. MOREAU: I am not quite clear just what we did when we deleted subparagraph (3).

Mr. CASTONGUAY: What you did, Mr. Moreau, was to say that in future the candidate or the accredited agent of the candidate can no longer examine the commanding officers' lists prepared at unit level.

Mr. MOREAU: We have not as yet the other amendment?

Mr. CASTONGUAY: We are preparing the other amendment but we have not reached that. We would like some guidance. When would you like this list? This was not established last night. If the members of the committee want this for postal purposes, to mail election details to the electors, they must take into consideration that the Canadian Forces voting begins a week before civilian polling.

Mr. FRANCIS: We must have the list a week before.

Mr. CASTONGUAY: You must remember there may be people serving in Europe, or anywhere. The members of the Canadian Forces shown on the electoral list at Carleton may be 300 in number, but of those 300 many may be at different places across Canada and outside Canada. It would therefore help us in drafting if the committee would help us by saying how long they want.

Mr. MOREAU: What is practically possible? We should have them as early as possible.

Mr. CASTONGUAY: Two weeks or three weeks before the service voting.

Mr. NIELSEN: It would have to be longer than that.

Mr. MOREAU: Three weeks.

Mr. NIELSEN: It would have to be longer than that if one wanted to send out more than one mailing. It should not be any great task, with the use of punch cards and computers that were mentioned last night by the deputy minister, to have it two weeks after the writ.

We should have it two weeks, if possible three weeks before.

Mr. CASTONGUAY: Not more than three weeks after the date of issue?

Captain J. P. DEWIS (*Department of National Defence*): Is this three weeks the time when the candidates will have them in their hands? Before that we have to prepare them and give them to Mr. Castonguay.

The CHAIRMAN: Yes.

Mr. DEWIS: This can be done fairly quickly. I think the Department of National Defence can do it in something over a week or ten days, but we cannot prepare this before the election is called. How long is Mr. Castonguay thinking of?

Mr. CASTONGUAY: Perhaps this might be supplied to me no longer than two weeks afterward. How many copies of this would you like? If I have to prepare the copies, it will slow it up.

Mr. NIELSEN: One copy is all right.

Mr. CASTONGUAY: I would send that by special delivery. I could get it out to the returning officers within three or four days. If the Department of National Defence was to supply me with the list within two weeks, then I would have to get them in your hands within three days.

Mr. NIELSEN: We will leave it at two weeks, and if there is a problem, national defence can tell us about it.

Mr. CASTONGUAY: The committee is in agreement that a specific date should be set in the regulations after which it should be supplied to me and I would be compelled to supply it to the candidates within a specific time thereafter.

The CHAIRMAN: Shall paragraph 16 carry?

Mr. CASTONGUAY: This is only to officially nominated candidates?

Mr. NIELSEN: Yes.

Mr. CASTONGUAY: There are many candidates in the field, but when it comes to putting up \$200 on nomination day they are not around. I would want to be in the position of only having to supply these to officially nominated candidates.

Mr. NIELSEN: In some instances the nominations are not over at this time.

Mr. CASTONGUAY: That is right.

Mr. NIELSEN: I would think you would have to take the chance they are going to be officially nominated.

Mr. CASTONGUAY: So, it will be to any candidate?

Mr. NIELSEN: Yes.

Mr. FRANCIS: I think we should fall back on the sort of process we understood previously.

Mr. CASTONGUAY: I would make these available to the returning officer. Apparently the wish of the committee is that these be supplied to any candidate who is not officially nominated but whose hat is in the ring.

Mr. NIELSEN: It would be necessary to supply it to officially nominated candidates, but at this time there are many candidates who are not officially nominated until quite some time after three weeks after the date of issue of the list.

Mr. DEWIS: There is quite a copying job involved in this. If you expect the Department of National Defence to provide these copies, I am informed the machine is able to make only four copies, and the fifth would not be good. If we provide five or six copies, this would involve another run.

Mr. CASTONGUAY: All my supplies for a general election are based on four candidates. There is nothing to prevent making certified copies of the additional ones which are provided for other candidates, provided that the Department of National Defence supplies me with enough copies for four. If I receive five copies, there is no problem.

Mr. DOUCETT: Would it be possible for the chief electoral officer to forward all copies to each returning officer and, as soon as the candidates are officially nominated, they can get them immediately.

Mr. CASTONGUAY: It is too late then.

Mr. FRANCIS: I can see trouble in respect of this. First of all, we do not want too many copies circulated. We all agree it is proper for each official candidate to have one, but, for security reasons we should not circulate too many. In most instances, a party does not know who is the candidate until fairly late in the game. I think the returning officer will have to deal with the head of the party organization, or someone else in many cases. I believe it is quite clear we do not intend to send out large numbers of copies; but I can imagine situations where there are two or three candidates within a party, each one of whom would press the returning officer for copies, and this puts the returning officer in a very difficult position. If one party absorbs three or four copies of the available supply early in the election, there could be trouble.

Mr. MOREAU: I think we are getting the nomination of parties and official nomination day confused. If the lists were supplied to the deputy returning officer, he would know which of his candidates is nominated, whether or not they have filed official nomination papers. I think the parties usually nominate their candidates considerably in advance of the official nomination day.

The CHAIRMAN: They could name them officially ahead of time and obtain all the lists of all the armed forces all over the world. I do not know how we can do it unless they are official candidates; we have to be careful in respect of security.

Mr. NIELSEN: If they want them badly enough, they will get them by paying \$200 a piece.

Mr. CASTONGUAY: We will supply them to a candidate. I think this can be controlled from the returning officers' point of view.

The CHAIRMAN: Rule 17, form of ballot paper.

Form of ballot paper.

17. The ballot papers supplied by the Chief Electoral Officer for the taking of the votes of Canadian Forces electors and Veteran electors shall be in Form No. 6.

Mr. BREWIN: Did you say we had passed 16?

The CHAIRMAN: Yes.

Mr. BREWIN: I understood that Mr. Howard had moved an amendment extending the procedure of making these lists available.

Mr. NIELSEN: I thought we were going back to the act and that it was decided when we dealt with the section we would take this up at this time.

Mr. BREWIN: I am sorry.

Mr. NIELSEN: I may be mistaken.

Rules 17, 18, 19 and 20 agreed to.

The CHAIRMAN: Rule 21, qualifications of Canadian forces elector.

Qualifications of Canadian Forces elector.

21. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Rules, while he or she

- (a) is a member of the regular forces of the Canadian Forces;
- (b) is a member of the reserve forces of the Canadian Forces and is on full-time training or service, or on active service; or
- (c) is a member of the active service forces of the Canadian Forces.

Exception.

(2) Notwithstanding anything in these Rules, any person who, on or subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and who at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph (1), shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Rules.

Mr. NIELSEN: There is, of course, the consequential amendment to 21 if the voting age of 18 is introduced.

Mr. CASTONGUAY: We presented all the amendments in respect of that in a package deal when the committee recommended the voting might be lowered to 18. So, the committee approved of the consequential amendments, even to the Canadian forces voting rules.

Rules 21 and 22 agreed to.

The CHAIRMAN: Rule 23, disqualifications.

#### Disqualifications

23. Notwithstanding anything in these Rules, a Canadian Forces elector who is undergoing punishment as an inmate in a service prison, detention barrack or any other penal institution for the commission of any offence, or is subject to any disqualification set out in section 14\* of the *Canada Elections Act*, is disqualified from voting under the procedure set forth in these Rules.

Mr. NIELSEN: I wonder if we might ask Brigadier Lawson or Captain Dewis whether this disqualifies a member of the armed forces from voting to any greater extent than it would disqualify a civilian if he happened to be in jail on polling day?

Mr. LAWSON: I am afraid I am not familiar with the civilian rules. However, I understand a person in jail is not entitled to vote. A man in detention is not permitted to vote. I think the same rule applies.

Mr. NIELSEN: Of course, in some respects the service laws are more strict, particularly in respect of disciplinary offences. The man might be serving a term of detention in a service detention barrack for a relatively minor offence.

Mr. LAWSON: For very minor offences they just go in the unit guard room. I do not think a man in the guard room is disqualified. This is not a penal institution. I do not think a man in for a very minor offence would be involved in this.

Mr. NIELSEN: There is no suggestion from the armed forces that this should be relaxed?

Mr. LAWSON: No.

The CHAIRMAN: Let us turn to page 53 of the draft bill.

60. Clause (b) of subparagraph (1) of paragraph 24 of the said Rules is repealed and the following substituted therefor:

“(b) specifies in a declaration in Form No. 7

- (i) the place of his or her ordinary residence as shown by the elector on the statement referred to in clause (a), if there is not on file in the unit in respect of such elector a statement of ordinary residence stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25; or
- (ii) if there is on file in the unit in respect of such elector a statement of ordinary residence stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25, the name of the electoral district shown on that statement.”

Mr. CASTONGUAY: This amendment is consequential to clause 59 and refers to machine lists we are now providing to the special returning officers and the stamping of the statements of the members of the Canadian forces on which we have placed the names of the electoral district.

Captain Dewis, I think you could explain this in greater detail.

Mr. NIELSEN: May I ask Captain Dewis whether the effect of this is to preclude a member of the armed forces from voting at all unless he has completed a declaration as to ordinary residence?

Mr. DEWIS: Mr. Chairman, if at the time of voting a serviceman has not completed a statement of ordinary residence he can during his service voting period complete such a statement, but he has no choice. On enrolment he should have completed a statement indicating the place of ordinary residence, but this is not the only document that is not always completed at time of enrolment. He can now complete the statement, but he can only indicate the place of enrolment, whether that was two years or ten years ago. At this time he cannot select the place of a relative or the place where he is serving; he is bound to give the place of enrolment.

Mr. MOREAU: Unless he made his statement early, before the election is called, he has to keep to the place where he was originally enrolled.

Mr. NIELSEN: I think that is desirable but I wonder whether the amendment accomplishes that.

Mr. DEWIS: I might interrupt Mr. Nielsen and say that it is paragraph 36 which specifically provides that if he has not completed his statement at the time of enrolling he may do so at the time he comes to vote; but he must designate the place where he was living at the time of enrolling. This refers to Form 7 and this is what gives him the right to complete the statement that he has not completed before. All paragraph 24 says is that he must complete this form before he can obtain the ballot. His place of ordinary residence when completed is sent to Mr. Castonguay, who stamps on it the appropriate electoral district. If that statement has been processed it will be back in the unit, and on the outer envelope he can merely put in the electoral district if he has the certified statements.

Mr. NIELSEN: As it is now?

Mr. DEWIS: As the amendment is now. Under the present rule he has to give the address he has given in the statement and also the electoral district, because previously there was no way for the returning officer to check whether his district was Carleton, for example. If he just put "Carleton", the special returning officers have to take a statement because they did not have the address. But now the special returning officers will have these lists from Mr. Castonguay showing officially his electoral district, and if they have that they do not need the address. It is immaterial whether or not they have the address, because they will have the electoral district.

Mr. NIELSEN: What percentage or what numbers of the members of the armed forces have not completed the statement of ordinary residence on enrolment?

Mr. DEWIS: I would think now practically everybody has. In St. John's, Newfoundland, we had to get out all the statements of ordinary residence, and there were about 40 of them. All these statements coincided with the day of enrolment. From talking to the records people, I can say that I think now the recruiters are catching them on enrolment and all these statements are being completed. Do not forget that if they neglect it they would be completed at time of voting; so I would say nowadays the number would be relatively small. Of 120,000 it is a matter of a few hundred who have not completed the statement; and if they have not maybe they have not voted through the services voting procedure.

The CHAIRMAN: Is this carried?

Amendment carried.

There is an amendment to paragraph 25:

61. Paragraph 25 of the said Rules is repealed and the following substituted therefor:

Ordinary residence on enrolment in regular forces.

"25. (1) Every person other than a person referred to in subparagraph (2) shall, forthwith upon his enrolment in the regular forces, complete in *triplicate* before a commissioned officer a statement of ordinary residence in Part I of Form No. 16 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which his place of ordinary residence immediately prior to enrolment was situated.

Idem.

(2) Every person who did not have a place of ordinary residence in Canada immediately prior to his enrolment in the regular forces shall, as soon thereafter as he acquires a place of ordinary residence in Canada as described in subclause (i) or (ii) of clause (a) of subparagraph (3), complete in triplicate before a commissioned officer, a statement of ordinary residence in Part II of Form No. 16.

Change of ordinary residence and statement of ordinary residence when not previously completed.

(3) A member of the regular forces who is not a member of the active service forces of the Canadian Forces may, in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election,

(a) subject to subparagraph (4), by completing a statement of ordinary residence in Part III of Form No. 16, in triplicate, before a commissioned officer, change his place of ordinary residence to the city, town, village, or other place in Canada, with street address, if any, and including the province or territory, in which is situated:

(i) the residence of a person who is the spouse, dependant, relative, or next of kin of such member;

(ii) the place where such member is residing as a result of the services performed by him in the forces; or

(iii) his place of ordinary residence immediately prior to enrolment; and

(b) if he has failed to complete a statement of ordinary residence mentioned in subparagraph (1) or (2), complete such statement of ordinary residence in Part I or II of Form No. 16, as applicable.

Not effective during a by-election.

(4) Notwithstanding subparagraph (3) where a statement of ordinary residence is completed changing the member's place of ordinary residence to a place in an electoral district where a writ ordering a by-election has been issued, the statement shall not be effective to change the member's place of ordinary residence for the purpose of that by-election.

Ordinary residence of member of reserve forces on full-time service.

(5) Every member of the reserve forces of the Canadian Forces not on active service who, at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day, is on fulltime training or service shall complete in triplicate, before a commissioned officer, a statement of ordinary residence in Form No. 17 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, where his or her place of ordinary residence was situated immediately prior to commencement of such period of full-time training or service.

Ordinary residence of member of reserve forces on active service.

(6) Every member of the reserve forces of the Canadian Forces who is placed on active service and who during a current period of full-time training or service has not completed a statement of ordinary residence pursuant to subparagraph (5) shall complete, in triplicate, before a commissioned officer a statement of ordinary residence in Form No. 17, indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which is situated

- (a) in the case of a member on full-time training or service, his or her place of ordinary residence immediately prior to the commencement of such full-time training or service; or
- (b) in the case of a member not on full-time training or service, his or her place of ordinary residence immediately prior to being placed on active service.

Ordinary residence on enrolment in active service forces.

(7) On enrolment in the active service forces, every person who is not a member of the regular forces or reserve forces shall complete, in triplicate, before a commissioned officer, a statement of ordinary residence in Form No. 17 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which is situated his place of ordinary residence immediately prior to enrolment in the active service forces.

Statement to be sent to Service Headquarters in duplicate.

(8) The original and duplicate copy of a statement of ordinary residence completed pursuant to this paragraph shall be forwarded to the appropriate Service Headquarters and the triplicate copy shall be retained in the unit with the declarant's service documents for disposal pursuant to subparagraph (8c).

Disposal by Service Headquarters.

(8a) The original and duplicate copy of a statement of ordinary residence in Form No. 16 received by a Service Headquarters pursuant to subparagraph (8) shall be forwarded to the Chief Electoral Officer, and the original and duplicate copy of Form No. 17 shall be retained on file in the Service Headquarters.

Stamping the statements.

(8b) Upon receipt pursuant to subparagraph (8a) of the copies of a statement of ordinary residence in Form No. 16, the Chief Electoral Officer shall cause them to be stamped with the description of the electoral district in which is situated the place of ordinary residence as shown thereon; and the original of each such statement shall be retained in the custody of the Chief Electoral Officer and the duplicate copy returned to the applicable Service Headquarters.

Recording statement at elector's unit.

(8c) Upon receipt of the duplicate copy of the statement of ordinary residence stamped as to electoral district pursuant to subparagraph (8b) the Service Headquarters shall forward the same to the commanding officer of the unit in which the Canadian Forces elector is serving; and upon receipt of the stamped duplicate statement the commanding officer shall destroy the triplicate copy of the statement and retain the stamped duplicate copy in the elector's unit service documents.

Destruction of prior statement.

(8d) Upon the completion of a statement in Part III of Form No. 16, the original and all copies of any prior statement of ordinary residence may be destroyed.

Retention of statements.

(8e) The original and duplicate copy of a statement of ordinary residence of a person who ceases to be a Canadian Forces elector shall be retained for a period of one year after his ceasing to be a Canadian Forces elector and may thereafter be destroyed.

Validity of previous statements.

(9) In lieu of the forms prescribed in this paragraph, the following forms may be used:

- (a) the forms prescribed in paragraph 22 of *The Canadian Forces Voting Regulations* in Schedule Three to the *Canada Elections Act*, Chapter 23, Revised Statutes of Canada, 1952, which may be used in the circumstances prescribed in that paragraph;
- (b) the forms heretofore prescribed under these Rules, which may be used in the circumstances prescribed in this paragraph."

Mr. CASTONGUAY: Clause 61 is found on page 53 of the draft bill. Under the existing rules a member of the forces must complete the statement in duplicate, but now because of the new procedure it must be prepared in triplicate.

At page 55, Captain Dewis, there is a new amendment we want to submit to replace (5) and (6).

Mr. DEWIS: If you refer to subparagraph (5) and subparagraph (6) on page 55 of the draft you will see they are very much the same as the present (5) and (6) in the actual rules.

Paragraph (5) provides that a member of the reserve forces not on active service, if he is on full-time training or duty during a period of election, is required to complete a statement and to state his address; he must indicate, of course, where he was living at the commencement of his full time reserve service. You will notice in the amendment to subparagraph (6) that every

member of the reserve forces placed on active service, who has not completed his statement, must complete such a statement. Subparagraph (5) came in after the war. At the moment we are on active service—that is, all the regular forces are on active service and any member of the reserve. When he is on two days full time training, automatically he comes on active service, that means, pursuant to the present subparagraph (6), when he comes on full time training or service for two or three weeks with a regular force unit, he automatically comes on active service and he automatically has to complete a statement even though two months ago we had a general election and there may not be another one for three or four years. This causes us to accumulate large numbers of these statements from reserve force personnel which will never be used at any election because the men may be in for only two or three weeks and they may be in for a year or so. Now we are setting up this card system we have to process all these forms that are only going to be useful for two or three weeks; we have to set up the cards, and as soon as they cease full time service we have to turn around and pick the cards out from among these, as well as the statement.

The effect of this proposed consolidation of subparagraphs (5) and (6) is that any member of the reserve forces who is on full time training or service when an election has been called will complete a form and, of course, in the form he will have to indicate where he was residing immediately prior to coming on the full time service. These forms, of course, will be useful; they will be used during an election. When he finally finishes his full time service we will have to pick out that card and that statement as dead wood, but I do not see any alternative to that. This will get around his two week summer employment at militia units. The act says they have to complete the statements, and that is all this proposed consolidation of (5) and (6) will do.

Mr. NIELSEN: There is no way in which a candidate will be able to get a list of names of that type of elector if reserve training starts, for instance, in the fourth week before polling day.

Mr. DEWIS: No, that is true; these names will not appear on the machine list, but there are relatively few nowadays on full-time service employment.

Mr. NIELSEN: And there may be less.

Mr. DEWIS: There may be less, yes.

Mr. NIELSEN: Thirty thousand less!

Mr. DEWIS: Not many of them will come under this, but there will be even fewer on full time service during elections.

Mr. MOREAU: What is the usual training period? Is it about two weeks?

Mr. DEWIS: It could be any time from two weeks to maybe a month or a month and a half.

Mr. MOREAU: What is the general period?

Mr. DEWIS: On the other hand, we have them on continuous army duty, or navy or air force duty, and they may be on duty for a year or two; but in this category there would not be over a few hundred.

Mr. MOREAU: I am thinking of the militia unit that goes on summer exercises for a few weeks. They would probably be deluged with political propaganda before they went on this exercise anyway.

Mr. DEWIS: If they conduct their own camp not in conjunction with the service, they would be on full time training, not on active service; and they would be completing statements if the training was during a voting period.

Mr. NIELSEN: I think the objective of extending the franchise and making it as easy as possible for armed forces is an admirable one and should be applied across the board.

In the Department of Mines and Technical Surveys, for instance, one has literally hundreds of people all over the country who are disenfranchised because of the very type of duty requirements that Captain Dewis is speaking about. Again, the answer is a permanent list.

I do not want to pass the whole of clause 25. I am in agreement with the amendment of Mr. Castonguay.

The CHAIRMAN: Is the amendment carried?

Amendment carried.

Let us now deal with the whole section. Clause 1.

Mr. NIELSEN: In the earlier meetings of the committee did you catch the situation in which the wife of a serviceman is disenfranchised if the soldier and his wife come back to Canada from an overseas posting and a general election is held within the 12 month period after their return from Europe? Did you catch that?

Mr. CASTONGUAY: This was caught in 1960 to this extent: at that time the wife of a member of the Canadian forces returning to Canada had to comply with the civilian regulations and have been in Canada for one year before polling day. In 1960 the remedy suggested and approved, which is now the law, was that such a wife must comply with the same provisions as any other Canadian citizen, she must be in the electoral district on the date of the issue of the writ. If the wife is a British subject and not a Canadian citizen, then she would have to have one year's residence.

Mr. FRANCIS: Would this apply also to families of foreign service officers, for example?

Mr. CASTONGUAY: They must be in Canada on the date of the issue of the writ.

Mr. NIELSEN: Why is that covered now? I do not see any change in the act.

Mr. CASTONGUAY: It is in section 14. She has to meet the same requirements as anyone else.

Mr. NIELSEN: Section 14 (1) (c) still requires the British subject to be resident for the 12 months immediately preceding polling day.

Mr. CASTONGUAY: Yes, but not a Canadian citizen.

The CHAIRMAN: Is that carried?

Clause 1 carried.

Paragraph 25 (2) carried.

Paragraph 25 (3).

Mr. NIELSEN: In connection with the observations I made last night and the remarks of Captain Dewis, I want to elaborate here because I think perhaps Captain Dewis gained the wrong impression of the point I was trying to make. I realize the rule as it is now written requires a serviceman, if he wishes to change the place of ordinary residence from that which he gave on enrolment as being his place of ordinary residence, can only do so if the place to which he wishes to change his ordinary residence is one in which there resides a person who is the spouse, dependent, relative or next of kin of such serviceman under subparagraph (i) in the conditions of (ii) and (iii).

The situation I wish to bring to the attention of the committee and of Brigadier Lawson and Captain Dewis is that which arises and is an abuse of this rule, intentionally or otherwise, when a serviceman will change his place of ordinary residence to a location such as Yukon. Perhaps he changed because he was living there for two years or perhaps longer, and he wants naturally to take full part in community activities, including federal general elections, and he is likely to know the candidate on the spot better than he does the candidate in his own home. He may have changed for any other reason. Then he is posted—and this occurs in every service—and he does not file a statement of change of residence, with the result that one has hundreds of service people who have left their place of ordinary residence as a result of their last statement being filed as the Yukon and they have no further interest there, do not intend to come back there, have no next of kin or spouse there and nor do they comply with any other rules that are listed under these three subparagraphs. So one has a very unfair situation which must be remedied.

The intent of the rule is obvious. The serviceman, if he is going to change, must comply with these three subparagraphs. If the conditions cease to exist when the serviceman is posted, then so should his right to vote cease to exist at that place where he files his statement of change. My suggested cure for this is that either the serviceman be required to vote in the place of his ordinary residence as filed at the time of enrolment—which might be a harsh solution—or the compromise solution of disqualifying the serviceman from voting in the place of ordinary residence which he selected by changing his statement if he ceases to be posted there and does not meet the conditions under subparagraphs (i), (ii) and (iii).

Mr. MOREAU: I realize the problem Mr. Nielsen is envisaging. Perhaps Yukon is a special case; many do not want to go back there. I would suggest, though, that someone who might have enlisted in New Brunswick or one of the small western towns and who might have lived in Toronto or Ottawa, one of our major centres, in a military establishment, for five or six years and might have married there and been posted somewhere else, may have every intention of going back to that centre and probably identifies himself in his own mind with that particular area rather than the small town from which he came and from which his parents may have moved away. Perhaps there is a problem there, but I wonder if the remedy might not be just as bad as the situation.

Mr. NIELSEN: I think you are missing the intent of the restrictions in subparagraph (i), (ii) and (iii) because if you read them carefully you will find the serviceman is only entitled to change his place of ordinary residence if there is residing in that place to which he intends to change a person who is the spouse, relative or next of kin of such serviceman or if the city, town, or village in Canada to which he wishes to change is the place where he is residing at the moment, or if that city, town or village in Canada is the place of his ordinary residence immediately prior to enrolment. These are restrictions which are placed around qualifications for a serviceman to change his place of ordinary residence. If he ceases to meet those requirements, and this is the situation about which I am talking, it has nothing to do with his intention to go back there. If he moves away and therefore does not comply with either (ii) or (iii), if he moves away and it was not his place of ordinary residence immediately prior to enrolment and if he has no spouse or other next of kin there, surely he should not be entitled to vote.

Mr. MOREAU: I am only raising the point of someone who may have lived in, say, Toronto for ten years in the service, who may have married,

who may have a family and who may be posted temporarily to Halifax or some other base. He, in his own mind, feels his place of residence is Toronto. The accident of birth, the place where he happened to enrol, he would think would be a limiting factor and one he would not want to be bound by forever.

It seems to me the intent of these regulations is to prevent servicemen, for whatever reason, by accident or by intent, suddenly all deciding to vote in one electoral district and therefore perhaps influencing unduly the results in a particular riding. I think the regulations we have here do not really allow that, although I agree with you, Mr. Nielsen, that in some cases there are people who are voting in electoral districts with which perhaps they have little identity when the election occurs. For instance, they may have moved from Whitehorse. Surely the rules as they are drafted now do prevent the sort of situation they were designed to prevent; that is, that we would not have service personnel suddenly all deciding to vote in a particular riding. I think the regulations do cover that. The only reason for having this election of residence and so on is to afford as much freedom as possible for the serviceman without getting into the problem of weighting the election in a particular riding. That is really my interpretation of what the section is designed to do, but perhaps I am incorrect in this.

Mr. NIELSEN: That may be one result, but I think the real intent of it is not to deny the soldier the same right as any other Canadian citizen of changing his place of ordinary residence if he moves about the country, not to be stuck in perpetuity with a place of residence to which he never returns, but in so doing I think the regulations have been designed to prevent the type of situation you describe.

My point is that it has happened, probably by inadvertence but it could happen by intention. In my own riding, and I refer to this because it is the one with which I am most familiar, but I think the same situation exists in Digby-Annapolis-Kings and certainly it would exist in Halifax and Danforth, and I think it would exist in Portage-Neepawa, the abuse is there, intentionally or not, and this service vote is influencing the election in ridings where the serviceman is not meeting the requirements that are set down in the regulations. There are now in excess of 300 armed forces electors who are entitled to vote in Yukon. There are roughly 400 soldiers who are going to be moved from Yukon as the result of the minister's announcements in the house the other day. What percentage of these service people who are leaving Yukon have selected their place of ordinary residence I am not aware, but I would think a good one-third of them would have done so. We have a situation in my particular riding where the likelihood is that there will be between 400 and 500 servicemen who, if this is not changed, will still be entitled to vote in Yukon if an election is going to be called this summer. I am sure this is not what the armed forces wanted to have as a result of these regulations. The margin in my riding has constantly been about 500 votes. I am not suggesting that the armed forces are voting one way or another.

Mr. MOREAU: I am sure you would object to any change in the regulations which would allow servicemen to say during an election "I don't want to name Whitehorse as my place of ordinary residence; I want to vote where I am now stationed." I am sure you would object to that. I think you would object to that with reason, because then we would perhaps have a situation in which all the personnel on a particular base decided they wanted to vote in that particular riding. The only alternative is to put them back where they enlisted.

Mr. NIELSEN: I would not object to that because this brings to mind a third possible solution which I had not thought of until you raised this. You are thinking of service people collectively, but in fact it does happen

that service people are posted around the country and the result you suggest is brought about because they are scattered. The third possible compromise solution to prevent this sort of thing is that when a serviceman is posted and no longer meets the requirements of paragraph 25 (3) (a) (i), (ii) and (iii), he is entitled only to vote at the place of ordinary residence as declared by him at the time of enrolment. Or he can make a new statement at the time you ask for his ballot at the service poll conducted at the time the election is called, which is the result of Captain Dewis's amendment.

The CHAIRMAN: Have you an amendment to place in front of the committee?

Mr. NIELSEN: It is a very complicated matter. I cannot draft an amendment in two seconds. Mr. Castonguay is familiar with the problem and we have had discussions on it out of the committee. I am sure both Brigadier Lawson and Captain Dewis are familiar with the problems. I wonder if either the brigadier or the captain would like to comment on the statements I made and also on the validity of the compromise solutions I have suggested.

The CHAIRMAN: Do you wish Mr. Castonguay to prepare an amendment?

Mr. NIELSEN: I would like the committee to have the advice of the experts first.

Mr. LAWSON: I can see the validity of the point Mr. Nielsen is making. On the other hand, I cannot myself see any solution offhand that would not raise more problems than already exist. That is the difficulty I see. To allow servicemen to change at the last moment and vote in the place where they happen to be residing has certain dangers. We know all those dangers and they have brought about incidents in the past. We purposely limit the times when the servicemen can change place of ordinary residence in order to eliminate those dangers. Now we want to go back and open it up again if, as Mr. Nielsen suggests, we allow the change to be made at the time of the election. However, it is a balance of bad and good features that has to be looked at; that is all.

Mr. NIELSEN: I wonder, Mr. Chairman, if Brigadier Lawson could assess the workability of this proposal. Assume a member of the armed forces has the right to vote in an electoral district, as the result of filing a statement of change, and is subsequently posted from that electoral district in circumstances which present the situation that he no longer meets the necessary qualifications to file a statement of change under paragraph 25(3) (a) (i), (ii) and (iii). In those circumstances assume a further regulation were inserted in the rules stipulating that a serviceman could not vote in that district if he lost those qualifications but may, (a) have his vote counted in the electoral district which was stated as the place of ordinary residence on enrolment, or (b) vote according to the amendment that we have just passed. As Captain Dewis explained, that amendment applies to a serviceman who has not filed a statement of ordinary residence on enrolment and therefore can complete a statement at the time he presents himself with his ballot. This would take nothing from the serviceman at all except the right to vote where he is not entitled to vote.

Mr. MOREAU: If he has not made a change in January or February then he can only vote in an electoral district in which he enlisted, even if he files a form. So what you are saying is that there is (a) and (b), but he really only has (a).

Mr. NIELSEN: No, I am not. I am suggesting a procedure for my (b) point instead of restricting him only to voting in his place of ordinary residence at the time of original enrolment. I am suggesting as my (b) point that at the time of presenting himself for his ballot he be entitled to declare another electoral district where he meets the qualifications (i) (ii) and (iii).

Mr. MOREAU: He does not have that election.

Mr. NIELSEN: I know; I suggest it is possible for the rules to be changed.

Mr. FRANCIS: I would be against opening it up in terms of what we would gain.

Mr. DEWIS: The only alternative is where he is serving, and we have heard objections to that. The other alternative is where the relative or spouse resides and then his wife is likely to be with him, so it boils down to place of enrolment or where he is now serving. Many servicemen would like to be able to do that, but there are objections to that.

Mr. MOREAU: I am sure other members of your party, Mr. Nielsen, would not support such a view because the very reason for having the election in January and February is to prevent exactly that sort of thing.

Mr. FRANCIS: You mean election in terms of choice?

Mr. MOREAU: Yes, filling out the form in January or February to prevent them from necessarily voting where they happen to be serving.

Mr. NIELSEN: My point is that it is now against the law for a serviceman to vote where he has no dependents. It is against the law for a serviceman to vote where he is not residing or where he has not declared his ordinary residence as being at the time of enrolment. It is against the law for his ballot to be counted in those circumstances, and yet ballots are being counted in those circumstances.

Mr. MOREAU: It is not against the law. There is a qualification in paragraph (a) to the effect that if he has completed the form in triplicate before a commissioned officer to change the city, town, village, or other place in Canada, he may vote.

Mr. NIELSEN: You have missed the point. In the situation I have described, where a serviceman filed his statement of place of ordinary residence in January or February of any year, he ceases to reside there, has no next of kin there and it is not his place of ordinary residence, by allowing him to vote in that district one is breaking the law.

Mr. MOREAU: What law?

Mr. NIELSEN: The only reason it is not breaking the law is that there is a provision that any member of the Canadian forces shall be deemed to continue in his place of ordinary residence.

Mr. MOREAU: And therefore he is not breaking the law.

The CHAIRMAN: I think the matter has been thoroughly discussed.

Mr. NIELSEN: I request the tolerance of the committee to stand this until I can prepare an amendment.

The CHAIRMAN: Is everyone in favour of standing subparagraph (3)? Those in favour please raise their right hands. Those against? This subparagraph will not be stood.

Is subparagraph (3) adopted?

Subparagraph (3) carried.

Mr. NIELSEN: I would like to thank the committee for their consideration.

Subparagraphs (4), (7), (8), (8) (a), (b), (c), (d), and (e) carried.

Paragraph 27 of the Canadian forces voting rules will be found on page 16.

#### 8. PROCEDURE FOR TAKING THE VOTES OF CANADIAN FORCES ELECTORS

Communication with the Minister of National Defence.

27. (1) As soon as possible after the general election has been ordered, the Chief Electoral Officer shall inform the Minister of National Defence, of the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting and counting of the votes of Canadian Forces electors, setting out the voting territory assigned to each of them; in the case of each voting territory, the Minister shall designate a member of each of the naval, army and air forces of Canada to act as liaison officer in connection with the taking of the votes of Canadian Forces electors, and the Minister shall inform the Chief Electoral Officer of the name, rank, and post office address of each liaison officer so designated.

Communication with the special returning officers.

(2) The Chief Electoral Officer shall forthwith inform each special returning officer of the names, ranks, and post office addresses of the liaison officers designated as above provided, with whom arrangements shall be made for the taking of the votes of Canadian Forces electors; the Chief Electoral Officer shall at the same time direct each special returning officer to proceed with the duties imposed upon him in these Rules.

Duties of liaison officer.

(3) The liaison officer designated in each of the respective Forces shall, immediately upon receiving notice of his appointment, communicate with the commanding officer of every unit stationed in the voting territory, stating all necessary particulars not included in these Rules relating to the taking of the votes of Canadian Forces electors at the general election; during the period between the issue of the writs ordering the general election and polling day thereat, the liaison officer shall cooperate with the special returning officer, the various commanding officers and deputy returning officers designated pursuant to paragraph 32 in the taking of the votes of Canadian Forces electors.

Mr. NIELSEN: Will Mr. Castonguay briefly outline the procedure for taking the armed forces vote in other commonwealth countries which he has visited.

Mr. CASTONGUAY: None of the countries has forces voting rules as far as I know; they all have permanent lists. The members of the forces avail themselves of the same facilities as those provided to civilians. In war time they had special rules, but on my recent visit to Australia and New Zealand I found they now have the same facilities as civilians.

Mr. FRANCIS: Do they not employ a proxy vote?

Mr. CASTONGUAY: They have the permanent list and there is no proxy vote. One can go into the high commissioner's office in Ottawa and, whether one is civilian or service personnel, one can vote at the high commission's office. It is all absentee voting, it is all done on the permanent list basis. Everyone is on the same footing.

Mr. FRANCIS: One of the countries has proxy voting, surely.

Mr. CASTONGUAY: Not for services. We have proxy voting here for prisoners of war. I have not studied this in depth, but I spoke to the chief electoral officer for Trinidad and he has made a study over a period of one year in the United Kingdom of the permanent list system. He told me that his study shows that all civilians and members of the forces are voting under the permanent list. I was particularly interested in that.

Mr. LEBOE: There is an absentee ballot; it is a postal ballot. What we have in Canada is a permanent list and absentee ballot exclusively for the forces. One can call it whatever one likes, but that is what it is.

Mr. MOREAU: If we had a permanent list we could then eliminate the problem of segregating the forces vote.

Mr. NIELSEN: How is it done in the United States?

Mr. CASTONGUAY: I attended a conference in 1962 of chief electoral officers and professors from universities all across the United States, about 50 professors. This was a three-day seminar. There are no uniform rules even within a county, even within a state; each state varies. In some states the service personnel have to apply and in other states they do not have any facilities outside the county or outside the state for service personnel. I do not think any example from the United States could be of any assistance to the committee. One must remember that the permanent list is designed for a fixed election day every second year. In the commonwealth the systems are geared to the power of dissolution which the Prime Minister has. So any system that is to be compared for national application should not be a system which is not designed for the Prime Minister's power of dissolution. The United States is working to a fixed date. Any system that is studied must be a system which is based on that power of the Prime Minister of dissolution, which can be at any date.

Mr. LEBOE: The fixed date idea should be put to a plebiscite to see what the people of Canada want.

The CHAIRMAN: Is paragraph 27 carried?

Carried.

Let us turn to paragraph 28.

Publication of notice of general election.

28. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer that a general election has been ordered in Canada, publish as part of Daily Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed as polling day.

Idem.

(2) It shall be stated in the notice referred to in subparagraph (1) that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose during such hours and on such days of the period of six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive, as may be fixed by the commanding officer, which shall be not less than three hours a day on at least three days of that period.

Affording of necessary voting facilities.

(3) The commanding officer shall afford all necessary facilities to Canadian Forces electors of his unit, and to the wives of such electors who are Canadian Forces electors, as defined in paragraph 22, to cast their votes in the manner prescribed in these Rules.

There is an amendment, clause 63 of the draft bill.

63. Subparagraph (1) of paragraph 28 of the said Rules is repealed and the following substituted therefor:

Publication of notice of general election.

"28. (1) Every commanding officer shall, forthwith upon being notified by the appropriate Service authority that a general election has been ordered in Canada, publish as part of Daily Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed as polling day."

Mr. CASTONGUAY: This is an amendment suggested by the forces; it is purely a matter of administration.

Carried.

The CHAIRMAN: Paragraph 29.

List of names, etc., of Canadian Forces electors.

29. Within two weeks after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of

- (a) the names, ranks, numbers and, in the case of those who completed statements under paragraph 25, places of ordinary residence, as shown on such statements, of Canadian Forces electors, as defined in paragraph 21, attached to his unit; and
- (b) the names of Canadian Forces electors, as defined in paragraph 22, who are married to Canadian Forces electors described in clause (a), and the names, ranks, numbers and, in the case of those whose husbands completed statements under paragraph 25, places of ordinary residence as shown on such statements of their husbands;

the commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors described in clauses (a) and (b); at any reasonable time during an election, such list and the statements referred to in paragraph 25 shall be open to inspection by any officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom.

Mr. CASTONGUAY: That is consequential to the amendments we carried in clause 61.

Carried.

The CHAIRMAN: Paragraph 30.

Canadian Forces elector in hospital, etc.

30. (1) Every Canadian Forces elector, as defined in paragraph 21, who is undergoing treatment in a Service hospital or convalescent

institution during the period prescribed in subparagraph (1) of paragraph 28 for the taking of the votes of Canadian forces electors at a general election shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution, and a Canadian Forces elector, as defined in paragraph 22, whose husband is in such hospital or institution may vote at the place where her husband may vote or at the place where he could have voted before he went in such hospital or institution.

Voting by bed-ridden Canadian Forces electors.

(2) Whenever deemed advisable by the deputy returning officer who is authorized under these Rules to take the votes at a Service hospital or convalescent institution, he shall, with the approval of the officer commanding such hospital or institution, go from room to room to take the votes of the bed-ridden Canadian Forces electors.

When no deputy returning officer appointed for Service hospital, etc.

(3) If a deputy returning officer is not appointed specifically for a Service hospital or convalescent institution, the deputy returning officer appointed for the unit to which such hospital or institution belongs may take the votes of Canadian Forces electors confined in such hospital or institution.

There is an amendment suggested by the forces.

Mr. NIELSEN: What is the amendment?

The CHAIRMAN: This is paragraph 30.

65. Subparagraph (1) of paragraph 30 of the said Rules is repealed and the following substituted therefor:

Canadian Forces elector in hospital, etc.

"30. (1) Every Canadian Forces elector, as defined in paragraph 21, who is undergoing treatment in a Service hospital or convalescent institution during the period prescribed in subparagraph (2) of paragraph 28 for the taking of the votes of Canadian Forces electors at a general election shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution, and a Canadian Forces elector, as defined in paragraph 22, whose husband is in such hospital or institution may vote at the place where her husband may vote or at the place where he could have voted before he went in such hospital or institution."

Mr. NIELSEN: What is the situation of those hospitals in which servicemen might be undergoing treatment, part of which is under the authority of the armed forces and part of which is under civilian authority?

Mr. DEWIS: Every serviceman in hospital has a commanding officer and is on the books of the unit, so it is up to the commanding officer to ensure the vote is taken. He would set up a poll there if there were enough people, otherwise he would use one of our mobile polls, and the deputy returning officer would attend in hospital and take the poll.

Mr. DOUCETT: And his wife would attend there?

Mr. DEWIS: Not in Canada but outside Canada.

Mr. NIELSEN: The ballot box, being mobile, is taken to the hospital?

Mr. LEWIS: It is not a ballot box; it is an envelope.

Mr. FRANCIS: I am concerned about timing. Presumably they are entitled to vote in the hospital, but when? At the time the military forces prepared their list they would be included in the hospital? Is that what would happen? I am thinking of a short-stay patient in the hospital who is discharged prior to election day itself. Would he lose his vote?

Mr. DEWIS: He would vote at the same time as the services; that is Monday before polling day. If he were in hospital during that week, he would vote then. If he was back in his unit, he would vote in his unit.

Paragraph 30 carried.

The CHAIRMAN: Paragraph 31.

31. Forthwith upon receiving the supplies mentioned in paragraph 20, the commanding officer shall

Distribution of supplies by commanding officer.

(a) distribute the supplies in sufficient quantities to every deputy returning officer designated by him to take the votes of Canadian Forces electors; and

Posting up of list of names of candidates.

(b) cause copies of the list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places.

Mr. CASTONGUAY: At page 18 of the Canadian forces voting rules you will find this paragraph to which there is no amendment, Mr. Chairman.

Paragraph 31 carried.

The CHAIRMAN: Paragraph 32.

Mr. CASTONGUAY: There is no amendment.

Paragraphs 32, 33, 34 and 35 carried.

The CHAIRMAN: There is an amendment to paragraph 36, page 19 of the Canadian forces voting rules. This is clause 66 of the draft bill.

Mr. CASTONGUAY: These amendments are consequential to the amendments carried in clause 61.

66. (1) Subparagraphs (1) to (3) of paragraph 36 of the said Rules are repealed and the following substituted therefor:

Declaration of Canadian Forces elector as defined in paragraph 21.

"36. (1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 21, the deputy returning officer before whom the vote is to be cast shall

(a) require such Canadian Forces elector to make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, and the declaration

(i) shall state such elector's name, rank and number,

(ii) shall state that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 21), and that he has not previously voted at the general election, and

(iii) shall show

- (A) the name of the electoral district only, if his statement of ordinary residence on file in his unit has been stamped as to electoral district pursuant to subparagraph (8b) of section 25, or
- (B) if the statement of ordinary residence on file in his unit has not been stamped as to electoral district pursuant to subparagraph (8b) of paragraph 25, the city, town, village or other place in Canada (with street address, if any, and including the province or territory) shown in such statement, together with the electoral district as ascertained by such elector, or
- (C) if no such statement of ordinary residence appears to have been made by such elector, the place of ordinary residence (and the electoral district applicable to that residence as ascertained by such elector) as shown by a statement, which shall be subscribed in triplicate before a commissioned officer or a deputy returning officer in Form No. 16 (Part I or Part II, as applicable) if such elector is a member of the regular forces or in Form No. 17 if such elector is a member of the reserve forces or the active service forces;

and

- (b) cause such Canadian Forces elector to affix his signature to the declaration made under clause (a);

and the certificate printed under the declaration shall then be completed and signed by the deputy returning officer.

Declaration of Canadian Forces elector as defined in paragraph 22.

(2) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 22, the deputy returning officer before whom the vote is to be cast shall

- (a) require such Canadian Forces elector to make a declaration, in Form No. 8, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, and the declaration
  - (i) shall state such elector's name, and the name, rank and number of her husband,
  - (ii) shall state that she is a Canadian citizen or other British subject, that she has attained the full age of twenty-one years, that she has not previously voted at the general election, and
  - (iii) shall show such information in respect of the place of ordinary residence and electoral district as is required under subclause (iii) of clause (a) of subparagraph (1) to be shown by her husband,

and

- (b) cause such Canadian Forces elector to affix her signature to the declaration made under clause (a);
- and the certificate printed under the declaration shall then be completed and signed by the deputy returning officer.

Warning to Canadian Forces elector and deputy returning officer.

(3) At this stage, the Canadian Forces elector and the deputy returning officer shall bear in mind that, as prescribed in paragraph 73, any outer envelope that does not bear the signature of both the Canadian

Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or any outer envelope upon which the name of the electoral district as stamped on the statement of ordinary residence pursuant to subparagraph (8b) of paragraph 25 does not appear or, alternatively, the place of ordinary residence of the Canadian Forces elector is not sufficiently described to permit the ascertainment of the correct electoral district, will, (unless the electoral district is ascertained pursuant to clause (d) of paragraph 70), be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope will not be counted."

(2) Subparagraph (7) of paragraph 36 of the said Rules is repealed and the following substituted therefor:

Filing of statements.

"(7) The original and other copies of a statement of ordinary residence completed pursuant to subparagraph (1) shall be disposed of and otherwise dealt with pursuant to subparagraphs (8) to (8e) of paragraph 25."

Mr. CASTONGUAY: There is no change in substance other than the amendments approved by the committee in clause 61.

Carried.

The CHAIRMAN: Paragraph 37 of the rules, page 20.

Manner of voting by Canadian Forces elector.

37. After a Canadian Forces elector has completed and signed a declaration in Form No. 7 or Form No. 8 and the deputy returning officer has completed and signed the certificate printed thereunder, as prescribed in subparagraph (1) or (2) of paragraph 36, the deputy returning officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice; the ballot paper shall then be folded by the Canadian Forces elector; when this has been done, the deputy returning officer shall hand an inner envelope to the Canadian Forces elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope and hand it to the deputy returning officer, who shall, in full view of the Canadian Forces elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Canadian Forces elector.

Mr. CASTONGUAY: No amendments are suggested.

Mr. NIELSEN: I am still referring to paragraph 36, Mr. Chairman. In reference to subclause 4, I take it the affidavit sets forth that the Canadian Forces elector applying for the ballot is simply entitled to vote, is that it, Mr. Dewis?

Mr. DEWIS: The deputy returning officer has the unit list with the man's name on it. However, maybe the most recent statement is lost and he says "my address is so and so." If the deputy returning officer wishes or if there happens to be an agent of the candidate there, they can say, "Well, make an affidavit to the effect that this is your address, because on the list it is something else." Therefore he makes his affidavit on oath that that is his correct place of residence and then he is entitled to a ballot. In other words, this is a provision for a challenge.

Mr. NIELSEN: Form No. 15, page 50 of the rules says:

That the place of my (husband's) ordinary residence in Canada, as shown on the statement by me (him) under paragraph 25 or subparagraph (1) of paragraph 36 of the Canadian Forces voting rules. . .

That is the statement given on enrolment or the statement of change.

Mr. DEWIS: It could be either.

Mr. NIELSEN: It states "under paragraph 25". I suppose a possible solution to the problem which I raised before the committee—and I would like your views on this Captain Dewis—that is to say the problem of the Canadian Forces elector who ceases to meet the requirements under paragraph 25 of actual residence or ordinary residence on enrolment or having next of kin or relatives in the place he declared in the statement, the solution would be for representatives of my party in every service poll to require a serviceman who declares that his place of ordinary residence is the Yukon, to swear this affidavit. If he is required to do so and does not, he is not allowed to vote. If he is required to do so and does, he is perjuring himself.

Mr. DEWIS: I am not prepared to accept because a man is not living in the place he has stated to be his place of ordinary residence that he is not entitled to vote there. The section is permissive; it says that he may change; he does not have to change. If you are correct in the legal interpretation—but I do not think you are—he could be challenged. The agent could challenge and say, "My interpretation is that you are not entitled to vote here." The rules say that if he refuses to complete an affidavit he is not entitled to vote.

Mr. NIELSEN: Perhaps I have been misinterpreting the qualifications in paragraph 25 (3) (a) (i), (ii), and (iii). This is precisely the point upon which I would like your advice.

Mr. DEWIS: All I can say is that in all our service orders in interpreting this we have informed people that if they wish to change their place to one of the other two, they may do so in January or February. If they do not, at the next election they will have to vote in the place indicated in their statement, whether or not they are living there, whether or not their house has been torn down since they left, and whether or not they have a relative there. This is the legal advice we have given to all our service people, and it never occurred to me that any other interpretation should be put upon it. If there is any doubt I would certainly like the committee to consider it.

Mr. NIELSEN: I am concerned about the serviceman who is challenged and required to swear this affidavit. Form No. 8 requires this man to swear on oath that the place of his ordinary residence in Canada is the place shown by him in the statement. Paragraph 25 (3) (a) (i), (ii) and (iii) sets forth the limitations that apply to statements of change. If those limitations are no longer applicable, is it your view, Captain Dewis, that these affidavits can be truthfully sworn by a serviceman.

Mr. DEWIS: Certainly paragraph 25 (3) does not come into play until he wants to change it, and he cannot change it unless the place to which he wants to change it is the place where he is serving in January and February or the place at which he is residing. If in January or February of any year he is serving in Ottawa and picks Toronto as his place of ordinary residence, if he has no spouse or next of kin there, that is not his place of ordinary residence and any statement to the effect that it is would be an incorrect

statement. If he was challenged on that and made a statement that this was his address, then he would be wrong, because under subparagraph (3) he cannot choose Toronto.

Mr. DOUCETT: Could he choose the former place of enrolment? He could go back to his old home?

Mr. DEWIS: Yes.

Mr. NIELSEN: As I understand regulation 25, once that statement is completed the serviceman acquires a new place of ordinary residence. As soon as those conditions disappear, or any of them, and he swears this affidavit, surely it would be a false affidavit since he cannot swear to the fact that he is ordinarily resident in the place where he has no next of kin, where he is not residing and was not residing on enrolment.

Mr. MOREAU: In Form No. 15 he is swearing that he has qualified for the place where he is now intending to vote under paragraph 25. Paragraph 25 and its subparagraphs (1), (2) and (3) to which you are referring it seems to me are only qualifications that he has to fulfill at that time. I do not understand where the difficulty arises at all. Frankly, I cannot understand why you think there is any difficulty. If he has met the qualifications at that time, he has to take an oath that he did indeed meet those qualifications. So all he has to do is swear the affidavit and there is no problem.

Mr. CASTONGUAY: Mr. Chairman, I think the key clause is in form No. 15 at paragraph 8 where he takes the oath that the place of residence in Canada is as shown on the statement made by him under paragraph 25. He is only taking an oath that the address on that statement is correct. Therefore he cannot be perjuring himself; it is "as shown on the statement".

Mr. DEWIS: I think section 15(5) of the act is relevant.

A Canadian forces elector, as defined in paragraph 21 of the Canadian forces voting rules, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as shown on the statement made by him under paragraph 25 of those rules.

Furthermore, rule 24(3) states:

Vote of Canadian Forces elector to be applied to place of residence.

(3) A Canadian Forces elector, as defined in paragraph 21, shall apply his or her vote only to the electoral district in which is situated his or her place of ordinary residence as shown on the statement made by such elector under paragraph 25 or subparagraph (1) of paragraph 36, and a Canadian Forces elector, as defined in paragraph 22, shall apply her vote only to the electoral district in which is situated the place of ordinary residence of her husband as shown by him on such statement.

Paragraphs 36, 37 and 38 carried.

The CHAIRMAN:

Paragraph 39.

Voting by deputy returning officer.

39. A deputy returning officer before whom Canadian Forces electors have cast their votes may cast his own vote after completing the declaration in Form No. 7 printed on the back of the outer envelope; in such case, it is not necessary for the deputy returning officer to complete the certificate printed at the foot of such declaration.

There is an amendment at page 61 of the draft bill, clause 67.

67. Paragraph 39 of the said Rules is repealed and the following substituted therefor:

Voting by deputy returning officer.

"39. Subject to these Rules, a deputy returning officer before whom Canadian Forces electors have cast their votes may cast his own vote after completing the declaration in Form No. 7 printed on the back of the outer envelope; in such case, it is not necessary for the deputy returning officer to complete the certificate printed at the foot of such declaration."

Mr. CASTONGUAY: This is suggested for clarification only; there is no change in substance.

Paragraphs 39, 40, 41 and 42 carried.

Canadian Forces elector voting as civilian.

42. (1) A number of the Canadian Forces who

(a) has completed a statement of ordinary residence as provided in paragraph 25, and

(b) has not voted under the procedure set forth in these Rules, may cast his vote at the place of his ordinary residence as shown on such statement in the manner described in the *Canada Elections Act* for civilian electors; but nothing in this subparagraph shall be deemed to entitle a Canadian Forces elector to vote in an urban polling division unless his name appears on the official list of electors used at the poll.

Voting by Canadian Forces elector on duty, leave or furlough.

(2) A Canadian Forces elector, as defined in paragraph 21, who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph (1) of paragraph 28, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in the taking of the votes, and a Canadian Forces elector, as defined in paragraph 22, who is accompanying her husband during such absence may on producing documentary proof of her identity cast her vote at the same place as her husband.

There is an amendment at page 61 of the draft bill:

68. Subparagraph (1) of paragraph 42 of said Rules is repealed and the following substituted therefor:

Canadian Forces elector voting as civilian.

"42. (1) A Canadian Forces elector described in paragraph 26 who has not voted under the procedure set forth in these Rules may cast his vote, in the electoral district applicable to the place of his ordinary residence as shown on the statement of ordinary residence, in the manner described in the *Canada Elections Act* for civilian electors; but nothing in this subparagraph shall be deemed to enable a Canadian Forces elector to vote in an urban polling division unless his name appears on the official list of electors used at the poll."

Mr. CASTONGUAY: This is an amendment consequential upon the amendment carried in clause 62.

Paragraphs 42, 43, 44 and 45 carried.

Procedure in mental cases.

46. No person as described in paragraph 44 who, during the days or hours of voting prescribed in paragraphs 56 and 57, is confined by lawful departmental, medical authority in a mental ward of any hospital or institution, is eligible to vote under the procedure set forth in these Rules.

Mr. NIELSEN: Have we the same thing in the Canada Elections Act as this paragraph 46?

Mr. CASTONGUAY: We have the same thing but we have in the last two general elections in the Ontario hospitals the factor of two stages of a person's commitment. In the first stage he is definitely deprived of liberty of movement and is unable to look after his property. In the second stage of treatment he still lives in the hospital but has liberty to move around and is free to manage his property. In those cases we have taken the vote there because the Ontario hospitals have asked us to give these people facilities to vote because they are no longer deprived of the management of their property. So in the case of those people who have reached the second stage of treatment in Ontario hospitals they have been allowed to vote.

Mr. NIELSEN: Should we give the same privilege to the servicemen?

Mr. CASTONGUAY: The servicemen have that under the act.

Mr. NIELSEN: Under the present regulations if he is in a mental hospital he cannot vote.

Mr. FRANCIS: It says "confined by lawful and departmental authority". In the military hospitals there is a considerable amount of discretion used in the interpretation of that phrase.

Mr. DEWIS: These sections are not applicable to Canadian forces electors. Sections 44 on are only applicable to people who have been released.

Mr. NIELSEN: I wonder if my suggestion that paragraph 46 should be expanded to allow the serviceman, or more properly the veteran, the same privileges as the civilian elector under similar circumstances might meet with favour from the committee.

Mr. FRANCIS: My view is that it is open to abuse by hospital staff who can influence people who are not capable of making a rational decision.

Mr. NIELSEN: What about the civilian voter?

Mr. FRANCIS: This also is true.

Mr. MOREAU: There is a difference. In civilian life unless someone is committed in some way it may be difficult to say who is insane and who is not, whereas it would seem to me in a veterans' hospital where a man is under doctor's care for mental illness we have a form of commitment, if you like, and it would seem to me on that basis we perhaps are not treating him very differently.

Mr. NIELSEN: I think there is a very sharp distinction in the treatment because, according to Mr. Castonguay, there are two stages in the civilian hospital, one stage at which the mental patient actually is committed.

Mr. CASTONGUAY: Mr. Chairman, I can clarify this. The people in the Ontario hospitals are legally committed until the first stage of their treatment and then they have liberty of movement and free access to vote. Under the Department of Veterans Affairs the same thing happens; there are wards where they are legally confined and those patients cannot vote, but once they are removed from those wards and allowed the same access as the Ontario patients, they are permitted to vote.

Mr. NIELSEN: The way I read the section now is that if the patient is in the mental hospital he cannot vote.

Mr. CASTONGUAY: These are Department of Veterans Affairs institutions and they have mental wards. Once these veterans reach the same stage as civilians and are in a different ward, they are entitled to vote.

Mr. FRANCIS: There is another significant difference. In many cases with veterans you are dealing with older people and senile people, and in Ontario hospitals you are dealing with very different groups.

Mr. CASTONGUAY: Dr. Cathcart, the psychologist of the Department of Veterans Affairs, discussed this with the committee before. He said that definitely there are in the D.V.A. institutions wards in which the conditions are the same as for patients in mental hospitals, but once the veteran leaves those wards he can leave the D.V.A. institution and come back, and then they are in the same position as the civilian hospital.

The CHAIRMAN: Is this carried?

Paragraphs 46, 47, 48, 49, 50 and 51, agreed to.

The CHAIRMAN: Paragraph 52 has been amended.

Paragraph 52 as amended agreed to.

Paragraphs 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 agreed to.

Paragraph 70.

Disposition of completed outer envelopes.

70. On receipt of outer envelopes containing ballot papers marked by Canadian Forces electors and Veterans electors, the special returning officer or his chief assistant shall

- (a) stamp each outer envelope with the date of receipt;
- (b) examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or by the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 61 and 62);
- (c) ascertain that all the necessary details are given in the declaration made on the back of the outer envelope;
- (d) direct the scrutineers to ascertain, from the details given on the back of each outer envelope, the correct electoral district containing the place of ordinary residence of the Canadian Forces elector, or Veteran elector, and to sort such outer envelope thereto; and
- (e) make sure that each outer envelope is sorted to its proper electoral district, and has been duly marked and initialed by the scrutineers.

There is an amendment here which is found on page 62 of the draft bill, clause 69.

69. Clause (d) of paragraph 70 of the said Rules is repealed and the following substituted therefor:

“(d) direct the scrutineers to ascertain, from the details given on the back of each outer envelope or, where applicable from the lists described in paragraphs 15A and 29, the correct electoral district containing the place of ordinary residence of the Canadian Forces elector, or Veteran elector, and to sort such outer envelope thereto; and”

Mr. CASTONGUAY: Clause 69 is a consequential amendment to clauses 59 and 64.

Mr. DEWIS: You may possibly need another reference in there to 15B.

Mr. CASTONGUAY: Yes.

Mr. MOREAU: For information, Mr. Chairman, can you indicate to me how long it takes to count the service vote? Could some of the prefatory work be done before election work. I am thinking of the scrutineers' work of identifying the outer envelopes, and so on.

Mr. CASTONGUAY: The outer envelopes cannot be started until all the outer envelopes have met the deadline, Tuesday after the general election day. Voting starts on the Monday before ordinary polling. There is a three-day period of voting and the services try to get all members of the forces to vote in those three days to allow the envelopes to reach the special returning officers. All outer envelopes received after 9 a.m. on the day after are thrown out. So you cannot start until the deadline is met; that is Tuesday.

In the statistics I point out that in Ontario and Quebec they had 33,892 outer envelopes. In the Atlantic provinces they had 18,237. In the western provinces there were 23,438. I am showing you now the outer envelope itself which is addressed. We print the name of the special returning officer and the address. The serviceman is given this ballot which I am showing you now, and he writes the name of the candidate of his choice on this ballot; he puts it in the inner envelope, which he seals. There are no identification marks on that. He then puts the inner envelope in the outer envelope.

Mr. NIELSEN: Are the ballots serial numbered?

Mr. CASTONGUAY: No. There is a serial number to this extent: here is the ballot paper, which I am tearing off from the stub; there is no serial number on the ballot itself but there is a number on that stub which is left in the book. These outer envelopes are received daily; they start receiving them on Tuesday and they receive them on Wednesday, Thursday, Friday and Saturday. At 9 a.m. they have arrangements to pick up every one that is in the post office so that they are in the office of the special returning officer by 9 a.m. These are all sorted out and put in their proper electoral districts in bins, starting with Burnaby-Coquitlam and so on in British Columbia. What happens then is that when the count starts the scrutineers are paired off by the special returning officer in opposed political interests. Then the special returning officer gives one team Burnaby-Coquitlam and the clerk rips open the outer envelope and takes out the small envelope. Therefore this ballot is secret; it is no longer attached to the name. They take this out and put it in the ballot box. There may be 100 votes from Canadian forces for Burnaby-Coquitlam, for example.

Mr. MOREAU: The small envelope is opened? Is there not a danger that someone might see?

Mr. CASTONGUAY: You have two scrutineers.

Mr. MOREAU: They may see it by accident.

Mr. CASTONGUAY: This may happen in any other case. The clerical work of opening envelopes is done by the clerk. The scrutineer puts it in the box. That has to be done in each headquarters. In Ontario and Quebec they go right down to Friday night. The time-consuming part of this is not so much the scrutineering but the opening of the envelopes.

Mr. MOREAU: I wondered if there was any possibility of advancing the voting date. I know every member of the committee has a tremendous amount of interest in this. We all feel the segregation of the vote is bad. Could the polling date not be advanced? I know Mr. Castonguay's main objection before was security of the count, but I wondered if we could at least advance the counting to a point where the ballots were in the ballot box before election day and the actual count could take place perhaps on election day.

Mr. CASTONGUAY: You could not do it in that way. Under the present regulations I start getting telegrams from the four headquarters. Have you ever seen a cable from Japan or any cable with a thousand candidates and the votes on it? This is really a treat to see. We have to back-check on that telegram to get the correct figures and we start receiving these results, naturally, from the smallest territory first. That arrives on about Friday morning. Because of the wonderful efforts of the scrutineers in Ontario and Quebec, who work for 14 or 15 hours a day for about five days, we get this about Friday night. We have to get the four in on telegrams, except for Ottawa headquarters, and tabulate the four, and put them together. We have to prepare all the telegrams and send them to the returning officers so they will have them that Monday, which is the day of the vote.

Mr. MOREAU: I am not suggesting we could get it on election night, but could we have it perhaps on Wednesday after the election by advancing at least the preparation stage in each of the four districts by getting the ballots segregated by ridings and into the boxes before election day.

Mr. CASTONGUAY: I will put it in this way. I am terribly anxious about security. Do not think I am challenging the integrity or honesty of the scrutineers recommended by the Leader of the government and the Leader of the Opposition. There are at least 20 employees in each office. I could not keep this secret; it would leak.

Mr. MOREAU: I am suggesting we separate the large envelopes into bins and that we could then have the scrutineers work and open the ballots and put the ballots in the ballot box.

Mr. CASTONGUAY: Voting has to be advanced then and nomination has to be advanced.

Mr. MOREAU: Perhaps this would be desirable.

Mr. CASTONGUAY: Then for any leak that takes place please excuse me of responsibility.

Mr. MOREAU: I realize much of the work is actually before the counting takes place. It seems to me that a great deal of time is taken up in getting the ballot paper into the box. As you pointed out, actual casting would not take much time. I wonder if we could proceed that far at least before the ordinary polling day.

Mr. CASTONGUAY: This is easily done if you advance nomination day, but for the security of this envelope and to make sure that this envelope could not be opened until the count starts, it should not be opened until the count starts for all other voting. You forget one other thing. When the outer envelope is received by the returning officer the envelope is checked by the scrutineers with the list, and then they are put into the proper electoral districts. My own view is that you are not going to gain anything by this. If you want to release

the results of the service vote the night of the general election, the committee would have to recommend that nomination day be 21 days before polling day instead of 14. The committee would have to recommend voting take place two weeks before the general election day, that the counting take place in the week in which the services vote and I would release it on the Monday. I would need that time. You have a whole week during which the results of many constituencies will be known to at least 20 to 30 people in each headquarters, and when those telegrams reach my office I have at least 100 temporary employees in my office. I am not only worried about the headquarters of the special returning officer; I am not worried about my permanent staff; I am worried about the temporaries.

Mr. MOREAU: I think that is valid. Could we not start counting them on election day if the ballots had reached the ballot boxes and then the results would be available perhaps in two days instead of in a week.

Mr. LEBOE: What is the real problem? The result is going to be the same. I think we are splitting hairs. If you are going to wait for two days to find out whether you are elected, you might as well sit down and rest for the other three days as well.

Mr. FRANCIS: It seems to me we have a real problem because we have increased the number of people voting in this way and we are going to accentuate this and put more attention on it. Mr. Moreau has suggested it might be possible by doing the things Mr. Castonguay has indicated in advancing nomination day and so on to have all the preparation done and to have all the ballots deposited somewhere so someone could start counting sooner. I think we all go along with that, but the more I think about this whole matter the more I feel that every serviceman should be encouraged to go into civilian polls. I know we made this decision earlier, but on thinking of the whole matter now I think our decision was totally wrong. I think we have made a decision in this committee about which we are going to be criticized, and severely criticized, by the armed forces. I am satisfied we have made the wrong decision.

Mr. NIELSEN: I wholeheartedly agree.

Mr. FRANCIS: We are going to bring more attention to the poll.

Mr. NIELSEN: When the serviceman is in Canada there is no earthly reason why he cannot vote where he is living.

Mr. MOREAU: You would suggest all military establishments, everyone who is there on the day of the writ, should vote there?

Mr. NIELSEN: Why not? The civil service is separated from everyone else, D.O.T.R.R. is separated from everyone else; the maintenance camp down the highway is separated from everyone else. I know precisely how they vote. If they want to vote Liberal, let them; if they want to vote N.D.P., let them.

Paragraph 70 carried.

Mr. FRANCIS: We either have to fundamentally change the system or just go along.

Paragraph 72 carried.

The CHAIRMAN: Paragraph 73:

Disposition of outer envelope when declaration incomplete.

73. (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 61 and 62), or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

Disposition of outer envelope received too late.

(2) Any outer envelope received by a special returning officer after nine o'clock in the forenoon of the day immediately following polling day, shall also be laid aside unopened; the special returning officer shall endorse upon such envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.

Transmission to the Chief Electoral Officer.

(3) The special returning officer shall retain all unopened outer envelopes mentioned in subparagraphs (1) and (2) in safe custody, and, after the counting of the votes is completed, transmit them to the Chief Electoral Officer, as prescribed in paragraph 84.

Mr. CASTONGUAY: I have an amendment here.

The CHAIRMAN: Mr. Castonguay has an amendment which is consequential to the amendment approved in clause 69.

70. Subparagraph (1) of paragraph 73 of the said Rules is repealed and the following substituted therefor:

Disposition of outer envelope when declaration incomplete.

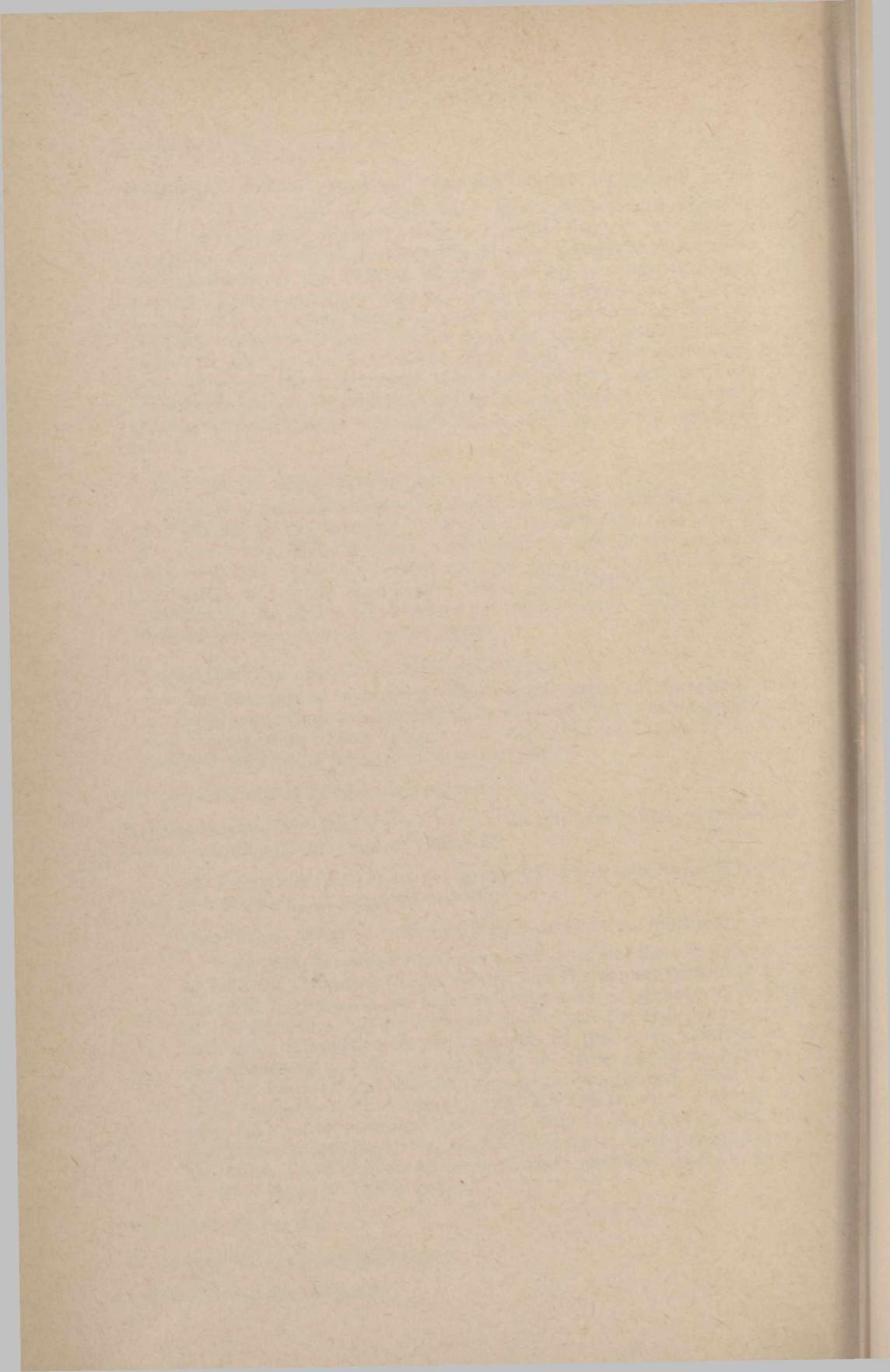
"73. (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 61 and 62), or, pursuant to clause (d) of paragraph 70, the correct electoral district cannot be ascertained, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers, the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper."

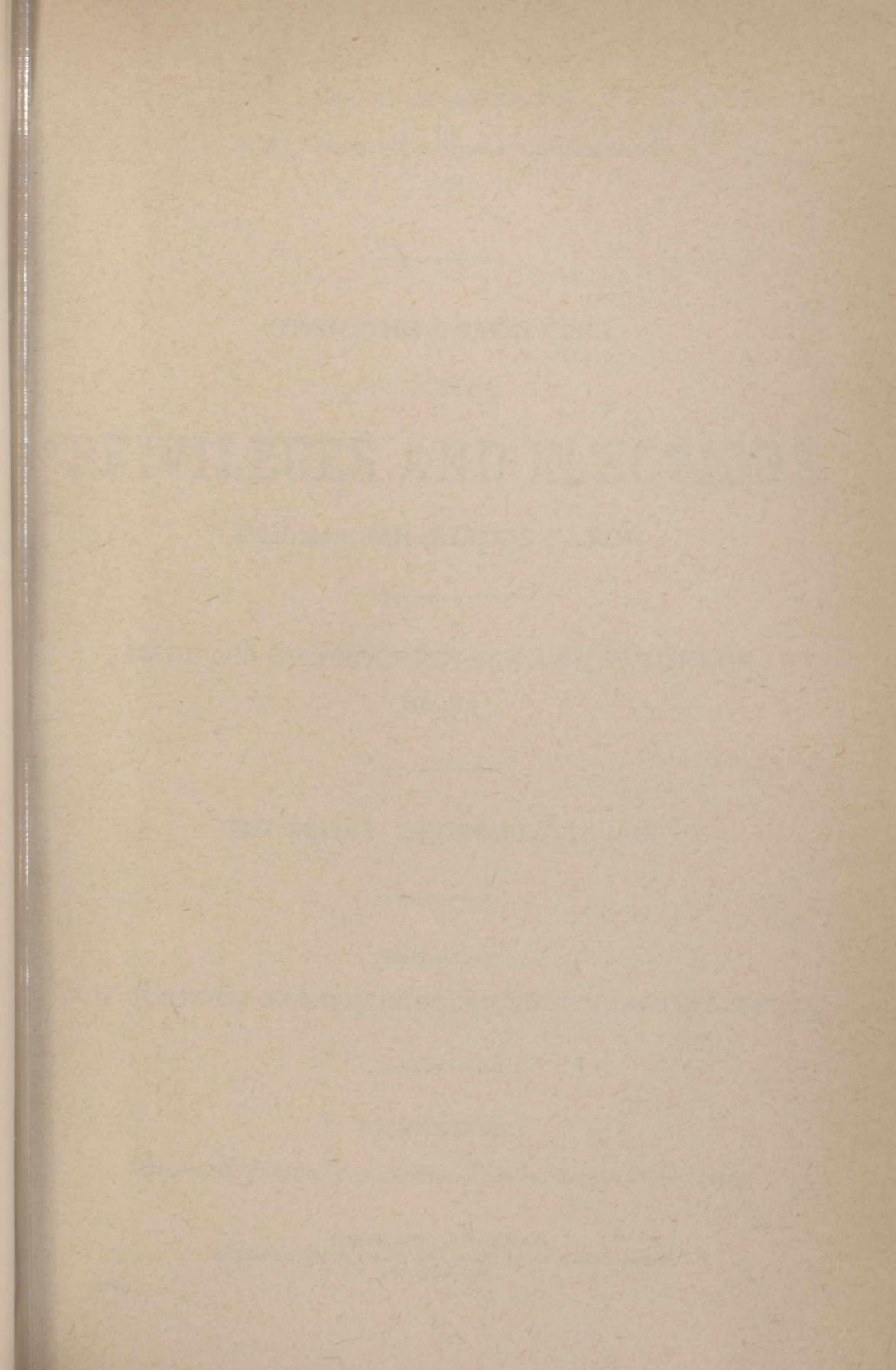
Paragraph 73 carried.

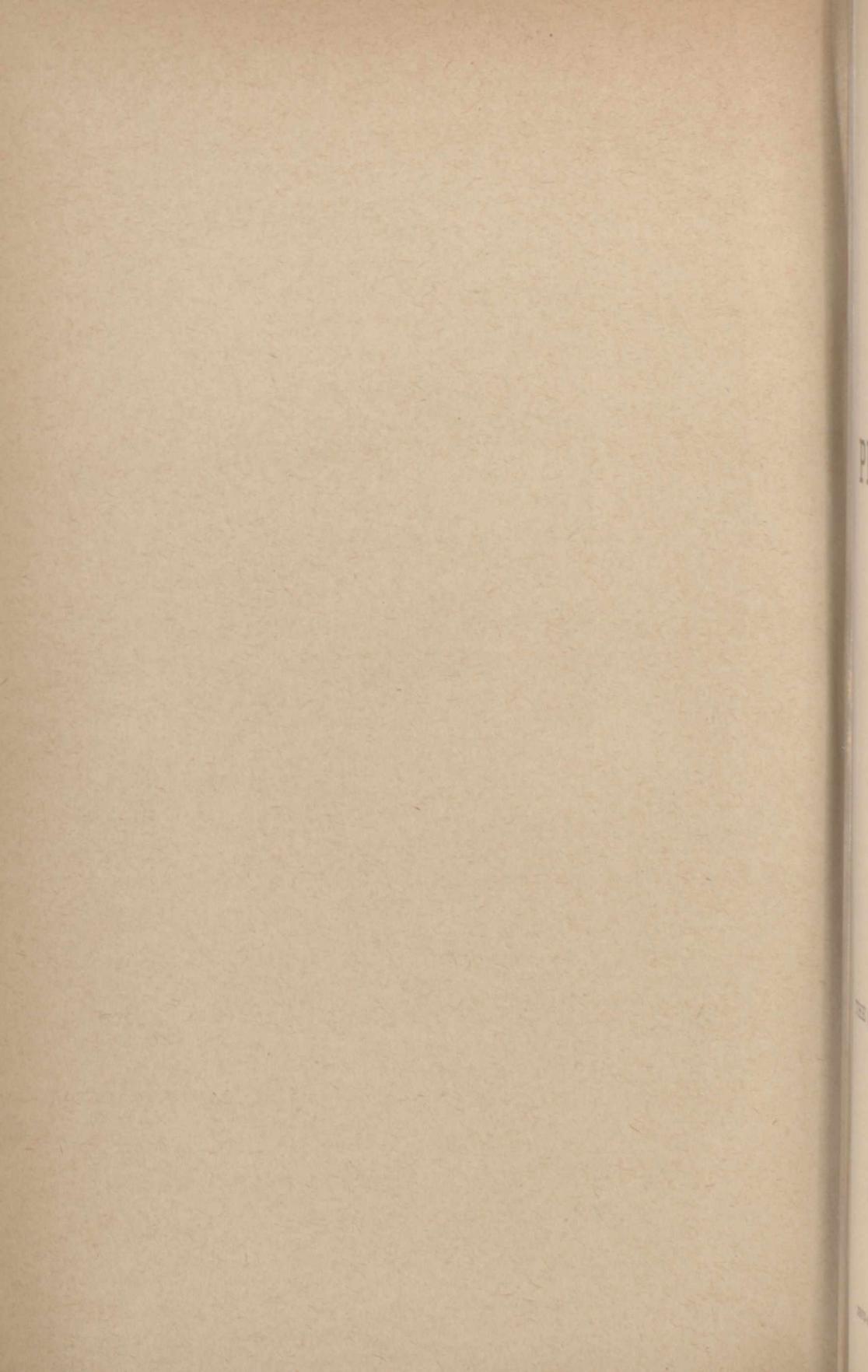
Mr. DOUCETT: I move adjournment.

—The Committee adjourned.









HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

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THURSDAY, DECEMBER 12, 1963

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Respecting

THE QUESTION OF MR. R. RODGERS' RIGHT (PRESS GALLERY)

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WITNESSES:

Messrs. G. J. Connolley, Arthur Blakely, Raymond Rodgers.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Alexis Caron

*Vice-Chairman:* Mr. Larry T. Pennell

and Messrs.

Brewin,	Greene,	Nielsen,
Cameron ( <i>High Park</i> ),	Howard,	Olson <sup>2</sup> ,
Cashin,	Jewett (Miss),	Paul,
Chrétien,	Leboe,	Rhéaume,
Coates,	Lessard ( <i>Saint-Henri</i> ),	Ricard,
Doucett,	Millar,	Richard,
Drouin,	Monteith,	Rochon,
Dubé,	More,	Rondeau,
Fisher <sup>1</sup> ,	Moreau,	Webb—29.
Francis,		

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

<sup>1</sup>Replaced Mr. Mather on December 10, 1963.

<sup>2</sup>Replaced Mr. Girouard on December 10, 1963.

CORRIGENDUM

*Minutes of Proceedings and Evidence of Monday, December 2, Page 573, line 20.*

That line 20 be deleted and the following substituted therefor:

During the 1962 election campaign it was alleged that I, too, had changed my religion. This change in religion was alleged to have taken place within a short period of time before the election. The only thing a candidate can do under the circumstances is to ignore such a statement.

ORDERS OF REFERENCE

WEDNESDAY, December 11, 1963.

*Ordered*—That the name of Mr. Fisher be substituted for that of Mr. Mather on the Standing Committee on Privileges and Elections.

TUESDAY, December 10, 1963.

*Ordered*—That the name of Mr. Olson be substituted for that of Mr. Girouard on the Standing Committee on Privileges and Elections.

*Attest.*

LÉON-J. RAYMOND  
*The Clerk of the House.*

STATE OF NEW YORK

IN SENATE

January 1, 1901

REPORT

OF THE

COMMISSIONERS

OF THE LAND OFFICE

FOR THE YEAR 1900

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## MINUTES OF PROCEEDINGS

THURSDAY, December 12, 1963.

(27)

The Standing Committee on Privileges and Elections met at 9.21 o'clock a.m., this day. The Vice-Chairman, Mr. L. Pennell, presided.

*Members present:* Messrs. Cameron (*High Park*), Chretien, Doucett, Fisher, Francis, Leboe, Lessard (*Saint-Henri*), McIntosh, Millar, Moreau, Nielsen, Olson, Pennell, Rheaume, Rochon—(15).

*In attendance:* From the Canadian Parliamentary Press Gallery: Messrs. G. J. Connolley, President; Peter Dempson, Vice-President; James Stewart, Secretary and Mr. Arthur Blakely.

*Also in attendance:* Dr. Maurice Ollivier, Parliamentary Counsel, and Mr. Raymond S. Rodgers, newspaperman.

Also, a Parliamentary Interpreter and interpreting.

The Vice-Chairman, in the absence of Mr. Caron, who is ill, opened the meeting.

Mr. Francis rose on a question of privilege and asked, and obtained consent, that a correction be made to the Evidence of the meeting of Monday, December 2, 1963. (*See Corrigendum in this day's Proceedings*).

The Committee then proceeded to consider the question of Mr. Raymond Spencer Rodgers' right to use the facilities of the Press Gallery, as referred to the Committee by the House on November 6, 1963.

Mr. Blakely read and tabled a prepared statement presenting the point of view of the Press Gallery.

A discussion arising, Mr. Moreau, seconded by Mr. Francis, moved,

*That* while this Committee recognizes that parliament has jurisdiction over the public facilities granted the members of the Press, we feel that this jurisdiction over the public facilities must be exercised through the Speaker or his delegated representative, in this case the Press Gallery. Therefore, the case of Mr. Rodgers is referred to Mr. Speaker for decision.

Thereupon, Mr. Nielsen, seconded by Mr. Millar, moved,

*That* the following documents be printed as an Appendix to today's Minutes of Proceedings and Evidence:

1. A letter dated 20th May, 1962, from Mr. Raymond Rodgers to Mr. Peter Dempson.
2. A letter dated July 5th, 1962, from Mr. Peter Dempson to Mr. Raymond Rodgers.
3. A letter dated 7th July 1962, from Mr. Raymond Rodgers to Mr. Peter Dempson.
4. A letter dated July 10th, 1962, from Mr. Larry-N. Smith to the Press Gallery.

5. A letter dated July 26th, 1962, to Mr. Larry N. Smith from the Press Gallery.
6. A registered letter marked "refused" by Mr. Rodgers

The said documents (except No. 6) are reproduced as *Appendix "A"* to today's Minutes of Proceedings and Evidence.

Mr. Fisher also tabled a letter dated June 26th, 1961, from the office of the Speaker of the House dealing with the costs of the Parliamentary Press Gallery.

By leave of the Committee, Mr. Cowan questioned the witnesses.

Mr. Rodgers was then invited to make a statement and he was questioned by the Committee.

And a discussion arising, the motion of Mr. Moreau was allowed to stand until another meeting when the Committee, after having read the Evidence of today's meeting, would meet *in camera* to consider a Report to the House.

After discussion, the above mentioned meeting was tentatively set for Wednesday, December 18th, 1963, at 9.00 o'clock a.m.

It being 12.09 noon, the Committee adjourned until Friday, December 13th, at 9.00 o'clock a.m.

M. Roussin,  
*Clerk of the Committee.*

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FRIDAY, December 13, 1963.

EXTRACT of the Minutes of Proceedings of the meeting held on Friday, December 13, 1963, at 8.10 o'clock p.m.

On motion of Mr. Francis, seconded by Mr. Moreau.

*Resolved*,—That, the statement read by Dr. Maurice Ollivier, Parliamentary Counsel, before the Standing Committee on Privileges and Elections, in connection with the question of Mr. Raymond Rodgers, and reproduced in the minutes of proceedings and evidence of December 11, 1962, be printed as an appendix to the proceedings and evidence of the meeting held on December 12, 1963.

*(The said document is reproduced as Appendix "B" of today's proceedings.)*

Attest.

M. Roussin,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, December 12, 1963.

The VICE-CHAIRMAN: Gentlemen, in the absence of Mr. Caron, who is indisposed this morning, I would ask your permission to carry on as Chairman.

I think Mr. Francis has a point of privilege he wishes to raise.

Mr. FRANCIS: The minutes of the proceedings of the eleventh meeting on Monday, December 2, contain an error concerning some of the remarks I made. In view of the fact that my remarks as reported do leave a rather serious inference, I feel an obligation to bring it to your attention and ask to have the correction made.

Miss Jewett had asked whether a false statement concerning a candidate's religion could be considered a false statement, and discussion followed. I made a remark, and as nearly as I can recall what I said was this:

During the 1962 election it was alleged that I too had changed my religion. This change of religion was alleged to have taken place within a short period of time before the election. The only thing a candidate can do in the circumstances is to ignore such a statement.

That is as close as I can recall to the words I used at that time. The actual recording in the minutes erroneously suggested that I did in fact change my religion during the election campaign, and this is not the case. I would like to have this correction inserted in the record.

The VICE-CHAIRMAN: Perhaps it would not be out of order if I suggested that we should establish the manner in which we wish to proceed. I will read the terms of reference for this morning. It was ordered:

That the question of Raymond Spencer Rodgers' right to use the facilities of the press gallery be referred for a quick study and a report back to the house on its merits by the standing committee on privileges and elections.

If you recall, gentlemen, Mr. Rodgers appeared before the committee and made a statement, and he was cross-examined. Subsequently, I believe Mr. Blakely appeared and at that time indicated that the press gallery representatives were not ready to proceed. I believe they are ready this morning.

With regard to the method of procedure, of course, I am entirely in the hands of the committee. Mr. Rodgers having made a statement, as I understand it, the press gallery are now ready to make a statement. Mr. Rodgers has asked for the right of reply, which is the normal procedure adopted by the courts. There has to be some finality to this matter so I suggest the press gallery may be permitted to reply to Mr. Rodgers on any new material he may raise in his reply. If that meets with your approval, we will proceed on that basis.

Mr. Connolley is here to speak on behalf of the press gallery.

Mr. FISHER: Mr. Connolley, will you identify yourself, please.

Mr. GREG CONNOLLEY (*President, Canadian Parliamentary Press Gallery*): My name is Greg Connolley. I am the president of the press gallery.

I would like to introduce the members of the gallery who are associated with me this morning: on my left is Mr. Arthur Blakely who will make the actual presentation of our brief; Mr. James Stewart is secretary of the gallery; and Mr. Peter Dempson, the vice-president of the press gallery, is modestly sitting down at the end of the room.

I want to avoid controversy in this matter as much as I can, Mr. Chairman, but when I was away there were just two pieces of evidence given by Dr. Rodgers on a question of privilege to which I would like to refer. This was evidence given on Tuesday, November 12, 1963, and it appears on pages 124 and 125 of the proceedings. The reference here by Mr. Rodgers is to the effect that Mr. Clément Brown was reinstated as president of the press gallery without any vote being taken on the subject by the membership committee. That is not correct.

At the bottom of page 125 he said:

This week, Mr. Connolley, the president of the press gallery, is in Europe very largely at the expense of the taxpayers of Canada.

That is not correct, Mr. Chairman.

With your permission I would like to call upon Mr. Blakely to present our brief.

Mr. ARTHUR BLAKELY (*Canadian Parliamentary Press Gallery*): Mr. Chairman, members of the committee, the officers and members of the Canadian parliamentary press gallery wish to thank you for this opportunity to place our submission before you.

Many of you must be wondering what this press gallery of ours really is. You have heard it described as a "private club", and there has been perhaps just the slightest suggestion that it is not a very good private club, at that.

In our view this is not a proper definition. We are not drawn together because we have the same hobbies, or outside interests, or even because we like one another.

Members of the Canadian parliamentary press gallery have one thing in common: each of us was sent here by a newspaper, by a press service, by a periodical, by a radio or television station or chain, to report to Canadians, through the various media, what is happening in parliament and in national government. We do not come—we are sent. Any common interests beyond those I have mentioned are incidental, in the way of being a dividend.

If journalism can be said to be a profession, then we are, clearly a professional association. It is a matter of pride to us that we are the oldest professional association in this field. The Canadian parliamentary press gallery is little younger than the parliament of Canada itself.

The term "press gallery" means, in Canada, at least three things. Even in speaking among ourselves, we have to be careful to make it clear which one we have in mind.

The words "press gallery" mean:

- (1) the gallery overlooking the House of Commons from which we observe parliamentary proceedings;
- (2) the office space, provided to us on the third floor of the centre block, also at public expense, in which we write or otherwise prepare reports on what we have seen and heard in parliament; and

- (3) the Canadian press gallery itself, a professional association which, while not of parliament, has been so close to parliament since Confederation that William Lyon Mackenzie King defined it as an "adjunct" of parliament.

Now, what of the matter before you? Throughout our history, we have been entrusted by the House of Commons, through the Speaker, with administrative control over the facilities placed at our disposal by parliament.

At no time have we been unmindful of the fact that this authority was by delegation only.

For decades, membership applications have been processed in this fashion: they are passed upon, in the first instance, by the executive officers elected by the press gallery. Applications which become a matter of controversy—whether or not decisions are protested by applicants—go to a general meeting of the press gallery membership.

From any decision taken by the executive officers and by the general membership, an appeal lies, as it always has, to his Honour, the Speaker. This right of appeal has been recognized and exercised. You may recall that in the excellent brief submitted by Dr. Maurice Ollivier, parliamentary counsel, to the 1962 committee on privileges and elections, two cases relevant to the appeal now before you were cited. Each case was appealed to the Speaker. We believe it significant that only two comparable cases have been cited over the space of three decades.

We feel that these appeal facilities compare favourably with those applicable in any process in which the public interest is involved. Even so, these facilities are not yet exhausted.

Applicants dissatisfied with decisions rendered by the press gallery and by the Speaker, have always had recourse to the House of Commons as an ultimate court of appeal. This, in fact, the petitioner has done.

Members of this committee have asked what yardstick we apply when considering membership applications.

We apply one, and one alone. Article II, section (a) of our constitution reads:—

Active membership of the Canadian parliamentary press gallery, hereinafter called the gallery, shall be restricted to persons who earn the major portion of their income through the writing or broadcasting of parliamentary or government news or comment as full-time salaried staff representatives of one or more daily newspapers, radio or television stations or systems, or a recognized news service, sending thereto dispatches regularly; AND to persons assigned to work in Ottawa as a resident correspondent of a periodical of national and international standing.

We do not ask the colour of an applicant's skin. We are not interested in his religion. We regard as his own private concern his political convictions. If the *Toronto Telegram* is represented, so is the *Toronto Star*. If *Pravda*, *Izvestia* and *Tass Agency* have places in our membership, so has the *Wall Street Journal*, and the *Financial Post*.

Much has been said before this committee of the "discrimination" exercised by the press gallery. The only yardstick which we apply to would-be members is the clause in our constitution which I have cited.

It has been alleged that we operate as a closed corporation, closing the doors for our own selfish economic gain. But look, if you will, at the broad sweep of our membership roll. Remember that we are all competitors, one of the

other. I have been a member of the press gallery since 1946. During that entire period, I can remember not a single instance of a member opposing the entry of one of his would-be competitors. Nor do I recall a single instance in which an applicant who possessed qualifications clearly meeting the requirements of the time, was refused membership. Our problems, when we have had problems, have arisen in trying to reach a fair decision in borderline cases.

If the *Star* correspondents do not seek to bar the door to applicants from the *Telegram*, *Winnipeg Tribune* representatives to applicants from the *Free Press*, and *Vancouver Sun* members to applicants from the *Province*, what can be said of the claim that the petitioner has been excluded to protect a news monopoly? There is no monopoly. But even if there were one, it would scarcely be affected by the admission of an applicant from the *St. Catharines Standard*. What existing member of the press gallery, we would ask, has any competitive or other reason to fear his admission?

Dr. Rodgers has been refused admission because he does not meet the membership requirements laid down in our constitution. He was a member at an earlier period, when he did in fact qualify. He is free to make a fresh application any times he chooses. The *St. Catharines Standard* was represented in the press gallery before and we hope, will be again.

We favour—and we think that our record demonstrates this—the widest possible membership in the press gallery. We are conscious, painfully conscious, of the fact that limitations on that membership must touch the whole question of the freedom of the press—the whole press—to report what it sees and hears.

Because, by delegation from the House of Commons through the Speaker, our membership problems are linked with the facilities which we use, we do not believe that they can be considered in isolation from the physical conditions. The facts with which we must concern ourselves are these: We have 119 members. The desks in the office area number 77. We have been allocated 33 front row seats in the press gallery overlooking the Commons, and 38 other, or a total of 71.

One of your own members, Mr. Peters—I do not know whether he is a member now, Mr. Chairman—described the space which we occupy as so grossly overcrowded that if we were factory workers, a breach of the Ontario Factories Act would probably be involved. This was more than three years ago, when our membership was much smaller than it is today.

In addition, we cannot turn a blind eye to the field from which we must look for bona fide applications. There are about a hundred daily newspapers in Canada and some 720 other newspapers and periodicals. There are 203 radio stations. There are 76 television stations, public and private. There are the English and French language television networks. There are also foreign newspaper and broadcasting agencies that could, if they chose, seek membership. You must consider, in addition, that some of the larger newspapers, news agencies and broadcasting agencies are not, and have not been, limited to a single member. And because of the breadth of their coverage, how could they be?

If we have failed anywhere in the discharge of the responsibilities entrusted to us by the House of Commons and by the Speaker, it is in the membership yardstick we have established. It has been suggested that it is too restrictive. But how can we enlarge the scope to take in part-time correspondents when the requirements of full time correspondents and broadcasters cannot be met? This is the problem with which we have been confronted. We believe that Mr. Turner, and others, put their finger on the real question when they said that no matter who was administering the system, someone would have

to allocate space on the basis of some system of priorities. For the fact is there are not facilities, even now, to go around.

Even your petitioner concedes this. You heard him say a few days ago: "I am the first to agree with the Press Gallery that there has to be a line drawn, as they cannot let everyone in." He added: "The important thing is that the line be drawn in the right place." It is not for us to say where the petitioner would draw that line.

We do not regard our membership yardstick as being as fixed and unchangeable as the laws of the Medes and the Persians. On three occasions in the last decade or so we have made important changes in our constitution. Others have been under consideration—and should this committee, or the Speaker, or the House of Commons have any suggestions to advance we would be pleased to consider them. Our only concern is that any further change be one of principle, affecting the yardstick itself, rather than an expedient designed to meet a special case.

Your committee has been urged to adopt any of several courses. It has been urged to recommend that the petitioner be granted all the public facilities now enjoyed by members of the Canadian parliamentary press gallery. We would point out again, however, that this would not give him access to the press releases which come to us—not as a result of authority delegated by the commons through the Speaker—but freely, from any who care to send them, as a result of the gallery's reputation for dealing with such matters in good faith. There is of course nothing to prevent the petitioner from securing press releases on his own.

The committee has also been urged to recommend that the authority delegated to the press gallery be withdrawn and exercised either by the House of Commons directly, or through the Speaker.

There was a time, during the seventeenth and eighteenth centuries, when parliaments did decide who should, and who should not, report their proceedings. It is scarcely a precedent that would commend itself to anyone familiar with the history of parliamentary journalism. To vest the authority in the Speaker would mean that instead of hearing and deciding only the appeal cases, he would have to decide all membership applications.

In short, the press gallery is ready to co-operate wholeheartedly in any reasonable solution to the difficulties confronting us.

But, we would view with real concern the institution of any system that would make the use of public news facilities open to political lobbying, or political interference.

We have not attempted any point-by-point refutation of facts alleged by the petitioner. We have not wished to impose upon the committee by further substantial additions to a submission already long. Lest the petitioner seek to argue, however, that silence means consent, we would say that his brief is at many points a mixture of error, hearsay and conjecture.

These, then, are our main contentions:

That Dr. Rodgers' application was denied because we have been unable to make provision for part time members.

That his application was measured by the yardstick applied to all applications.

That this yardstick, which has always been subject to change is the fairest and best that we have been able to devise to meet the conditions facing us today.

That, regrettable though it may be that any restrictions whatever must be placed on access to limited facilities, they are rather less formidable than those which confront applicants in London and Washington.

That our press gallery, conscious of its responsibilities, welcomes practical suggestions for change from any source, including this committee, His Honour the Speaker, and the House of Commons.

That, however Dr. Rodgers' petition may be dealt with, it be dealt with in principle, rather than as a special case which would be an exception to existing rules.

That the press gallery acknowledges—as it has always acknowledged—the power of the House of Commons to withdraw the delegated authority over facilities provided at public expense with which we have been entrusted for many decades.

But that it would seem to the press gallery that were this authority to be vested instead in the Speaker, the only practical effect would be to make the Speaker responsible for all applications to use these facilities, instead of being the court hearing the appeal cases, thus eliminating several stages at which appeals can now be launched.

That, whatever the available space and facilities, now or in the future, some order of priority must be established, whether by the press gallery, or some other agency or individual.

That the press gallery's record of performance in discharging its responsibilities under the present system is creditable.

And that, finally, though the petitioner may consider this the case of Rodgers vs. the Canadian Parliamentary press gallery, we do not look on it as the case of the press gallery vs. Rodgers.

If he has a quarrel with us, we have none with him.

We have sought only to exercise, in responsible fashion, an obligation and a trust historically vested in us by a succession of Speakers and parliaments.

The VICE CHAIRMAN: That concludes your statement, Mr. Blakely?

Mr. BLAKELY: Yes.

Mr. FISHER: Mr. Chairman, I should like to ask one or two questions.

Mr. Blakely, you have made no mention at all of the content of article two, part (f) of your constitution, and I am wondering why you did not do so.

The VICE CHAIRMAN: Would you mind reading that particular clause to which you have referred, Mr. Fisher?

Mr. FISHER: Yes. It reads as follows:

Associate membership may be granted, as a courtesy, on recommendation of the executive committee, approved by a two thirds vote at a general meeting of the gallery, to persons not qualified for active membership under article 2(a), but whose journalistic duties consist of writing reports or comments on parliamentary or governmental affairs, providing:

1. He or she is a full time staff member, assigned to work in Ottawa as a resident correspondent, of a periodical of national or international standing which publishes, not less frequently than twice a month, reports or comments on national affairs.

2. A week's notice of any application for associate membership shall be posted on the gallery notice board.

3. Notwithstanding the terms of article VII, a two thirds vote of those present at a general meeting of the gallery shall be required to grant an associate membership.

I do not think the last part of this clause is relevant.

Mr. BLAKELY: This was not mentioned in our brief, Mr. Fisher, because we dealt with that quite extensively at the last meeting. We did not begin our official presentation at that time, but we did answer questions asked particularly by yourself and this point was certainly dealt with at some length then.

Mr. FISHER: Let me put it this way. As I understand from your previous evidence this is a section of the constitution in respect of which there is a tendency to allow it to fall into disuse?

Mr. BLAKELY: No, Mr. Fisher, I would not put it that way. We intended to close our associate membership indefinitely several years ago. At the time we did this the associate members of our association including I believe Mr. Rodgers, were moved over on to our active rolls. The original intention was to close associate memberships entirely so that we would then have only one class of members, aside from our honorary membership.

Mr. FISHER: In other words, this is an irrelevant part of the constitution for our consideration?

Mr. BLAKELY: That would be our position. It still exists but it exists only in recognition of the special position occupied by the editors of the three local newspapers.

Mr. FISHER: Is there any intention on the part of the executive at any time to cancel, withdraw or amend the constitution in regard to this clause?

Mr. BLAKELY: Mr. Fisher, you know that it would be about as absurd for me to speak of the future intention of the executive as it would be for a member of parliament to speak of the future intention of the government. The matter would be decided in any event by the general membership with or without a recommendation from the executive.

Mr. FISHER: I should like to ask a question in respect of associate membership and this two-thirds vote. I am not clear in this regard. Perhaps it is crystal clear in your earlier evidence, but Mr. Rodgers' application was dealt with on the basis that he was asking to be an active member, but he did apply for associate membership; am I correct?

Mr. BLAKELY: He first entered the press gallery as an associate member.

Mr. FISHER: Yes.

Mr. BLAKELY: I am sorry; that was an error in that respect, Mr. Fisher. He first entered as an active member. In any event, the matter that is now before you is the result of an application for membership in the association under that associate membership.

Mr. FISHER: This was an application under the associate membership clause?

Mr. BLAKELY: Yes.

Mr. FISHER: Was there a vote of the general meeting?

Mr. BLAKELY: Yes.

Mr. FISHER: I take it his application was not approved by a two-thirds majority?

Mr. BLAKELY: That would be the under-statement of the year, Mr. Fisher.

Mr. FISHER: In other words you did not mention this in your brief, and you are arguing here this morning in very general terms with regard to your position in respect of this particular case, and you have approached this from the general standpoint that he does not meet the conditions required for active membership, but in fact Mr. Rodgers has applied for associate membership?

Mr. BLAKELY: That is quite true.

Mr. FISHER: So that a large part of what you have had to say here this morning is irrelevant to the case, in view of the fact that his application is for associate membership?

Mr. BLAKELY: I would not agree with you, Mr. Fisher. We take the position we have only one operating class in our press gallery.

Mr. FISHER: You do so in spite of the fact that you have another class in your constitution?

Mr. BLAKELY: That is quite true. We have several other classes in our press gallery. We have honorary memberships. He could also have applied for an honorary life membership. I do not think he would have succeeded, but such an application could have been made.

Mr. FISHER: You have no recommendations to make to the committee regarding the fact that he applied under the associate membership clause?

Mr. BLAKELY: I have no comments to make except, as I have said, we feel that we have only one class of working member.

Mr. FISHER: Was he told this when he applied for associate membership?

Mr. BLAKELY: He has been kept very well informed about our constitution and any change made in it.

Mr. FISHER: In connection with the evidence you have given, you did not touch at all or at least in detail upon one point of interest to me, and I suggest it may represent a gap in your presentation, and that has regard to the use of facilities without membership. Did I understand you to say that your contention is that it would be unwise for the House of Commons or the Speaker to direct that the facilities themselves be used by someone who was not a member of the parliamentary press gallery association?

Mr. BLAKELY: I would not say that at all. I would say that is a decision to be made by the House of Commons or the hon. Speaker. I am just pointing to the system that has been in use and has been used very successfully over a long period of time.

Mr. FISHER: You are quite happy to accept the point of view of the Speaker, should he rule that Mr. Rodgers should be entitled to the use of the facilities and you would accept this ruling?

Mr. BLAKELY: We would have nothing to do with that, Mr. Fisher.

Mr. FISHER: Would you accept the Speaker's recommendation that Mr. Rodgers be eligible for membership?

Mr. BLAKELY: No, sir. We regard membership in the Press Gallery Association as something to be determined by ourselves. This is a professional association. We not only concede, but have lived with the fact ever since the association has been established, the absolute right of the House of Commons, the Speaker or both to direct that the facilities provided at public expense are to be used by anyone given permission by the Speaker or the House of Commons.

Mr. FISHER: Thank you. I do not like to deal with hypothetical things, but if Mr. Rodgers made application now for active membership and gave the assurance, along with his application, that the major part of his income, and by

major I suppose we mean 51 per cent, was drawn from his work for the *St. Catharines Standard* would his acceptance be automatic?

Mr. BLAKELY: I can say in that regard, Mr. Fisher, and this is contained in the presentation, that I have been here since 1956 and I do not know of one single instance in which an individual who possessed the qualifications that are required was refused membership.

Mr. FISHER: Fine.

Mr. OLSON: Mr. Chairman, on a point of order, I thought we agreed at the outset that we were going to hear the presentation of the press gallery and then hear Mr. Rodgers' rebuttal and then further rebuttal from the press gallery before we started to cross-examine the witnesses? Am I wrong in that understanding?

The VICE CHAIRMAN: I suggested that Mr. Blakely make his statement and that he be examined by the committee, and eventually by Mr. Rodgers and then Mr. Rodgers should be given the opportunity to reply. At that stage we could ask further questions. I think we should ask our questions of Mr. Blakely at this stage, and that was my understanding of our agreement.

Mr. MOREAU: Mr. Chairman, I do not know whether other members of this committee will agree with me in this regard or not, but I feel there are two very distinct things before us, firstly, membership in the press gallery association, which I do not feel is something this committee should determine, and I agree with Mr. Blakely in this regard that that is something to be determined by the association itself; and, secondly, whether the use of facilities should be granted to Mr. Rodgers. I think these two things should be clearly separated. I do not think the members of this committee can in any way at all establish policy in respect of who is to be a member of the press gallery association. I will make a motion in this regard if necessary.

Mr. NIELSEN: Mr. Chairman, I think we should hear the evidence first.

Mr. FISHER: I think it is of interest to hear what Mr. Moreau has in mind.

Mr. MOREAU: It is my intention to move that this committee recognize that parliament has jurisdiction over the public facilities in the press gallery and permission to use those facilities can be granted to members who are entitled, through the Speaker, or through the Speaker's delegated representative. Therefore, I intended to move that the case in respect of Mr. Rodgers regarding the use of these public facilities be referred back to Mr. Speaker or to his delegated representative for a decision.

I do not believe that this committee really would like to enter into the position of deciding who should sit in the press gallery and who should not.

Mr. FISHER: On the point of your contention—

The VICE CHAIRMAN: For the moment we will suspend the examination of Mr. Blakely in order to clear up the matter of the motion.

Mr. FISHER: May I ask Mr. Moreau a question? Could you tell me why you feel it would not be the responsibility of this committee to make a recommendation regarding the use of a public facility? I will not disagree with the first part, in respect of the real estate.

Mr. MOREAU: My feeling is that while we have a pretty evenly divided house right now, we might feel, therefore, we can bring certain partiality to a decision of this kind, but I would hesitate very much having this committee set a precedent looking ahead where there might be a lopsided majority in the house.

Mr. FISHER: You mean that it might become a party issue?

Mr. MOREAU: Exactly. We might perhaps set a precedent here, so that a party would be permitted to determine who should or should not sit in the press gallery. I feel we always have recognized the impartiality of Mr. Speaker. I feel this is a very basic concept of our parliament.

Mr. FISHER: Thank you. I have your point.

Mr. MCINTOSH: I wonder whether there is any record of the terms of reference given to the press gallery at the time the use of these facilities was turned over to them, Mr. Speaker?

Mr. CONNOLLEY: I do not know whether we have any record of the precise terms. Mr. Blakely might know.

Mr. BLAKELY: Well, it was always in substantially the same terms as now. The press gallery always has been subject to the Speaker in so far as the use of public facilities is concerned, and it is clear that it is a delegated authority. These are privileges, I might say, which at one time went infinitely further than they do today.

Mr. OLSON: Mr. Chairman, first of all, I think the terms of reference from the house to this committee clearly ask for this committee to make a recommendation in respect of the matter which is before us. Therefore, I think we are charged with the responsibility of going back to the house with a recommendation. I have to agree with Mr. Moreau that we must separate the application, or the discussion of a recommendation respecting the application for access into the press gallery from the use of the public facilities which are provided for the correspondents who observe and report on parliament's activities.

I accept Mr. Blakely's submission that at the present time the qualifications which are outlined actually are those which are spelled out in the press gallery constitution; that is, the constitution of the association. I think it is up to us, as a committee, to decide whether we think these are fair, correct, and in keeping with what we wish the qualifications to be in respect of the use of the public facilities which are provided there.

Now, Mr. Chairman, in article II it has been stated that membership in the Press Gallery Association, and in turn the right to use the facilities which are provided, shall be restricted to persons who earn the major portion of their income through writing or broadcasting parliamentary and government news. Then it goes on to say they must be full time salaried staff representatives of one or more newspapers. I would like to ask whether you have applied this rule to all the 119 members who now are active members.

Mr. BLAKELY: Yes, sir; we have. There is one exception to this. At the time we closed our associate membership rolls, we arbitrarily transferred our associate members, the editors of the three Ottawa newspapers—but for whom we would have abolished the class entirely—to our active rolls. Some of them immediately did not come up to the qualifications laid down for active membership, but at the time we thought it would be unfair to exclude them from the press gallery, since they had applied for associate membership, and had been accepted. We felt they should not be excluded by virtue of a simple decision of the press gallery to, in effect, close our associate membership. This gave them time to adjust themselves to the new circumstances created by the gallery's decision.

Mr. OLSON: This term "who earn a major portion of their income" is pretty broad, and would require quite a lot of probing into correspondence and personal affairs. In respect of the personal investments and income from all other sources of the 119, have you satisfied yourselves that 51 per cent of it comes from their wages and salary, or comes from their actual writing and reporting of parliamentary activities?

Mr. BLAKELY: We are not concerned with their private income or inherited wealth. The only thing we are concerned about is that we do not get someone, who, for instance, is acting for an oil company, is earning \$15,000 a year, and is a lobbyist for an oil company, is applying for membership and technically is able to get it by offering his services to, for example, a Drumheller paper, or a company paper.

Mr. OLSON: Then this does not mean what it says.

Mr. BLAKELY: It means exactly what it says.

Mr. OLSON: It says "who earn a major portion of their income". Now you are saying it does not matter about other income.

Mr. BLAKELY: It says "who earn".

Mr. MOREAU: You are referring to earned income, but it does not say so.

Mr. OLSON: I do not understand the distinction. What I am trying to get at is that here, apparently, the executive of an association screens the membership and there is a wide open discretion in respect of whether the man earns his income or not.

Mr. BLAKELY: Not in the terms we understand it. You must realize we are not the income tax branch, and are not interested in that side of earnings. We are interested in this in professional terms; that is our criterion. We know precisely what we mean.

Mr. OLSON: Let us be a little more specific. Are you saying that Mr. Rodgers did not earn the major portion of his income from reporting the proceedings on parliament hill?

Mr. BLAKELY: He applied for associate membership, so this is not relevant at all. He did not apply for active membership.

Mr. OLSON: Was he not rejected from active membership at some date in the past?

Mr. BLAKELY: Yes. His membership lapsed when his conditions of employment changed.

Mr. CONNOLLEY: I think there is a little confusion. My collection is that Mr. Rodgers was an active member of the gallery and subsequently he severed his connection with the publication for which he worked. He obtained the normal six months extension of membership and subsequently thereafter made application to be an associate member of the gallery. That was refused.

Mr. BLAKELY: We have prepared a brief summary of the case itself; this is not an opinion, but is just a summary of the case. We had intended to distribute copies of this, but unfortunately we did not get them over here this morning. If it would be of help, I would be glad to read this.

Mr. OLSON: Inasmuch as this paragraph, according to the press gallery, is the criterion used for applications now, and was the criterion used in expelling Mr. Rodgers from the press gallery, and is also the basis on which one can be accepted, then I think it is extremely important, if this committee is not satisfied it is a proper criterion, that we make a recommendation which would be in line with what we think ought to be the criterion in respect of the use of these private facilities.

The VICE CHAIRMAN: A suggestion has been made that a brief summary of the case be read at this point. Is it our wish to hear this at this point?

Some hon. MEMBERS: Yes.

Mr. BLAKELY: On November 2, 1960, Mr. Rodgers became an active member of the press gallery, employed by *Saturday Night*. The letter of application from *Saturday Night* stated that Mr. Rodgers would "be a full time correspondent for me and his total salary (apart from such free lance work as he can secure on radio and TV) will come from *Saturday Night*."

His accreditation lapsed—he was not suspended—on December 1, 1961, when he ceased to be employed by the magazine. He was granted the normal six-month extension of membership when he applied for it. You will notice this is laid down in our constitution. This extension expired June 1, 1962. On May 20, he applied for a temporary membership. The executive rejected this application on July 5, explaining in a letter to Mr. Rodgers that the gallery had no temporary memberships, except those for visiting journalists which cover only a two-week period. (The delay in dealing with this request was due to the election campaign when most gallery members and executive members were absent.)

On July 10, 1962, the *St. Catharines Standard* applied for an associate membership for Mr. Rodgers as its part time correspondent. The executive informed the managing editor of the newspaper that all aspects of the application had been looked into and that the gallery's officers had decided that the constitution did not permit the granting of an associate membership to Mr. Rodgers.

On August 7, 1962, Mr. Rodgers took out a temporary (one-week) restraining injunction on the press gallery. This legal action was later dropped.

At a general meeting of the gallery on August 10, the case was discussed and a motion passed instructing the gallery to be represented by legal counsel at the legal hearing in Toronto which subsequently did not take place.

On October 10, 1962, the press gallery executive voted to deny further use of gallery facilities from Mr. Rodgers and so informed Speaker Marcel Lambert. A registered letter informing Mr. Rodgers of this decision was returned unopened to the gallery with the notation "refused" written on it by the post office.

On October 16, the decision of the executive was endorsed by a 33 to 5 vote at a general meeting of gallery members.

Mr. Rodgers was granted access by the Speaker to the diplomatic gallery effective October 12, 1962. He has retained that arrangement along with a parliamentary post office box number.

On October 19, 1962, the Rodgers' case was referred to the standing committee on privileges and elections. On December 11, the committee heard Mr. Rodgers, Dr. Ollivier, and then-president Clément Brown of the press gallery association. Dissolution prevented any decision or report by the committee.

On November 6, 1963, the matter was again referred to the committee which elected to hear Mr. Rodgers on November 12, and to hear and question the press gallery association on November 25.

Mr. Rodgers has been informed frequently by the press gallery—and this remains gallery policy—that he will be admitted without delay to membership if his newspaper or any other news organization qualified under the gallery constitution advises that he has been assigned as its regular, full time gallery correspondent.

Mr. OLSON: Mr. Blakely, if, for example, today or tomorrow Mr. Rodgers applied for active membership, would this be granted to him now?

Mr. BLAKELY: It would be granted to him just as soon as he meets the membership qualifications laid down in our constitution, with which I am sure members of the committee are fairly familiar.

Mr. OLSON: That is article II, section (h).

Mr. BLAKELY: The active membership clause.

Mr. OLSON: What criteria would you use to establish where the major portion of his income came from?

Mr. BLAKELY: The same as in the case of other members.

Mr. OLSON: That is, you really do not look into it too deeply at all?

Mr. CONNOLLEY: As a general practice we accept a letter from the managing editor of the newspaper concerned. This is assurance to us that so and so has been assigned as a full time correspondent to cover parliament and government. We use the word of the editor in question.

Mr. OLSON: Do you not have this from the *St. Catharines Standard*? I understand one was sent to the Speaker.

Mr. BLAKELY: No. The only letters we had from the managing editor of the *St. Catharines Standard* were in effect an application for an associate membership. In the view of the executive Mr. Rodgers was not eligible for this category.

Mr. OLSON: Do you think Mr. Rodgers writes as much copy as some of the other members who are now in the gallery?

Mr. BLAKELY: I do not know that a comparison of that kind would solve anything. You would have to decide how much appeared in print, and you would have to get a ruler and measure it. I do not know that this would benefit anything. The plain fact is that Mr. Rodgers does not qualify under the yardstick we have.

Mr. OLSON: Is this because the *St. Catharines Standard* mentioned he was only writing part time for them?

Mr. BLAKELY: If the *St. Catharines Standard* wishes to have Mr. Rodgers as its full time correspondent and makes application on his behalf for this category, I can assure you he would be in the gallery as soon as he could be processed.

Mr. OLSON: Could we define "full time"?

Mr. NIELSEN: May I interrupt on what, perhaps, is a question of order? There have been many references to correspondence passing between the gallery and Mr. Rodgers and the *St. Catharines Standard*. Would it be proper to have this correspondence before the committee so that we might have a look at the best evidence available?

The VICE-CHAIRMAN: I believe we have this. I will endeavour to get it. In the meantime, Mr. Olson, would you continue?

Mr. OLSON: I would like to know what you mean by full time. Does this mean someone who works in the press gallery full time; do they have to get full time wages, pay or salary from the paper? It seems to me that at least some of the correspondents up there would be observing parliament full time, but would write only when certain events occur in which the paper they represent is interested. For example, we have some correspondents here from farm or agricultural papers. I think they spend most of their time observing parliament, but whenever something of this nature comes up they write about it. Could this not be applied to Mr. Rodgers; that is, that he observes parliament full time, but when something comes up which is of interest to the locale for which he is reporting he writes about it.

Mr. BLAKELY: But he is hired only on a part time basis.

Mr. OLSON: But your constitution also says a correspondent could write for several papers. He would be hired only on a part time basis by each of these, and yet he would be observing parliament full time to pick out the events which were of interest to each of the papers for which he writes.

Mr. BLAKELY: I think what you have in mind is where a full time correspondent may choose to do some moonlighting. Is that the sort of thing you have in mind?

Mr. FISHER: May I ask a supplementary question in respect of this? There are people in the gallery who, in effect, are merchandising copy to a range of sources.

Mr. BLAKELY: I would put the Canadian Press in this category.

Mr. FISHER: The point I wish to make is, it is possible that once a person has membership on the basis of being employed full time—and it might be for a very small paper like the Charlottetown paper—from that base he can expand his opportunities and in effect have greater income from this kind of work than from what gave him his original accreditation.

Mr. BLAKELY: There is certainly nothing to stop a correspondent from any newspaper, or anyone else, doing work for the C.B.C., or doing articles for periodicals, or anything of that kind.

Mr. FISHER: Returning again to the question of major share of the income earned, is it not possible there are other gallery members who probably or likely would draw more of their income from their freelance initiative than from the original base on which they have their membership?

Mr. BLAKELY: It could happen.

Mr. FISHER: It could happen; why would you deny this same possibility to Mr. Rodgers?

Mr. BLAKELY: We do not deny anything to Mr. Rodgers. Our membership facilities are available to anyone who meets the requirements; but where an individual comes along and declines to attempt to meet the requirements, there is not very much we can do.

Mr. FISHER: There is one point I would like to get nailed down here. My point is, with the right to membership and, with initiative on the part of the person obtaining it, it is possible for him to expand and widen his income.

Mr. FRANCIS: Mr. Chairman, I am not sympathetic with regard to technical questions in respect of income of members of the gallery. In some period they may do a bit of moonlighting and have extra income. I feel the rule has been generally laid out by the press gallery in respect of full time employment. It is not easy to attempt to work out a simple rule. There would be violations of any rule you might put forward which is simple. I think the rule as it is intended is fair.

Mr. FISHER: I do not mind you making this point; but I see nothing wrong with my question.

The VICE-CHAIRMAN: May I respectfully suggest there are answers being elicited from Mr. Blakely, and I think we should permit the questioning to continue. I do not believe Mr. Olson had finished. However, there was a supplementary question and we might let Mr. Fisher finish; then we will return to Mr. Olson.

Mr. FISHER: It is possible that a membership in the press gallery, no matter how obtained, is a springboard to wider earnings?

Mr. BLAKELY: Of course.

Mr. CONNOLLEY: Mr. Chairman, may I add that we have a provision in the press gallery to the effect that every two years the executive review the qualifications of all members of the gallery. Therefore, we ask them which is their sponsoring organization, and they must give us this information. In that way we are aware of which paper they represent and which paper represents the major source of their income.

Mr. BLAKELY: I would like to add to the answer I gave Mr. Fisher. We make no effort to interfere with any member who wants to work for the C.B.C., write an article for the *Queen's Quarterly*, *Maclean's* magazine, or any publication, because we feel this would be far in excess of any authority we have over our members.

While it is true membership in the press gallery certainly can be used as a springboard to greater things, the same thing is true of membership in the House of Commons.

Mr. OLSON: This matter of our not being concerned with income, to me, is quite improper, because actually the press gallery has told us that article II (a) is the criterion; it is the one being used, and it specifically states: "major portion of their income", and so on.

I would like to ask Mr. Blakely whether they inquire at all into the wages or salary paid to a correspondent when they receive the credentials from a paper.

Mr. BLAKELY: No. We receive two statements; one statement from the managing editor or publisher of the paper, or whatever the employer is, and one statement from the individual. We are satisfied with those statements, subject to period review.

Mr. OLSON: So far as the press gallery association is concerned, you do not inquire into any correspondent's income?

Mr. BLAKELY: I do not know how much any single one of my fellow members earns, and I have never inquired.

Mr. OLSON: Suppose the *St. Catharines Standard* wrote a letter to the Speaker and to your association suggesting Mr. Rodgers was a full time observer, whether or not they paid him on a full time basis, would he be acceptable?

Mr. BLAKELY: We do not have any classification for full time observer.

Mr. OLSON: A full time correspondent, but perhaps not one who sold enough to warrant full time pay.

Mr. BLAKELY: Our constitution does not mean that a full time correspondent must be writing 24 hours a day; we do not require any such thing; neither does he have to be observing 24 hours a day. This question never arises. Each one of us observes and writes in respect of what is of particular interest to his own radio station, newspaper or news agency.

Mr. OLSON: I do not think I am making myself clear. The point I am trying to make is, is there a correspondent assigned to write from parliament who observes and watches parliament on a full time basis, every day that there is a session? Obviously correspondents do not write articles every day.

Mr. BLAKELY: If you were employed by *Time* magazine, it would be largely a waste of time. This full time thing relates to the conditions of employment. There is no mystery about it. We have had painful experience in the past on many occasions with lobbyists and agents trying to work their way into the press gallery for reasons that would be perfectly apparent to every one of you. This is the sort of thing that this regulation is there to check. We do not want lobbyists in the press gallery. Occasionally we have

slipped and we have had them because the applicants have evaded questions and have been untruthful, but we do our best to exclude these people. We do our level best to make sure the people here are professionals and full time people. We have no objection to part time people; there are going to be part time people in any business, any trade and any profession I presume, but we are concerned here with policing the authority that the house has itself entrusted to us, and we are limited by the extent of those facilities.

Mr. OLSON: It seems to me the explanations that we have had fall short of being consistent when you talk about full time. Is it income and the actual time spent that you mean.

Mr. BLAKELY: It is in reference to the terms of employment. Surely everyone must understand what full time employment is.

Mr. FISHER: Would you agree it should be the agency or the newspaper that hires the person which should determine this?

Mr. BLAKELY: It is.

Mr. FRANCIS: Mr. Chairman, I think that Mr. Blakely answered this but I would like to be sure. Are there only three associate memberships of editors of local papers and is at stake here an application which would have the effect of extending and creating an entirely different line of precedence in regard to this type of membership which has been carefully reviewed not so long ago?

Mr. BLAKELY: That is quite true. Associate memberships are not accepted under the latest revision of our constitution only when they are endorsed by a two-thirds vote of our membership. This is the same sort of provision we have for honorary life members and all the others. It is a special category which has been preserved only to accommodate the editors of the three local papers who occupy a special position in relation to the reporting of parliament.

Mr. FRANCIS: It seems to me that a critical feature in the presentation you have made concerns the expansion of membership and the limited facilities at your disposal. I do not know whether it was your intention to raise this as a direct issue for the committee to review or not?

Mr. BLAKELY: Not at all.

Mr. FRANCIS: But basic to your problem is the expansion of membership. You gave some statistics of the numbers. Do you foresee a continuing expansion on the normal basis of the media which are making the routine application?

Mr. BLAKELY: Yes. There was a time when part time correspondents were accepted, and when they saw the total number of people who were reporting on parliament fell short of filling the facilities at our disposal.

Mr. FRANCIS: Of course the reverse is true now.

Mr. McINTOSH: I almost forget my questions now and if I remember them I do not know whether they have been answered or not.

First of all, I would like to say that I am in agreement with the opinions expressed by Mr. Moreau that membership in this association is no concern of ours whatsoever. The concern we have is in the use of the facilities provided by the people of Canada. That is the reason why I asked my first question about the terms of reference laid down by the Speaker when he turned over the use of these facilities to the press association. I understand now that you have over 100 members of the association making use of the facilities there. I understand you have 70 odd seats and desks. Now, the allocation must have been made by a certain yardstick at one time. I also understand that some of the press have five or six reporters, such as is the case when one paper has five or six members in the press gallery. I presume that if it is an older paper or if it had been in

business for quite some time, maybe five or six of those 70 desks, typewriters and so on, would be at his disposal. Has there been a revision of the allocation at any time as your membership has increased?

Mr. BLAKELY: The competition within the association for desks and other facilities is extremely keen. The Canadian Press alone has more than 20 members assigned to parliament. We do our best to process this so that where a newspaper or a press agency has multiple memberships, and must have multiple memberships, we assign a lesser number of desks than they have people on the assumption that they can make do with five people using two desks, or something of this sort. I think the Canadian Press has, if I remember correctly, eight or nine desks. As I say, it has some 200 odd members assigned to cover parliament.

Mr. McINTOSH: When a member of the press gallery leaves Ottawa—he is given a transfer to some other assignment—what procedure is used to accept the new reporter into your association, and what procedure is used to allocate to him the facilities of the press gallery?

Mr. BLAKELY: The two things are separate. As soon as someone leaves the gallery, the desk becomes surplus. We have a desk committee which does nothing else but assign desks as they become available. There are always more people waiting for desks than we are able to supply even though we have floated out into the halls of parliament, and in due course we are going to reach the doors of the public gallery.

Mr. FRANCIS: Something will have to be done then.

Mr. McINTOSH: Being from the west I am concerned with papers out there—though not too concerned with what they say I do—and I feel for them all the time, but I do know there are smaller papers in the west than you have in the east here, and in one case that I am thinking of there is one reporter for two Saskatchewan papers. From what you have said, when this new reporter for a Saskatchewan paper first came in—and I do not know whether this has happened or not, I see he is present today—did he have to wait his turn to take a desk, or did he take over from the former reporter?

Mr. BLAKELY: It would depend on the actual surplus situation at the time. If there was a desk available for him because of his condition—that is reporting for two Saskatchewan papers—his priority would be heavier than for, say, a sixth man for the *Toronto Globe and Mail*.

Mr. CONNOLLEY: I am familiar with that particular case.

Mr. McINTOSH: I used it as an example.

Mr. CONNOLLEY: He is sharing a desk with the august representative of the *Times* of London.

Mr. BLAKELY: You cannot ask for more than that.

Mr. McINTOSH: There cannot be a surplus of your facilities as you have stated that you have 70 some desks and 119 reporters at all times. There would be no surplus.

Mr. BLAKELY: We do have low priority people waiting. We feel that where one organization already has several desks at its disposal, the mere fact that two of its members do not have desks of their own is a matter of less concern to us than that one representative of one newspaper has no desk whatever. He would have a higher priority.

Mr. McINTOSH: I will leave that for the time being.

Has there ever been an estimation made of the cost of the facilities that the public of Canada can provide to the press gallery?

Mr. BLAKELY: A number of estimates; they vary widely.

Mr. FISHER: I could put one on the record. It was provided to me by the Speaker.

Mr. McINTOSH: I would like to know the figures.

Mr. FISHER: Maybe the Chairman would like to have this. I have a four-page memorandum which was provided to me by the Speaker on June 26, 1961.

The CHAIRMAN: Is it the wish of the committee that this be read into the record at this stage?

Mr. McINTOSH: Please table it.

The CHAIRMAN: This will be tabled. It is agreed.

Mr. McINTOSH: My next question has been somewhat covered. I was thinking of the case of a freelance writer who writes for small papers and would not be able to get a letter from any one particular firm stating that he was a full time employee of that publication. What happens in a case like that?

Mr. BLAKELY: We would regretfully have to reject his application. As things stand, we have just no scope left for free lance writers. We do not object to them; we have no wish to exclude them, but we have no place to put them, we have no facilities available for them, and our constitution has been drawn up accordingly.

Mr. McINTOSH: He would not be allowed the privileges of using your offices or a seat in the gallery?

Mr. BLAKELY: This same thing is true of many of our members.

Mr. McINTOSH: What I would like to know is what has been the procedure in the past when such a free lance writer does get information from the House of Commons. Where does he fit or who is to look after getting a place for him?

Mr. BLAKELY: There was a time, as I said earlier, when free lancers were admitted to the press gallery. At that time the pressure on the press gallery was much lighter than it is today. That was in the late '20's and the early '30's. Since world war II, even during the early stages of world war II, this pressure has been increased so inexorably that we have had to revise our membership requirements upwards at a number of periods. We can no longer make provision.

Mr. McINTOSH: In other words, then, it would seem to me that the big press of Canada, the large papers, have a monopoly in the press gallery. If a free lancer writer writes for several weekly papers, he has no privilege as far as your association is concerned, to use the facilities in the House of Commons.

Mr. BLAKELY: That is true.

Mr. CONNOLLEY: Not unless one of the papers provided the major source of his income.

Mr. McINTOSH: None of the papers I am thinking of, the small weekly papers on the prairies, could do so.

Mr. BLAKELY: I would not want any misunderstanding to arise here. As far as we are concerned, we would be perfectly happy if it were possible to have every weekly, daily, bi-weekly and every other periodical in Canada, newspaper, radio representative, present here as a member of the gallery.

Mr. McINTOSH: Have you any suggestion on how this could be carried out? I am not criticizing your organization; I just want to know why they have not got the privileges of a reporter in the House of Commons if they are employed full time as freelance reporters?

Mr. LEBOE: He means someone representing several papers.

Mr. MCINTOSH: Or writing for, say, 12 papers and not one of them providing 51 per cent of his income.

Mr. BLAKELY: They are not barred from attending the proceedings of the committees, the House of Commons, the Senate, noting what occurs down below and going back to their homes or any office they may have on their own and writing as much as they please. All we say is that because of internal pressures, we have no facilities to offer them. But it is not on the basis of whether they represent a large newspaper or a small one, whether they represent the Canadian Press or *agence france presse* that we determine this. Any individual who comes along to us and produces a letter from his managing editor or his managing director or a senior official of his firm saying he is a full time employee assigned to cover parliament and government, if he makes the same declaration to us himself, he will be accepted. We do not care whether the circulation of the newspaper, if we are considering newspapers, is large or small; he will be processed just as speedily if he represents a Moose Jaw paper as if he represents a Toronto newspaper.

Mr. MCINTOSH: I have one last question. The words "facilities in the house" have been used this morning. What do you mean by "facilities"? Do you mean desks, stationery, typewriters, heat, light and power? Have you a list of what you are entitled to as members of the press gallery?

Mr. BLAKELY: The first and most important is the use of the gallery overlooking the house—that is primary to everything. It was not until we, or our predecessors, got that, that we had anything. Then, in the office area, we have desks, filing cabinets, stationery, light, heat and water.

Those are the only facilities that we have.

Mr. MCINTOSH: I have one more question. Either you yourself or Mr. Connelley made reference to the system used in London and Washington. Is ours comparable to theirs, or do they get more privileges than you people get here, or vice versa?

Mr. BLAKELY: Our system is incomparably more relaxed. The *Globe and Mail*, for example, has had a full time salaried, and no doubt well salaried, correspondent in London for some years. He is not a member of the press gallery. His chances of ever becoming a member of the press gallery are exceedingly slim. He has facilities that would compare unfavourably with those that Mr. Rodgers now enjoys.

Mr. FISHER: You are getting here into something very complicated, in that the British have several kinds of coverage.

Mr. BLAKELY: The British system is dictated by circumstances that are even more difficult than ours; that is the essence of their system, that is the reason for their system.

Mr. NIELSEN: I would like to move, Mr. Chairman, seconded by Mr. Millar, that the following documents be tabled and printed in the minutes of these proceedings.

The CHAIRMAN: What are they?

Mr. NIELSEN: The first is a letter from Mr. Rodgers to Mr. Dempson, secretary of the press gallery, dated May 25. Among other things he has applied for an associate membership and states that more than half of Mr. Rodgers' income comes from outside business activities.

The second is a letter from Mr. Dempson to Mr. Rodgers, dated July 5, 1962, which informs Mr. Rodgers, among other things, that his application for associate membership is rejected.

Third, is a letter from Mr. Rodgers to Mr. Dempson, dated July 7, 1962, which states, among other things, his intention to apply for associate membership under the terms of the constitution, as amended last December.

The fourth is a letter from Mr. L. Smith, managing editor of the *St. Catharines Standard* to the executive of the parliamentary press gallery, dated July 12, 1962, stating that he applied for associate membership on behalf of Mr. Rodgers and stating that Mr. Rodgers is not a full time salaried employee, and that an application for full or active membership would not be appropriate.

Fifth, letter from Mr. Dempson to Mr. Smith, dated July 26, 1962, among other things rejecting the application of Mr. Rodgers for associate membership.

Those are the documents, Mr. Chairman.

I notice the absence of one that I was hoping would be tabled, and that is the letter that Mr. Blakely or Mr. Connolley said was registered and returned, marked "refused" by Mr. Rodgers.

Mr. J. STEWART: That was not part of the correspondence between the *St. Catharines Standard* and the secretary in relation to an application. I will find it.

Mr. NIELSEN: I will add that to my motion.

Mr. CAMERON (*High Park*): Are the documents, which Mr. Nielsen is moving should be filed, not part of the property of the committee?

The CHAIRMAN: The Press Gallery Association produced them this morning. They were never requested before. They produced the correspondence that passed between the press gallery, Mr. Rodgers and the *St. Catharines* paper. There is a motion that they be made part of the record and printed. All those in favour? It is agreed.

Motion agreed to.

Mr. NIELSEN: I have a couple of questions I would like to ask. I believe I understand the association's regulations respecting membership on the basis of a full time application to their job, but I wonder if Mr. Blakely could just clarify the requirements for an associate membership, or is there any such thing?

Mr. BLAKELY: The only requirement we have had for several years for an associate membership is that one be the editor of *Le Droit*, the *Journal* or the *Citizen*.

Mr. NIELSEN: An editor of one of those newspapers? Is that the situation as disclosed by the rules at the time Mr. Rodgers' application was made, and application was made on behalf of the *St. Catharines Standard* by Mr. Rodgers.

Mr. CONNOLLEY: That is correct.

Mr. NIELSEN: If all the members—119 of them—are full time members of the press gallery, having regard to the broad strips that are being torn off the members of the House of Commons if they happen to be absent in other buildings in Ottawa on business, how is it that so many times we see only one or two of the 119 in the press gallery? Why do those correspondents not remark on the percentage present in the gallery?

Mr. CONNOLLEY: If I might reply to you, I am in complete sympathy with you in your observations regarding reporters who do tallies on the absence of members in the house. We know perfectly well that members may be in committees or working on correspondence or with their constituents. I think it is nonsense. However, in the case of the press gallery correspondents, if you do not see them in the house, just walk down the hall and you will see where we are and what we are doing.

Mr. FISHER: You are expressing a personal opinion, not the opinion of the press gallery.

Mr. CONNOLLEY: I am very careful because I do not want my head chopped off.

Mr. NIELSEN: May I conclude my remarks by suggesting that members of the press gallery do a little walking around these buildings to find out where members are before writing such articles as they do.

Mr. CAMERON (*High Park*): Mr. Chairman, I agree with Mr. Moreau that this is a matter for the Speaker and that Mr. Blakely's remarks are relevant only in the sense that we want to see what they are before forming our ideas and to see whether we are satisfied with the job they are doing. There has been a considerable amount of comment about this full time salaried staff representative. I would like to ask Mr. Blakely the following question: Can a person be a full time employee while working for different organizations such as a newspaper, the radio, television broadcasting stations and so on, and why cannot a person say "I am devoting my full time to making these comments and observations on parliament hill"? Why cannot he say "I am working for this newspaper but I am also doing radio broadcasting and in effect devoting my full time to this type of work"? If he made a declaration to that effect why would he not qualify for membership to the press gallery?

Mr. BLAKELY: Because, as everyone has conceded, the facilities which were entrusted to us for administrative purposes by the Speaker and the house are extremely limited and some system or priority has to be established. In the circumstances which prevail at present this is our best judgment of the priority that must be established. How could we have any objection to freelancers? We know many of them, and there are many more in Ottawa than perhaps you, gentlemen, realize, who are writing regularly on parliament and on government.

Mr. CAMERON (*High Park*): You are applying a much narrower interpretation of the meaning that could be extracted from the words in your constitution than the words themselves actually indicate.

Mr. BLAKELY: We are not legislators, Mr. Chairman. We do not have any law officers of the crown to draft our constitution for us, but we know what we mean. We mean a full time employee of one of these categories.

Mr. CAMERON (*High Park*): I take this to mean that one is devoting himself full time to this particular work? One newspaper might say "We cannot afford a full time man, but if you want to write for another newspaper and they are willing to pay part of your salary, two of them combined make a full salary"; why does he not qualify?

Mr. BLAKELY: Because he does not meet the qualifications laid down explicitly.

Mr. CAMERON (*High Park*): He is a full time employee of these two newspapers.

Mr. BLAKELY: But he is not a full employee of any one.

Mr. CAMERON (*High Park*): Did not Mr. Fisher put his finger on the spot that it is his employer who decides whether he is working full time or not? If the employer is big hearted enough to say "You can go and make a radio broadcast occasionally and make some extra money, we do not care" it is his business. However, the employer has the right to say to whoever is the employee "If you are working full time for me, you are not working for anybody else".

Mr. BLAKELY: That is always the right of the employers, and some of the employers of representatives in the press gallery take precisely this position and do not permit their representatives to appear on the C.B.C. under any circumstances. That is their privilege.

Mr. CAMERON (*High Park*): But you do not go that far. You say that if your employer is willing to allow you to do moonlighting or extra work, you are not going to interfere.

Mr. BLAKELY: We would not regard this as part of our functions. If the press gallery were to start doing this, if it were to start saying that any individual in the press gallery cannot write an article for some periodical, appear on the C.B.C., or do some extra work, I would resign from the press gallery, because it would be an unwarranted interference with the rights of an individual.

Mr. CAMERON (*High Park*): What I am interested in is in forming my own opinion on the advice we should send back to the Speaker on what he should do under the circumstances and under what principles he should be guided. That is why I have been asking these questions.

Mr. DOUCETT: Mr. Chairman I would just like to ask Mr. Blakely the following question. I understand it but I want to be clear. Supposing you had a letter from some newspaper, that Mr. so and so was a full time employee, and you processed it. He naturally would be accepted, all things being equal. But then when he takes over, you do not police, or do you police, what he does, whether he writes, or whether he sits in the press gallery, or otherwise. That is not your concern, is it?

Mr. BLAKELY: It is no concern of ours. This is a matter between him and his employer.

Mr. DOUCETT: If the employer wanted to pay him, and he sat idly by for three-quarters of the time, that is no concern of yours.

Mr. BLAKELY: That would be his business and that of his employer.

Mr. DOUCETT: But if the employer said that he was a full-time employee, he would be accepted as a member of the press gallery.

Mr. BLAKELY: We only record two declarations on this point, one from the senior officer of his newspaper or radio station, and the other from the man himself. That is all. We do review it every two years.

Mr. FISHER: Mr. Chairman, we have a fellow member here who is not a member of our committee. It has usually been the custom that if a member was interested, he could be given permission, if the committee is willing, to ask a question or two. Mr. Cowan is in this position this morning.

He would like to ask one or two questions. I move—and I hope the committee is agreeable—that Mr. Cowan be given his opportunity.

The VICE CHAIRMAN: I am very new at this. We understand there has to be unanimous consent of the committee. I will put the motion in a moment. In my opinion however I feel the members of the committee should first be granted the courtesy of asking any questions they may wish.

Mr. FISHER: I still have some questions, but Mr. Cowan raised this with me, and I thought we might give him an opportunity.

The CHAIRMAN: Does someone so move?

Mr. FISHER: I so move.

Mr. CAMERON (*High Park*): I second the motion

The CHAIRMAN: All those in favour?

Motion agreed to.

Mr. LEBOE: I have one or two questions: first in connection with the use of facilities; when you say there are 20 Canadian Press members, we are not singling them out with any reflection on them in the use of the premises, but I wonder if Mr. Blakely could indicate the situation. You say you have eight or nine desks. Are they eight or nine separate departments? Do they have eight or nine departments which need covering in a day, or which would require them to have this many desks as a news agency?

Mr. BLAKELY: That is a question which should probably be directed to somebody in the Canadian Press. There are three usually, but they can assign a particular man to cover any particular aspects of the work, whether there be two, three, five or ten committees. They have this immense volume of copy to write every day. I think they are in a unique position here.

Mr. LEBOE: I was wondering about that. In the evening of every sitting day we generally are given an outline from the house leader of what is going to come up the next day. I wonder whether or not application of this information to such a large group would not reduce the number of the desks which may be authorized?

Mr. BLAKELY: Quite apart from parliament there are government departments to be covered. When parliament packs up entirely, the number of men that the Canadian Press require on the hill or down below to cover the operations of government proper remain very substantial.

Mr. LEBOE: Yes, I realize that. But I was wondering if this was the only facility that Canadian Press had in Ottawa in order to do its work?

Mr. BLAKELY: No, they have substantial office space downtown.

Mr. LEBOE: Outside of the work of the house which is connected with the press gallery I am a little suspicious that a lot of the work may be carried on at these desks which are at a premium. This is what I am getting at.

Mr. BLAKELY: There is the imbalance; there are more than 20 of them, while there are only eight or nine desks up here on the hill for them. Days are very rare when they do not have enough work which would not require at least those desks.

Mr. LEBOE: When you speak of departments, and when you talk about working departments with some downtown office, I would suggest you have another agency to handle your business, instead of crowding facilities up here in the press gallery.

Mr. BLAKELY: This would be substantially true between sessions. Between sessions there are certainly many occasions when the Canadian Press would not be using their space to the full or nearly to the full. But at that time the pressure on the gallery as a whole has been reduced substantially.

Mr. LEBOE: I do not want to take up the time of the committee too much on this point.

Mr. BLAKELY: There is really way to save that space. If parliament dissolves or prorogues December 20, the pressure on the Canadian Press with respect to office space here would be reduced. But if there is space available, it would be because the pressure on the gallery has been reduced right across the board.

Mr. LEBOE: I realize that I would like to mention that most of the ministers whom I spoke to and to whom I referred, really have two offices, one as a member, as it were, of the House of Commons, and also another office in which they carry on business all the time. I am only leaving this as a suggestion. It might be looked into to see whether or not facilities might be used in downtown offices in connection with the work of a general nature, work which is not

specifically their work as members of the press gallery sitting in the gallery, working as reporters of parliament as such. A minister's functions go on all the time.

If I were a pensioner—I may be some day, you never know—and I had an agreement with the newspaper without any reference to a fixed sum, I apply to the press gallery, and I get a letter from my newspaper saying that I am employed by them full time without any fixed salary, without any fixed compensation whatsoever, and if I should come down here, could I get access to the press gallery if I said that that was my job?

Mr. BLAKELY: Your application would be judged purely and simply on whether or not you met the qualifications laid down in the section.

Mr. LEBOE: Suppose I had a letter saying that I was a full time reporter for such and such a paper, and that I was acting full time for this particular paper, and suppose that both the paper and I say so?

Mr. BLAKELY: If you both say this, I would think you would qualify.

Mr. LEBOE: Would I be eligible for admission as a member of the press gallery?

Mr. BLAKELY: I would think so.

Mr. LEBOE: This is along the line of getting back to the point you mentioned, or that was mentioned a while ago by Mr. Fisher and Mr. Olson. When I say I have a golden opportunity to use this as a springboard from which to get recognition, and possibly of getting much more money—I do not know too much about the press—still I might have to say that I was a full time employee of that firm or newspaper on a salary; and yet I come as a full time employee with no salary at all, but being paid in order that I may gain access to private files.

Mr. BLAKELY: That is quite true. There is nothing to prevent you from coming down here without the qualifications of an ordinary or small salary, or having to declare a small salary, to do additional work which would exceed your income from your full time employer.

Mr. LEBOE: You mentioned membership and facilities. I gathered that there was a sort of streaming of membership to a degree because of the facilities. In other words, you were looking much more closely at memberships because of the facilities. I think that is important.

Mr. BLAKELY: That is perfectly true.

Mr. LEBOE: I have seen the conditions under which you work in the hall, and I would like to hear your comments.

Mr. BLAKELY: That is perfectly true. Before the war there were about 30 to 40 members, not all of whom were assigned on a year round basis to cover government and parliament. Many of them were sessional men. We used to have one man who would come up just on a sessional basis. But from 1940 on, the influx of year round members meeting our requirements has been rising every year, and we have had to adapt ourselves to those changing circumstances.

Mr. LEBOE: In other words, the facilities as they are now being overcrowded, you have to use your judgment to a degree in the matter of membership? Am I right in saying that?

Mr. BLAKELY: It certainly guides us in setting priorities and in drawing the line.

Mr. LEBOE: I want to get in a short question, and it is this: if I understood you correctly, from what you have said now, there is no refusal of membership, but there is no guarantee of facilities? Am I right in that?

Mr. BLAKELY: There is a refusal of membership if you do not meet our requirements.

Mr. LEBOE: I mean those who have met your requirements; there is no refusal of membership provided they have met your requirements?

Mr. BLAKELY: No.

Mr. LEBOE: But on the other hand, there is no guarantee of facilities?

Mr. BLAKELY: That is quite right.

Mr. FISHER: There is on new area I would like to get into. But first of all, I would like to tell the gentlemen of the press gallery that it seems to me you have introduced something that we really were not considering in this matter but I think we shall have to do so, and that is the question of facilities. It has been suggested recently in the last short time that if the gallery were cleaned out, and there was a fresh start made with just the provision of office and desk, without any assignment of desks at all, it would be possible for the space there to accommodate a lot more people. Is that correct?

Mr. CONNOLLEY: I would think so; with no assignment of desks there would be adequate accommodation with the quarters that we have now for the membership that we have.

Mr. FISHER: If there was no assignment but just a pool, such as the stenographers' pool, with phone and typewriters?

Mr. BLAKELY: We just have too many bodies for ten desks. We secured knowledge from public works in relation to the number of people having regard to the desks, and there are just too many people.

Mr. FISHER: Is it not a fact that a certain number of newspaper agencies have made provision for themselves downtown?

Mr. BLAKELY: That is right.

Mr. FISHER: You say yes but you would not single out any specific newspaper or any specific agency which has endeavoured to arrive at some order of priority within the facilities which you have?

Mr. BLAKELY: We do not do it on the basis of individual newspapers, but having regard to the degree of urgency in each particular case.

Mr. FISHER: Yes. In other words, in a sense you have the whole range within the gallery members, with different qualities and facilities, and you have that available?

Mr. BLAKELY: That is quite true. With reference to some newspapers having office space downtown, that is perfectly true. But I would remind that those newspapers who continue to use desks in the gallery, do so because this is the only way they feel they can continue to report accurately. So everything is more apparent than real. We have not been able to reassign many desks on that basis.

Mr. FISHER: Let us turn to another aspect with you or your group, namely with respect to the opening of opportunities to do other things to gain income. Now, if you have to review the status of each member every two years I presume you would have a file indicating for whom they worked and generally what opportunities they exploit.

Mr. BLAKELY: What we would have would be a series of responses to a questionnaire.

Mr. FISHER: Let me put it this way. I want to know because I think this is true: it is possible for a person to be accepted by your membership on the basis of their representing, let us say, the *Charlottetown Guardian*, yet in fact

at the majority of his effort, and the majority of his income could come from selling pieces right across the country to newspapers, radio stations, and in the private field?

Mr. BLAKELY: Yes, it could. But on the other hand, there is not necessarily a close relationship between effort and earnings.

Mr. FISHER: I agree, but it is possible.

Mr. BLAKELY: Many things are possible.

Mr. FISHER: My point is that with Mr. Rodgers denied membership in the gallery, the use of its facilities, he is also denied an opportunity to expand his income, despite the fact that on the basis of being the correspondent, let us say, of the *St. Catharines Standard*, he is on all fours with somebody else who may represent the *Charlottetown Guardian*.

Mr. BLAKELY: I do not believe that he is denied opportunities in that respect. He has had time on the C.B.C. more often than anyone else.

Mr. FISHER: But there would be advantages to his having membership?

Mr. BLAKELY: As a member myself I would naturally feel this way about membership in the press gallery.

Mr. MOREAU: Perhaps we should be careful about excluding people, because suddenly their ancillary income may exceed yours.

Mr. FISHER: I am not talking about excluding anyone.

Mr. MOREAU: In your case you have succeeded.

Mr. FISHER: A representative of the gallery made the point that it is impossible to make any quantitative judgment by the amount of material which goes into the trade.

Mr. BLAKELY: Certainly that is right, and not even the quality.

Mr. FISHER: So always you are driven back to the question of whether they are accredited by a legitimate news medium. Is that correct?

Mr. BLAKELY: The accrediting is done by ourselves. The application to be accredited comes from the home agency, from the newspaper or whatever it may be.

Mr. FISHER: The *St. Catharines Standard* has the status of a daily newspaper does it not?

Mr. BLAKELY: Of course, and it has been represented in the press gallery.

Mr. FISHER: You have members in the press gallery whose membership rests on a comparable basis with a newspaper of comparable size.

Mr. BLAKELY: I think we even have smaller newspapers.

Mr. FRANCIS: But not on the basis of the kind of letter outlined, to be tabled with this committee?

Mr. BLAKELY: We are not concerned about the size of the newspaper.

Mr. FISHER: I want to touch on a point you made in your last appearance before the committee. It relates to the fact that Mr. Rodgers has asked not for membership but rather for use of facilities. This would include, I suppose, the facilities that are available to a reporter, namely, the use of the blues. There is nothing which prevents the use of the blues. Have you ever had any complaints about their use being extended.

Mr. BLAKELY: I have had no complaints whatsoever.

Mr. FISHER: But you do have complaints about press releases?

Mr. BLAKELY: Press releases are our own property. They come to us not by virtue of any authority delegated by the house or the Speaker. But that is not true of the blues.

Mr. FISHER: What is the weakness in preventing Mr. Rodgers the use of facilities? What would be the objection to this use of facilities?

Mr. BLAKELY: The weakness in this is that members of the gallery assume collective responsibility to see that press releases are treated according to the rule, because when there are infractions, the gallery is collectively held responsible.

Mr. FISHER: What could they be?

Mr. BLAKELY: There may be a press release which discloses information which was given on a confidential basis. Many of the releases we get, we get only subject to certain conditions. The gallery undertakes that these conditions will be honoured, and any member of the press gallery who regards the conditions as being unfair or unreasonable has the privilege of withdrawing from the arrangement altogether. But we police this thing.

Mr. FISHER: Could you give me any judgment as to how often this kind of restriction is violated in fact?

Mr. BLAKELY: Oh, fairly frequently. A good many of the releases we get are subject to some condition or other.

Mr. FISHER: But in so far as the blues are concerned, there would be no difficulty at all.

Mr. BLAKELY: The blues are the property of parliament, the House of Commons, the Speaker. If the house or the Speaker has to extend the distribution of the blues, that is a matter for the house or the Speaker. We would have no complaints. Our only concern with the blues is to make sure that we continue to acquire this facility, and it is a facility.

Mr. FISHER: My final question is this, and it is a hypothetical one: if the *St. Catharines Standard* at any time put forward a new letter to you stating simply that Mr. Rodgers was their parliamentary correspondent, and then if Mr. Rodgers followed this up with an application for active membership, stating that the majority of his income, at the time he made his application, came from the *St. Catharines Standard*, would that application be automatically accepted?

Mr. BLAKELY: As you yourself pointed out, this was a special case, and no one individual member of the press gallery could or can speak for a general meeting. All I can say is that I have never known any situation where an individual, whether he be popular or unpopular, whether he represents a large paper or a small one, a radio station or not, has been refused membership if he meets the qualifications laid down in our constitution. That is all I can tell you.

Mr. FISHER: Where is there to be found in the section relating to active membership any indication that there is to be reference to the general membership, or that the general membership at the meeting has the right to ask?

Mr. BLAKELY: What is that?

Mr. FISHER: To pass on the validity of the membership application?

Mr. BLAKELY: That is for associate membership.

Mr. FISHER: I am now talking about active membership. Where is there in your constitution anything about general membership?

Mr. BLAKELY: I think it is article (2), section (a).

Mr. FISHER: Where does it say anything in there about general membership?

Mr. CAMERON (*High Park*): What about article (3) section (f)? Does that not cover it?

Mr. FISHER: No. That has to do with temporary membership.

According to the constitution as I see it, the material has to do with the basis of active membership, and general membership has nothing to do with it.

Mr. BLAKELY: No, that is not true. The executive processes applications from those submitted, and then if there is any dispute or any controversy or any question, the matter is for a general meeting, to be discussed at the following general meeting. On occasion when there is something of particular interest, it may be referred, and frequently, is to a general meeting.

Mr. FRANCIS: You indicated that your concern, or your test of general membership would be a matter of good faith to the membership of the press gallery. If you want to exclude people who may be of some other profession, it is not possible to do so?

Mr. BLAKELY: That is right.

Mr. FRANCIS: Is it not possible that you may have to adopt such a test as the one you outlined today? Is that the reason you have not spelled out the test in rigid form in connection with this situation?

Mr. BLAKELY: Our constitution is always under review.

Mr. FISHER: Obviously your constitution is out of date at the present moment.

Mr. BLAKELY: Why do you say that?

Mr. FISHER: You provide for associate memberships, yet you say they are no longer being granted except in extraordinary cases, to cover the editors of the three large newspapers.

Mr. FRANCIS: Mr. Fisher is a great believer in fully spelled out and written constitutions.

Mr. FISHER: I am not a great believer in anything. I am trying to get to the roots of what appears to be a rough situation.

Mr. FRANCIS: There is nothing wrong in that, if it is general procedure to deal equitably with applications. There is nothing wrong in it providing there is no evidence of discrimination.

Mr. OLSON: The application of this constitution is open to pretty wide interpretation by the executive.

Mr. BLAKELY: I would say not at all.

Mr. CONNOLLEY: In relation to Mr. Fisher's question and reference to a general meeting I would refer to article (II) section (i) which I read as follows:

(i) The name of any applicant for active or associate membership, and the name of the newspaper or press association sponsoring the application, shall be posted on the gallery notice board for at least one week before membership may be conferred on the applicant by the executive committee. In the event of objection being taken to any decision of the executive committee by not less than five active members, or in the event that the executive committee shall fail to decide as to the desirability or propriety of granting membership, the application shall be submitted to a general meeting of the gallery, and the will of the majority of active members present at such meeting shall prevail.

Mr. FISHER: In other words, there may be a decision which may be made by the executive as to the thoroughness of an application, and there in fact does not appear to be a blackball within the membership as a whole.

Mr. BLAKELY: There is power, there is no question about that. If the majority of the members of the press gallery decide to exclude someone, they could certainly do so. But this is no more than saying that there are many things which parliament could do if it so decided.

Mr. FISHER: You have rules on the basis of which an application is determined whether it is a valid one or not, or for over-riding whatever may be valid. You have actual power over membership to deny an application.

Mr. BLAKLEY: We have two other systems as well; general membership constitutes on appeal stage; the Speaker is the second appeal stage, and the house itself is the third appeal stage.

Mr. FISHER: I want to get this one point clear concerning the power of a general meeting: even if Mr. Rodgers submitted an application which stood on all fours with the requirements of article (a), there would be no guarantee that he could become a member?

Mr. BLAKELY: Even if the executive approved the membership application 100 per cent, even if the Speaker interposed, saying this man shall not be admitted to house facilities, there is nothing we can do about it: or if the Speaker or the house decided to blackball an application, there is nothing anybody further up the line could do.

Mr. FISHER: You would look to both the Speaker and the house as being responsible for the matter, and I think that is worth something in view of what Mr. Moreau said.

Mr. MOREAU: I think my motion did imply that there was the right of appeal to the Speaker, if the Speaker is to have jurisdiction. Then certainly, if the authority has been delegated in this case to the members of the press gallery association, it would seem to me that the implication would be that there would be the right of appeal to the Speaker, in view of the fact that he has special authority. I feel this is a pretty valid way to see it. I really do not think that much of the discussion we have had would be very helpful to Mr. Speaker when he reads the transcript of evidence. But I do hope that we accept this point of view. I think my motion should be entertained and that the discussion should perhaps be only for that purpose.

Mr. MCINTOSH: Your motion applies only to this committee anyway.

Mr. MOREAU: That is right. I think the discussion here would be helpful.

Mr. FISHER: The Speaker has not made a decision. As a matter of fact, three Speakers have not made a decision. And they have postponed doing so. That is the reason for this committee. So suddenly to throw the thing back to the Speaker may be one way out in the sense, that it is an indication to the Speaker to make a decision. I do not quarrel with it, but I think it needs to be made perfectly clear.

Mr. FRANCIS: You are spelling out the Speaker's functions and procedures.

Mr. MOREAU: That may be true. I think that probably my motion would apply, and I suggest that here we have had before the committee all the testimony we have heard, and that it may be very helpful to Mr. Speaker. I do not quarrel with the fact that it was referred to the committee.

Mr. FISHER: There is one point of information I would like to mention. The committee should reform the procedures of the house and the arrangements of the house. I do not think this has anything to do with the matter

before us as it is on the agenda. But I have one question to pursue with members of the press gallery, because I think it is germane to a point which Mr. Blakely made this morning.

Mr. FRANCIS: Perhaps we might hear from Mr. Cowan now.

The CHAIRMAN: I would be pleased to hear from Mr. Cowan but I thought that the first courtesy should go to members of the committee. I should be pleased to hear from Mr. Cowan provided no other member of the committee wishes to ask questions.

Mr. OLSON: Do you have any members accredited who are paid on a piece or commission basis?

Mr. BLAKELY: Not to the best of our knowledge.

Mr. OLSON: They all receive salaries from the papers who gave them their accreditation?

Mr. BLAKELY: If they all signed these review undertakings, yes. But if they failed to answer any of these questions satisfactorily, then the whole question of their membership would be reviewed.

The CHAIRMAN: I will again read the terms of reference without comment. It would not be becoming for me as Chairman to make any comments. The terms of reference reads as follows from Vol. 2 privileges and election for 1963, page 89.

WEDNESDAY, November 6, 1963.

Ordered,—That the question of Raymond Spencer Rodgers' right to use the facilities of the press gallery be referred for quick study and a report back to the house on its merits by the standing committee on privileges and elections.

Ordered,—That the names of Messrs. Greene, Rideout, and Fisher, be substituted for those of Messrs. Brown, Dube and Brewin respectively on the standing committee on privileges and elections.

Mr. COWAN: Thank you for permission to address the committee. I only want to ask three or four short questions. When did the Speaker yield his sole right to control admissions to the north gallery to the press representatives attached to parliament?

The CHAIRMAN: You are asking your question through me?

Mr. COWAN: I am asking the question to the witnesses directly?

The CHAIRMAN: Do you wish the question to be answered by Mr. Blakely or Mr. Connolly?

Mr. BLAKELY: No Speaker has ever relaxed that right. He has delegated his authority to do so on a delegation basis only. It has happened since the first parliament. It is based on British practice which originated some 25 to 30 years earlier.

Mr. COWAN: Can you produce for us a written delegation of authority giving you the privilege which you have assumed in this regard?

Mr. BLAKELY: No, sir.

Mr. COWAN: Those are the only two questions I wanted to ask. I think in your statement you referred to the crest of Canada. When was the right to use the crest of Canada given to members of the gallery association?

Mr. BLAKELY: I could not answer that. It has been used for a long time.

Mr. COWAN: You are the only association using it. I think that is all I have to ask.

The CHAIRMAN: Are there any more questions from members of the committee? If not, I think Mr. Rodgers would like to have the opportunity to ask questions, since he is an interested party. Is it the wish of the committee that Mr. Rodgers be permitted to question the witnesses?

Agreed.

Mr. RODGERS: Mr. Chairman, I do not want to question the witnesses, but I would like to clear up a few remarks to strengthen the points already dealt with. May I ask that one of the windows be opened?

The VICE CHAIRMAN: You say you have no questions to direct to the witnesses?

Mr. RODGERS: No. I simply wish to make a very brief reply.

Mr. CONNOLLEY: With your permission may we put this copy of the document we used in reviewing the qualifications of members every two years on the record? It might be of use to the committee?

The CHAIRMAN: Is it the wish of the committee that this be tabled?

Agreed.

(See Appendix "A").

If there are no further questions, is it your wish now to hear from Mr. Rodgers?

Mr. RODGERS: I shall try to be very brief, so that the members may conclude at 12 o'clock. Let me explain two things. First of all, the reason why I have made this request, asking that this matter come before the committee is two-fold: first of all, I do not think there is any real question that this sort of thing would ever happen again. This is just a case which puts things on the record, so as to enable the Speaker to make a decision. Secondly, because this matter is not my case, but a general matter of concern to members of the gallery, and of this special committee, Mr. Speaker felt he could not make a decision at this time. That decision will take months and months and months: meanwhile I am working for a newspaper myself and I cannot wait that long as a working newspaperman.

So I would ask the committee, if I may do so, first of all to give me temporary admission till the question of membership in the gallery as a whole is resolved, so that in the meantime I can do my work. In previous testimony there were a number of errors particularly in my own testimony. I shall not bother to correct them, but I would mention that they are chiefly matters of the presence or absence of a negative form.

Representatives of the press gallery have called this a professional association. I do not object to that at all. But I would like to point out that there are many professions and associations such as the bar, the medical association, and so on, and I have yet to hear of any rule in the bar association requiring that a lawyer must be employed full time in order to practice his profession.

The representatives of the gallery take exception to my use of the term "arbitrary" in referring to the conduct and circumstances of the gallery. I would simply like to point out the fact that article (II) paragraph (g) is not one we are accustomed to use. To my way of thinking it might be considered by some people to be arbitrary.

Mr. Blakely said that throughout our history members of the gallery exercised this power. I would like to point out that at Carleton University a master's thesis was written by "C.K. Seymour-ure in April of 1962. I only learned of it recently. It was an inquiry into the position of workers in the parliamentary press gallery in Ottawa.

At gallery 53 he points out the fact that the members of the gallery first started off with the Speaker deciding who would have access to it. And that on April 15, 1868 a select or standing committee of parliament made a report which would be available to the members also, to the effect that each newspaper correspondent reporting the proceedings of parliament should be first recognized by Mr. Speaker.

Further on, this thesis at page 55 goes on to say that it was not until 1935 that the members of the gallery were set up as an association with a constitution, and the reason for this was that during the depression there were too many correspondents trying to get into the gallery. In other words, the present system does not date back to confederation at all, but according to this author, it goes back only to 1935.

In 1868, there was, for example, the report of a select committee on stationery which indicated that stationery would be provided free for members of parliament and for newspaper correspondents "recognized by the Speaker".

The author of this thesis at page 55 goes on to say that following 1935 the members of the gallery established themselves with a constitution and so on, but this was done because of the depression, because during the depression there were too many people seeking admission to the press gallery. Therefore this shows that the present system does not date back to confederation but according to this author, it dates back only to 1935.

There has been much said on the part of the press gallery about their right to appeal to the Speaker. When I first started this battle, nobody stated that there was any such right of appeal. If I have done any one thing, I have at least established or re-established this right of appeal to the Speaker of the house.

Now, on the economic question, Mr. Blakely mentioned that I had done more broadcasting than any other member of the press gallery. This was true when I was a member, but since I have been on the outside of the gallery, since I have been denied membership in the press gallery since 1962 and 1963, I have done precisely two C.B.C. broadcasts.

Out of the large membership of the gallery, perhaps only 20 do regular freelance broadcasting. When you let more men into that 20 it has some economic effect. Furthermore, at the time when I applied for associate membership, I was trying to syndicate my column. That is of some significance.

So far as space is concerned, I have not, in my application for associate membership, asked for desk space. What I mostly want is a press release box, a little box about four inches by six inches by eighteen inches.

Here are the facts: most anybody who has access to the building can go and see those press releases because they are put on the notice board. Secondly, they are put in an unsecured press release box, and again anybody can steal them. Thirdly, quite a few C.B.C. freelance broadcasters have been allowed to come into the gallery and pick up press releases, still they are not members.

Fourthly, journalists given temporary cards are also given access to press releases, still they are not members. Fifthly, there are certain secretaries and other employees of newspapers who are allowed to pick up press releases, and they are not members.

The most important press releases such as the budget and royal commission reports are not dealt with by the gallery anyway. All press releases belong to the departments which issue them and in the case of the ones I have mentioned, they see them in a locked room, under an arrangement outside the gallery. I would like to point out that nobody has ever questioned in my past membership in the gallery my professional rectitude in this matter.

I am almost finished, Mr. Chairman.

The representatives of the press gallery also implied somehow or other that the press gallery membership as a whole is terribly strong in keeping me out. I would like to point out—and I do not think this can be controverted—that the reasons why the press gallery membership have gone along with the executive cannot be put down to general agreement with the grounds on which the executive have chosen to determine the matter. The reasons why individual members think I should be kept out range widely; some would agree about press releases and others think it nonsense; some think I should be in there; others think I should not. It is not a case of everyone in the press gallery thinking I should be kept out in agreement with the executive's arguments; there are different reasons.

On the question of freelancers, I think I should conclude by asking what is so sacred about a person obtaining the major part of his income from one newspaper rather than from a number of newspapers collectively? Surely the criterion should be how much time does the man spend on parliament hill and how much use does he need to make of the facilities. The fact that "A" gets his income from the *Telegram* and that "B" obtains his income from the *Telegram*, the *Star* and a number of others is irrelevant. It is irrelevant that "B" obtains his income from a number of papers. The reason why I started this whole battle, apart from a certain amount of pique, to which I will admit, is because the whole system needs reform. I tried to reform it when I was in the association. I tried to get reform. I went to Osler and said that there are things which are sheer nonsense. I said, "Let us hammer them out and discuss them in a gallery meeting." I was never given an opportunity to do that. I was just thrown off as a pest who wanted to reform things, and so on. I do not mean to say I was never given an opportunity to speak, but I was never given the opportunity to discuss general reform. When I did finally object to the gallery refusing me an associate membership, I simply tried to re-establish the fact that the Speaker and the House have control over the premises, and it is only since I started this battle that this has been acknowledged. I will let it go at that.

The VICE CHAIRMAN: Are there any questions from the members?

Mr. FISHER: I would like to ask Mr. Rodgers if he would consider at this stage consulting with his editor of the *St. Catharines Standard* and making a new application? After all we are now dealing with an associate membership. Would you consider making that application for active membership?

Mr. RODGERS: No, sir, and the reason is very simple. The *St. Catharines Standard* is a small newspaper. It is a member of the Canadian Press but it is a small newspaper and it cannot afford a full time man in Ottawa. In effect, this is the situation. Larry Smith, the managing editor, wants me to be his Ottawa man. The press gallery says no because he is not full time. Therefore this obliges Larry Smith to hire only a member of the press gallery who is theoretically meant to be full time anyway. There is talk of freedom of the press. The issue before the committee is freedom of the press versus privileges of the press gallery. This is the issue. Can Smith decide he wants Rodgers as his parliamentary correspondent because he likes the color of his eyes or the kind of copy he writes or does he have to say "Look, fellows, can I have Rodgers or do I have to go to the press gallery?" If I was writing one article a month this would be a different question, but I am supposed to write three articles a week, more than many members of the gallery. I admit I do not obtain the greater portion of my income from the *St. Catharines Standard*; I get pretty close to it, I get about 40 per cent of my income from them. This is my business, however.

The press gallery keeps harping on the space issue. The press gallery refused expanded facilities in the west block only a few months ago. The space argument does not hold water. Even if it did hold water in that sense, surely it is not for the press gallery to solve a problem which should be solved by the people who decide the internal economy of the House of Commons. If there is a lack of space, this is surely for the officers of the house to settle, not for the press gallery. Then again, I think each newspaper should have only one desk in the gallery or there should be the system which Mr. Fisher mentioned, a system of unassigned desks. There is no reason why a newspaper should have four or five desks in the gallery. If they want four or five desks, let them hire an office on Sparks street. The only time when they need the desks in the gallery is when they have to dash out of the house on a very hot story, and I have as much need of that as they.

Mr. McINTOSH: I understood the witness to say the reason he asked for this problem to come before the committee was that he did not agree with the constitution as it exists now at the present time with the press gallery association.

Mr. RODGERS: They refused me, sir, this is why.

Mr. McINTOSH: You made the statement that one of the reasons for which you brought this to the committee was that you wanted to delve into certain clauses in the constitution. In my opinion that is no concern of this committee.

There is another question I would like to ask. You say the reasons taken by the executive of the press today was not the reason for which you were excluded. How are we to judge if you say these are not the reasons.

Mr. RODGERS: I think they have given honest testimony. As they said themselves, there is no quarrel between myself and the press gallery executive. They have given honest testimony although I do not agree with some of it, but I think they have been straightforward and I have tried to be straightforward too.

Mr. McINTOSH: What are the other reasons?

Mr. RODGERS: There is to a certain extent some economic consideration on the part of the gallery of keeping people out because there is a certain amount of C.B.C. freelancing and not everybody in the gallery is allowed to do C.B.C. freelancing by their newspapers. The number of correspondents who actually do this is maybe 20 or 30, and every time they let in a new man it cuts down the gravy. There is a person in this room who has a desk in the gallery who is not a member of the press; she is a secretary employed by the members of the gallery membership and that lady has a desk in the press gallery. I do not object to that, but why if there is a space problem can they have a secretary employed by Mr. Blakely and others sitting at a desk in the gallery; whereas I am a member of the press and cannot get into that desk? It does not make sense to me.

Mr. OLSON: Reverting to the specific terms of reference sent to this committee, that is to study the question of Raymond Rodgers and report to the house on it, would you be satisfied, Mr. Rodgers, if you were given the opportunity of going into the north gallery, or as it is commonly called, the press gallery and had access to press releases? Is this all you require?

Mr. RODGERS: I do not even care about the north gallery. The most important thing is the press releases. This is really the essence of it. Right now when an announcement is made by the departments I do not get the announcements. I could have myself put on the departments' mailing lists, but that means I would get the announcements two days later in the mail. Perhaps they decide, for instance, to twin the Welland canal locks; the announcement

goes to the press gallery and the next thing is that I read about it in the *Globe and Mail*. I cannot give it to my newspaper because I do not know about it. The press releases are the most important thing.

Mr. OLSON: If we were to recommend to the house that Mr. Rodgers be given access to these facilities you would not ask for a desk, you would—

Mr. RODGERS: I will not ask for a desk, no.

Mr. MOREAU: On the question of press releases, I think it has been established that this is not one of the public facilities that we are discussing. Whatever Mr. Rodgers' contention or the press gallery's contention about press releases may be, I do not think they really are public facilities, and however they are handled it is not really our concern. I reaffirm my initial point that we are not here to judge the actions of the Press Gallery Association except as to how it relates to the awarding of facilities, public facilities. I think, Mr. Chairman, before we lose a quorum I would like to see my motion put to the committee because it seems to me we have had a pretty thorough discussion and investigation of the whole case.

Mr. FRANCIS: There is one question I would like to ask the witness.

Mr. Rodgers, do you have any source of income?

Mr. RODGERS: Yes, sir, I have income from a publishing firm which, by the way, publishes things like Tom Kent's "Social Policy for Canada", which can hardly be called lobbying.

Mr. BLAKELY: I have no wish to follow the petitioner through the course of what he has said by way of rebuttal but there are several new points which I think I should deal with. His suggestion through his master's thesis from which he quoted that we date back to 1935 is certainly not in accordance with documents and records which are in the possession of the press gallery. Our records were largely destroyed during the fire of world war I but they certainly were not completely destroyed and we have knowledge of the press gallery extending back much further than that. I regret that the petitioner still seems to be under the impression—indeed he suggests—that my submission here today contains this implication that the press gallery was dedicated to the proposition of getting rid of him. There is nothing of this. Dr. Rodgers fails to meet the membership requirements. This is the reason why he is not now a member of the press gallery. There is no other reason. He suggests it is because we regard him as a pest.

Mr. RODGERS: I did not say that.

Mr. BLAKELY: If pests were to be excluded from the gallery I am not sure that we would have a quorum. He suggests we are making it impossible for his paper to send him to Ottawa as its Ottawa man. This is not so. There is nothing to prevent any newspaper from sending anyone to Ottawa as its Ottawa man. We are concerned entirely with the facilities entrusted to us by parliament. There is nothing to prevent any individual from working outside those facilities, and indeed many of them do.

I would only add one more point. We are very careful to make no limitation whatever on the small newspapers. We do not say "You must earn at least \$75 a week." We do not care whether a man earns \$10 a week, \$20 a week or \$50 a week; we do not care if he earns \$200 or \$300 or \$500 a week. We are only concerned with the question of full time employment. We believe that as many newspapers as possible should be represented here and the more small ones represented the better. There is a number of small newspapers represented here already under our existing rules.

Mr. CONNOLLEY: I have a couple of comments to add if I may.

I am afraid some members of the committee may be under the impression that Mr. Rodgers is a singular case in regard to application for use of the facilities such as he has sought under associate membership, or what have you. It should be pointed out that there have been others and that they have been turned down in a similar way. For example, a civil servant who was a correspondent for the Jewish news agency in Ottawa was turned down and the wife of one of my colleagues who does work for a radio station was turned down on the same grounds. I would like members of the committee to know that this is not a singular case. It has been singular in many respects, but it has not been the only one of its kind.

Mr. Rodgers raised the question of C.B.C. broadcasts. It may be of assistance to have membership in getting work with the Canadian Broadcasting Corporation but that certainly is by no means the reason why some people do a great deal of C.B.C. work and some do not. I think you are all aware that people you see frequently on television broadcasts are not members of the press gallery. Mr. Rodgers says he has only had two jobs with the C.B.C. in the last two years. I think perhaps I have had four or five. Maybe Mr. Rodgers and I are not sufficiently talented or not sufficiently good looking for C.B.C.; I do not know.

Then the question was raised by Mr. Rodgers of the press gallery being strong on keeping him out. I do not think that is true at all. I think that should be corrected. As far as I am concerned, there is nothing personal involved so far as Mr. Rodgers is concerned. I think I can amplify this by saying that it was a former member of the executive and myself in a minor degree who obtained Mr. Rodgers' present connection with the *St. Catharines Standard*.

If that demonstrates prejudice, it is rather a strange thing to me. That is all I have to say.

Mr. FISHER: May I ask a question to clear up the second last point made? It seems to me that Mr. Rodgers made the point that there would be or could be a matter of self-interest involved in any decision as to membership on his application. I wanted to know if you agree that that might be possible.

Mr. CONNOLLEY: I think that would be absolutely untrue; there would be no element of self-interest in so far as his application was concerned.

Mr. FISHER: Would it be possible?

Mr. CONNOLLEY: I do not think so. In fact I know it is simply not true.

Mr. MILLAR: I believe that Mr. Blakely gave testimony this morning to the effect that press releases are the property of the press gallery or the press association.

Mr. BLAKELY: That is right.

Mr. MILLAR: In other words this committee has no right to direct that Mr. Rodgers should receive those press releases. Regardless of how we feel. It is beyond our jurisdiction.

Mr. BLAKELY: That is right.

Mr. RODGERS: That is your argument!

Mr. FISHER: Let me make the point that the remark which Mr. Rodgers made about the press releases is to my knowledge quite correct.

The VICE CHAIRMAN: If I might interject—and again I am in the hands of the committee—any statements that have been made by Mr. Rodgers and Mr. Blakely constitute evidence which we as a committee will either reject or accept as we may decide. Both have given evidence, and that evidence will be read by the committee.

Mr. LEBOE: I have one thing disturbing me. It was the last remark made by Mr. Blakely when he said that they are concerned with his full time employment. Am I correct in that?

Mr. BLAKELY: Yes, sir.

Mr. LEBOE: When a person is writing articles for other columns, and his outside revenue qualifies him as to whether or not he is a full-time correspondent, how do you reconcile that?

Mr. BLAKELY: That is a matter between him and his employer. For example, if the Toronto *Star* wants to hire you as a full time employee, it might permit you to do that.

Mr. LEBOE: That is different. If he is hired on full time.

Mr. BLAKELY: Yes. That is the point that we are concerned with.

Mr. LEBOE: Your statement was not quite clear on that point; otherwise it gives us a completely different connotation of the word.

Mr. FISHER: This goes back to the point I was trying to make before I put the suggestion to Mr. Rodgers. Suppose the St. Catharines *Standard* has hired him. He is in fact their complete full time employee in so far as they are concerned.

Mr. BLAKELY: That depends on their contractual relationship.

Mr. FISHER: If you have no one else? If you have these two bases, it seems to me that he would be in a position to make a bona fide application for active membership.

Mr. BLAKELY: Our only concern is with the yardstick which we have. We know it is not a perfect one, but it is the best we have been able to devise under the circumstances.

Mr. CAMERON (*High Park*): Mr. Moreau would like to press his motion at this time, if it is in order. I am interested in it because I have to leave soon to go somewhere else.

The VICE CHAIRMAN: I wanted to conclude the examination of the witnesses first.

Mr. CAMERON (*High Park*): May we not take Mr. Moreau's motion and then continue if necessary with the questioning?

The VICE CHAIRMAN: I realize this is a very important question. It was a suggestion from the Chair that the motion be deferred until after today's testimony had been printed. We could come back on Tuesday and at that time "finalize" and make our report of this aspect of the committee's work. It is tremendously important not only to Mr. Rodgers but to the Press Gallery Association as well.

Mr. MOREAU: Maybe you could put my motion so that it will officially appear in the minutes today and be printed, and then we might have some examination on the motion.

Mr. FISHER: Have it tabled for consideration later on.

The VICE CHAIRMAN: I will read it then. It reads as follows:

It has been moved by Mr. Moreau, seconded by Mr. Francis that while this committee recognizes that parliament has jurisdiction over the public facilities granted to the members of the press, we feel that this jurisdiction over the public facilities must be exercised through the Speaker or his delegated representative. Therefore the case of Mr. Rodgers' is referred to Mr. Speaker for decision.

That is the motion.

Mr. FISHER: It is for consideration at our next meeting, after we will have had an opportunity to go over the evidence.

The VICE CHAIRMAN: That was the suggestion of the Chair.

Mr. FISHER: Since we are going to be considering the evidence, and since this in fact would be our report to the house if it were carried, may it not be held until the next meeting? This is the usual procedure in Commons committees.

Mr. OLSON: If that is going to be the procedure I would like to reserve the right to make an amendment to the motion.

The VICE CHAIRMAN: It will be tabled and you will be given every opportunity to move an amendment to this motion.

Mr. OLSON: This is not to be considered in any way as a full report of the committee?

Mr. MOREAU: Not at this time, until the committee so decides at its next meeting.

The VICE CHAIRMAN: Am I clear that it is the wish of the committee that all the testimony be produced as quickly as possible and placed in the hands of the committee, so at the next meeting of the committee when we may come back on this matter, we would be ready to make our final decision?

Mr. FISHER: I think next Tuesday would be all right if the proceedings are available to us in the meantime.

Mr. NIELSEN: Next Tuesday will be discussed in the steering committee which will meet after the orders of the day.

The VICE CHAIRMAN: We could meet on Wednesday morning in camera. May I have a motion to that effect? I see that it is moved by Mr. Olson and seconded by Mr. Cameron that we meet on Wednesday. At what time? Yes, 9.00 a.m. Do you wish to hear any other witnesses?

Motion agreed to.

## APPENDIX "A"

20th May 1962.

Mr. Peter Dempson,  
Secretary,  
Press Gallery,

Dear Peter,

As you know, my attempts to date to get more widespread sale of my St. Catharines Standard column are not too encouraging.

I am hoping, however that a few things I have to say about national communications, etc., in my new book will shame a few publishers and editors into giving my column consideration.

At present, in view of the fact that more than half of my income comes from an outside business activity, it seems only proper that I should reapply for membership as an Associate; that is, as someone who, I forget how the phrase goes in the new constitution, has a recognized function as a regular news commentator in the media.

This requires, if I remember rightly, a vote at a general meeting. In the meantime, to carry me through the election, I would greatly appreciate it if you could have me listed as a temporary member as of June 1st.

I have a letter, now a bit old, from the Standard appointing me as their Parliamentary stringer. A more up to date one can be secured. The letter was—and a new one will be—addressed, of course to the Executive.

Yours sincerely,  
Raymond Rodgers.

OTTAWA,  
July 5, 1962.

Mr. Raymond Rodgers,  
Press Gallery,  
House of Commons,  
Ottawa, Ontario.

Dear Mr. Rodgers:

At a meeting of the Press Gallery executive today, your request of May 20 to be listed as a temporary member as of June 1 was considered.

The executive looked into all aspects of what we considered to be an application from you for an associate membership. The Gallery has no temporary membership, except that granted to visiting newspaper people, and this extends for only a two-week period. The executive decided that it could not approve your application, even though you claim to derive part of your income from corresponding for the St. Catharines Standard.

I was instructed to inform you of this decision, also that your membership and post-membership in the Gallery ended May 1.

However, the Gallery would be pleased at any time to accept a new application for membership from you, provided it is within the constitution of the Gallery.

Yours sincerely,  
Peter Dempson  
*Secretary.*

7 July 1962.

Mr. Peter Dempson,  
Secretary,  
Press Gallery,  
Ottawa.

Dear Mr. Dempson,

Thank you for your letter of July 5th. My letter of May 20th simply asked for a temporary pass during the final weeks of the election.

My intention then was, and now is, to apply for Associate Membership within the terms of the Constitution as amended last December.

I have no doubt about the propriety of my request, in view of the precise relationship between myself and the St. Catharines' Standard. I am therefore writing to The Standard asking them to send a letter confirming our arrangements.

Yours sincerely,

Raymond Rodgers.

July 10, 1962.

The Gallery Executive,  
Parliamentary Press Gallery,  
Ottawa, Ontario.

*Attention: Mr. Peter Dempson, Secretary.*

Gentlemen:—

This is to request associate membership on behalf of our parliamentary correspondent Raymond Rodgers. Mr. Rodgers writes a column for us and in addition supplies us with specials. He receives a retainer and fees in accordance with normal newspaper practice.

Since Mr. Rodgers is not a full-time salaried employee, an application for full or active membership would not be appropriate.

We would greatly appreciate your recommending this application and bringing it to the attention of members.

Yours truly,  
Larry N. Smith,  
*Managing Editor.*

OTTAWA, Ontario,  
July 26, 1962.

Mr. Larry N. Smith,  
Managing Editor,  
The St. Catharines Standard,  
St. Catharines, Ontario.

Dear Mr. Smith:

The executive of the Parliamentary Press Gallery at a meeting today considered your application on behalf of Raymond Rodgers for an associate membership.

Unfortunately, the Gallery's officers decided that our constitution does not permit the granting of such membership to Mr. Rodgers. All aspects of the matter were looked into before this decision was taken.

Mr. Rodgers will be notified of the action decided upon and that the application could not be approved.

Yours sincerely,  
Peter Dempson,  
Secretary.

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#### APPENDIX "B"

Dr. P. MAURICE OLLIVIER (*Parliamentary Counsel*): Mr. Chairman, first of all, I would like to thank you for your kind remarks and to apologize for the length of this memorandum. However, in view of the discussion which has taken place up until now I think I will be justified in trying to cover the ground as much as I can.

Before going into the merits of the question, as the status of the press gallery association in parliament is in some ways uncertain, or perhaps it would be better to say as is a *de facto* status rather than a purely legal one, it might be of some interest to consider the history and background of the parliamentary press gallery.

Section 17 of the British North America Act, 1867, states that: "There shall be one parliament for Canada consisting of the Queen and upper house styled the Senate, and the House of Commons".

It is therefore quite evident, even without this quotation, that the press gallery is not part of parliament. It has its quarters in the parliament buildings, yet it is not even part of the administrative set-up as for instance the law branch of the house, the journals branch, the committees branch, the protective staff or, even *Hansard* and the reporting branch. However, we have got so accustomed to the gallery that we could hardly now imagine parliament sitting without such an institution. In a letter from the Hon. Mr. Michener to Mr. Douglas Fisher, M.P., dated June 26, 1961, the Speaker wrote: "Throughout the years the parliamentary press gallery has been housed and maintained as part of parliament".

As we have said before, the parliamentary press gallery has a *de facto* status which has developed to its present state through custom, precedents and traditions.

Here I might quote an article by Robin Adair entitled "Parliament and the Press." This article appeared in the *Canadian Liberal* (Spring 1951). Mr. Adair writes:

It is quite likely that very few Canadians outside the press itself understand the function of Canada's "Fourth Estate". Strictly speaking it is only a few years since a spokesman for the Canadian government defined that function. In 1944, the executive of the parliamentary press gallery at Ottawa asked the late Prime Minister Mackenzie King to provide some sort of definition and Mr. King supplied one. The correspondents of the parliamentary press gallery, he said, as a body formed an "adjunct" of parliament itself. Although Mr. King was fond of informal chats with Ottawa correspondents, many of whom had reported parliament through the whole of Mr. King's long tenure of office, he declined

on that occasion to develop the subject of the relationship between government and the press. Today, parliamentarians, civil servants and reporters are quite content to leave the position of the press gallery to custom and convention for explanation.

The parliamentary press gallery association is an unincorporated body numbering roughly 110 members, having its own constitution and enjoying a number of privileges such as stationery and publications provided for by the house, usage of a convenient, if restricted gallery in the chamber, access to the lobbies and to the parliamentary restaurant and the usage of very cramped quarters.

When one considers the usefulness of the press gallery, it is hard to imagine that it has not always existed. Not only has it not always been in existence but it is far from being as old as parliament. As a matter of fact, if we realize how old parliament is, the press gallery measured by the stands of parliamentary time, is a young institution.

In England the earlier reporters were positively prohibited from reporting speeches made in parliament; later on they were tolerated, and finally, fully recognized.

It has been said that Dr. Johnson has usually been regarded as the father of parliamentary reporters of the professional class but that the honour of systematically recording debates in the house belongs to Sir Symonds D'Ewes, a sturdy old parliamentarian who flourished in Elizabethan times.

The successors of these reporters were not free from personal embarrassment and risk as note-taking was then regarded as a sin of heinous kind often punished with heavy penalties. It is still a fact that note-taking even in our own parliament is not allowed outside the galleries reserved for the press and government officials.

A number of prohibitions were set out during the 17th century. A typical one being the resolution of March 22, 1642 proclaiming that: "whatsoever person shall print any act or passage of this house, under the name of *Diurnal* or otherwise, without the particular license of this house, shall be reputed a high contemner and breaker of the privilege of parliament, and be punished accordingly."

Even 85 years later, that is in 1727, according to an English historian—"Edward Cave and Robert Raikes were by order of the house, committed to prison for publishing reports in the Gloucester Journal and were kept in custody for several days only being released after expressing contrition for their offence and paying heavy fines."

In the years that followed serious notice was often taken of such breaches of privilege. It was afterwards Johnson's work and perseverance which succeeded in breaking down "the absurd custom of regarding everything that passed in the house as inviolably secret." The last occasion when the house asserted its rights to control the publication of its debates was in 1771 when the issue was fought out with the corporation of London and the Lord Mayor and one of his aldermen were committed to the tower.

There are many incidents which occurred at the end of the 18th century. As for instance the case of William Woodfall who reported without taking any notes as he had such a retentive mind that he could after hearing a speech write it down word for word, even days after it had been delivered.

In the early days when reporting was allowed no particular facilities were accorded the press—then, they were allowed to sit in the back seats of the public gallery.

The construction of the new houses of parliament in England was so ordained as to provide sitting accommodation in the gallery and a small room where a reporter was permitted to hang his hat and coat. He generally had to go

back to his own office outside the buildings to transcribe his notes. It often happened early in the 19th century that reporters were excluded from the house at most interesting times and when there was a special call for them to be there.

The reasons for the difficulties of the press at that time and for their unpopularity in many quarters were the biased and unfair reports that were generally made, the ignorance of shorthand and of the art of condensation. These often resulted in numerous questions of breach of privileges in the house when members complained bitterly and not without reason of the way their speeches had been reported.

It is to be noted that in England it was in the House of Lords that special provision was first made for the press. The year was 1831. The House of Commons was soon to follow and in 1835, the press were given a new status in the popular chamber. The privileges then granted would afterwards never be withdrawn. From that time on they were given a special gallery, numerous rooms were placed at their disposal, they were allotted telegraph and writing rooms, smoking and dining and tea rooms, in short, the accommodation granted to members.

Redlich writes in the 3rd volume of his procedure in the House of Commons (pp.184-5) —

The foundation and indispensable condition of the action of a parliament is stated by Bentham as the law of publicity, which he declares to be the fittest law for securing public confidence. He adduces several direct arguments to prove the necessity of adopting this principle. By publicity the members of an assembly are constrained to perform their duty: by its help it is possible to secure the confidence of the people and their assent to the measures of the legislature: without it the governors cannot learn the wishes and needs of the governed. Further, in an elected assembly, renewed from time to time, publicity is absolutely necessary to enable the electors to act from knowledge, and it provides the assembly with the means of profiting by the information of the public. In this methodical way, Bentham concludes, in a separate section, by refuting all imaginable objections to publicity as a principle.

If I may here summarize, the House of Commons press arrangements in the United Kingdom—

1. The members of the press galleries are supplied with headquarters and general accommodation in the House of Commons. They have their own dining room and refreshment bars which are controlled and staffed by the House of Commons kitchen committee;
2. they have certain telephone facilities—messengers are supplied by the sergeant-at-arms department.
3. members of the press gallery are supplied by the house with stationery, etc., for use in the house only;
4. the right to sit in the press gallery is in the hands of the Speaker who decides when a vacancy occurs which papers may be admitted to a position or seat in the gallery;
5. the press gallery having their own restaurant and bars are not admitted to the members' dining room and the lobby correspondents only are admitted to the members' lobby;
6. the internal affairs of the press are managed by the press gallery committee, which is elected annually by the members of the gallery.

Whilst summarizing the rules, I might say that in the Commonwealth of Australia members of the federal parliament press gallery are supplied with offices at parliament house for which they pay a nominal rental during the recess; no rental is charged when in session. They have the services of a full-time messenger whose salary is paid by parliament. They are not supplied with paper and articles of stationery, although supplies may well have been made available to them since this information was obtained. The members of the press gallery in Canberra have an organization known as the federal parliamentary press gallery. It has no legal status and was formed primarily to preserve the rights of pressmen working at Canberra and to provide them with social entertainment. A person ordinarily becomes a member of the press gallery if he is an accredited representative of a newspaper and has been issued with a pass by the president of the Senate or the Speaker of the House of Representatives. No doubt a member could be expelled at the request of the press gallery but not by the press gallery. It is interesting to note that the president of the press gallery has full control over the gallery and may, subject to the approval of the president, in the case of the Senate, and the Speaker, in the case of the House of Representatives, say who shall or shall not enter the press gallery.

Provision is made for supplying members of the press gallery with meals, afternoon or morning teas and drinks at the parliamentary refreshment rooms.

In Washington there are rules governing press galleries, also rules governing radio, correspondents and galleries. Persons desiring admission to the press galleries of Congress make application to the Speaker as required by rule XXXV and to the committee on rules of the Senate as required by rule IV for the regulation of the Senate wing of the capitol. There are certain conditions for admittance which it is not necessary to summarize here but it might be interesting to note that persons engaged in other occupations whose chief attention is not given to newspaper corresponding or to newspaper associations requiring telegraphic service, shall not be entitled to admission to the press galleries and, also, that the press galleries are under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the House of Representatives and the Senate committee on rules.

It is strange that in Canada no one, at least to my knowledge, has taken the trouble of writing the history of the press gallery. We are told that this institution existed before confederation. We know also that for the first ten or eleven years after confederation there was no *Hansard* in Ottawa and that even today if we want to refer to the debates of the first decade in the new parliament one has to refer to volumes made of newspaper clippings of that period.

The records of the house show that space and services were provided for the press at the time of confederation. In the appendix No. 4 of the first volume of the journals of the House of Commons, 1867-68, there is a mention of \$2 per day to be paid to B. Cunningham as an extra employee in what was then called the reporter's room. I imagine that we can take it for granted that this room constituted the initial step of the press gallery establishment as we know it today. After the fire of 1916 which destroyed the parliament buildings in Ottawa, the architects who were drawing the plans for the new buildings got in touch with the Speakers and with the officers and executive of the press gallery to plan the new offices that would be required and the result of this cooperation is seen in the then spacious quarters of the press gallery which, unfortunately, have now become too small and overcrowded. Perhaps here I might quote Mr. Peters who said, as reported in *Hansard* of July 28, 1960:

I should like to make one reference to the press gallery. I have always been surprised when I walk into the press gallery to see the

number of people who crowd into that small space. I have had the opportunity a number of times of reading the sections of the Ontario Factory Act which prevent people from being overcrowded into too small a space. I think we are treating these people in a way which we would not allow people in a factory or some similar place to be treated; we are cramming 50 or 60 people into a space which would supply offices only for three or four members, and when we move the senators into another building, which should be in the near future, the opportunity should be taken of expanding the space available for these members of the fourth estate.

If they were crowded at that time when they numbered 60 I wonder what Mr. Peters would say now when they are 110.

At different times the commissioners of internal economy did consider various proposals for the improvement of accommodation for members of the press gallery—namely, in 1955 and in 1958, but the problem has always been deferred for further consideration at a later date.

The expenses of the parliamentary press gallery comprising cleaning, telephones, typed transcripts of *Hansard*, employees, publications and documents, stationery, furniture and up-keep, amount in round figures to something like \$52,000 per annum.

In Queen's Quarterly (Winter 1957 at pages 552-3), Mr. Wilfrid Eggleston, a former member of the press gallery, wrote—

A word about the press gallery, its nature, privileges and facilities, will be appropriate here. The government of Canada provides without charge office accommodation for gallery members in the centre block, and sets aside a gallery at the north end of the House of Commons and a similar one in the Senate, for its exclusive occupancy and use in covering parliamentary sessions. The press room in 1929 provided a large desk and filing cabinet for each active member of the gallery; and the adjacent lounge was furnished with comfortable leather couches and armchairs. The press room was served by a chief page and assistants, and every accredited gallery member enjoyed a number of rights and privileges designed to facilitate his daily work. Stationery was supplied, post office services were laid on, there were call boxes for telegraph messengers, and telephone booths for local and long distance calls. Active members of the gallery enjoyed similar pass privileges on railway lines to those extended to members of parliament. Franks for social messages were freely supplied by the telegraph companies, and many gallery members were given postal franking privileges by members of parliament. Active members of the gallery were supplied with lobby cards which permitted them to enter the lobbies during the sittings of the House of Commons. They were as freely admitted to the cafeteria and the parliamentary restaurant as members of parliament. They could use the parliamentary library at their wish. They were supplied without charge each year with copies of the parliamentary guide, Canada year books and *Hansards*. It goes without saying that all government and parliamentary publications and releases were made available to them, often a few hours before such became available to the general public. When the house was sitting, they were supplied with verbatim reports of debates a few minutes after delivery. I write in the past tense, but all these privileges continue except in one or two minor respects, and I have no doubt new rights and privileges will come into being. In making such provision the successive parliaments of Canada have recognized the essential role played by the press in the effective operation of parliamentary government.

At one time the parliamentary guide carried a short description of the press gallery, which included this sentence: "It is a voluntary, self-governing body subject to the authority of the Speaker in matters affecting House of Commons discipline and membership." The Gallery chooses its own executive and decides on qualifications for membership.

As far as it is possible to do so, and for all practical purposes the autonomy of the Canadian parliamentary press gallery has been recognized by the different Speakers and by the board of internal economy. For many years the organization has operated successfully by virtue of its own constitution.

Appendix I printed on page 13 of the said constitution reads as follows:

Extract from a letter addressed to Arthur G. Penny, Esq., editor-in-chief of the *Quebec Chronicle Telegraph*, by the Hon. Pierre-Francois Casgrain, Speaker of the House of Commons, under date of March 2, 1938, a copy of which was furnished to the secretary of the press gallery and is in the gallery records—

The members of the gallery cannot be denied the right to form an association, membership in which may be granted in accordance with rules and conditions which the association itself may lay down. In dealing with the applications for membership, the press gallery necessarily takes into account the principles and practices which have obtained in the past in determination of these matters.

The above citation, however, cannot derogate from the powers and duties of the Speaker within the precincts of parliament, nor from the powers of the board of internal economy and eventually the House of Commons to which the board must report according to standing order 81.

If the Speaker should so decide his authority could still override the decisions of the parliamentary press gallery, which is an unincorporated association; the Speaker could, for instance, if he thought an injustice had been done the petitioner, allow him access to the gallery facilities—even provide him with a seat in the gallery and with the stationery like the ordinary members of the association. Whether this should be done in the circumstances is not for me to say, nor do I wish to express my opinion on the subject.

Perhaps here we may take a look at the rules governing the Canadian press gallery. We have already seen that in the United Kingdom the right to sit in the press gallery inside the chamber is in the hands of the Speaker who decides when a vacancy occurs which papers may be represented there; we have also seen that a similar rule is in force in Washington which is in conformity with the fact that all the galleries inside the chamber are under the Speaker's control and supervision. There can be no objection to the press executive making representations but with regard to admission to any gallery they must bow to the Speaker's decision. Leaving the final decision to the Speaker in a matter of this kind gives more guarantees to newspaper owners, as the Speaker is in a more independent position to give a fair decision than the reporters and correspondents between whom there is keen competition for representing as many papers as they can.

In Ottawa, all correspondents using the headquarters of the press gallery to which they have been elected by their executive without the Speaker's authorization, sit in the press gallery of the house and they do their daily work in their writing rooms on the third floor of the building.

The rules governing the parliamentary press gallery are by usage, tradition and by understanding between the Speakers and the press, the rules that are contained in the constitution of the Canadian parliamentary press gallery under the control and supervision of the Speaker and of the board of internal

economy. If there is any dissatisfaction with the way these rules have been applied, then I believe there could be an appeal from the decision of the executive and membership. To quote the last words of appendix 2 of the constitution:

The members of the press gallery are the trustees of this heritage. They must ever preserve and keep unhindered this essential ingredient of the democratic function.

Now some conflicts, or cases similar to the one referred to this committee have occurred in the past which perhaps I could summarize.

There was first the case of J. Lambert Payne in 1929 and then that of E. C. Buchanan in 1938. There were others, such as the case of Austin Cross but they are not as typical as the first two mentioned.

### *The Payne Case*

On February 15, 1929, Mr. Payne wrote to Mr. Speaker Lemieux that he had returned to the press gallery as the representative of the *Brantford Expositor*. A few days later, to be exact, February 19, Mr. Buchanan who was then secretary of the gallery and who himself nine years later was to be in his turn refused admission to the gallery, wrote to Mr. Payne to the effect that the executive committee of the gallery had considered his application for membership and was unable to grant it and stated as follows:

The executive committee regrets the necessity of this course in your case but it feels that as a former member of the gallery you will understand that the well established practice regarding membership must be followed if the limited accommodation of the gallery is to be reserved for newspapermen who require its facilities for sending daily reports to their papers.

Mr. Payne felt that this was sheer evasion and poppycock, to use his own words, and he appealed again to the committee. This is, in part, the answer Mr. William Marchington, the then president of the gallery, sent to Mr. Payne:

"We have decided unanimously", he wrote, "that you are not eligible for membership in the gallery as a contributor of special articles to newspapers. The policy of the gallery for 25 years at least has been to admit only parliamentary reporters or correspondents who are permanently employed by their newspapers to cover the proceedings of parliament daily."

On February 26 that same year, Mr. Payne wrote a very long letter of five pages, single spaced, which he ended with these words:

My appeal will now be to the Speaker of the House of Commons who, I contend, alone has the power to take away a right which the *Brantford Expositor*, in common with other reputable papers, has had since confederation.

On the same date Mr. Payne wrote to Mr. Speaker. The Speaker in his reply on the very next day said—

My dear Mr. Payne,

I have read your letter and the correspondence exchanged between you and the president of the press gallery.

I had already brought the matter before him, but as it happened that on that day, the annual elections of the gallery were held, the matter remained in abeyance. Now it appears by your letter to me, that a decision has been reached by the gallery. How could I override it?

The press gallery enjoys full autonomy as regards its membership and internal regulations. Under such circumstances, you will agree with me that the Speaker cannot impose his personal views on the gallery . . . .

A few letters followed amongst others one from the president of the press gallery to the Speaker reviewing the situation. Then the Speaker wrote again to Mr. Payne in which he stated:

Personally I have for you the highest regard. You are one of my old friends in Ottawa but you will understand that this is a matter which solely concerns the internal regulations of the press gallery. I exercise a general control in the house as regards discipline, etc., but the regulations of the press gallery as to whom should or should not enjoy the privileges of that body are beyond my jurisdiction.

Follows another long letter to the Speaker by Mr. Payne which he closes in the following manner:

I am utterly mistaken in your sense of justice and duty if you, by non-interference, permit this outrage to be carried out.

The last letter on the file is one of the same date by the president of the press gallery to Mr. Speaker wherein he states:

There is not a man in the press gallery who is not permanently on the staff of a newspaper. Mr. Payne is not on the staff of any newspaper. He merely contributes articles to the *Montreal Gazette*, the *Ottawa Journal*, the *Toronto Globe* or any other newspaper which will buy his articles.

This seems to be the end of the matter and apparently the Speaker took no further action.

#### *The E. C. Buchanan Case*

On January 31, 1938, Mr. Arthur Penny, editor in chief of the *Chronicle-Telegraph*, wrote to Mr. Buchanan that he would be very glad to have him again act as parliamentary correspondent at Ottawa if he were in a position to take on the work.

On the first of February that year, Mr. Buchanan wrote to the secretary of the press gallery that the Quebec *Chronicle-Telegraph* had asked him to act as its parliamentary correspondent and that he wished to be enrolled on the press gallery list.

On February 9, Mr. L. Richer, secretary of the press gallery wrote to Mr. Buchanan that he had been informed by Mr. Penny that the Quebec *Chronicle-Telegraph* could not afford the luxury of an Ottawa correspondent and asked him if he would mind to bolster his application.

A week later Mr. Richer wrote to Mr. Buchanan to inform him that his application had been laid before a general meeting and rejected by a majority vote.

Following this correspondence, Mr. Penny, editor in chief of the Quebec *Chronicle-Telegraph* wrote to Mr. Speaker Casgrain respecting the refusal of the executive and saying that under the circumstances he had no other recourse but to appeal to the Speaker to establish the rights of his paper and to secure their recognition by the gallery.

At that stage of the correspondence Mr. Speaker seems to have consulted the Prime Minister showing him the correspondence and the proposed answer that he intended forwarding to Mr. Buchanan. This proposed answer was to the effect that the press gallery and press rooms are provided by the house in order to give working facilities to properly accredited newspapermen, also, that there is no question of the right of a duly recognized newspaper having

a representative there provided there is no congestion and added that the members of the press gallery cannot be denied the right to form an association from which they may exclude anybody.

It is in that sense that on March 2 Mr. Speaker Casgrain wrote to the editor in chief of the Quebec *Chronicle-Telegraph*. Certain letters followed from the *Chronicle-Telegraph* and from Mr. Buchanan to the Speaker.

In the next letter Mr. Buchanan asked that a compromise be made and that he be given an end seat in the official gallery and be supplied with equipment for correspondents similar to that supplied to other correspondents.

In answer the Speaker wrote that it is impossible for him to authorize an extension of the press gallery to include a seat in the official gallery. This seems to have ended the matter. However, there is a letter from the Prime Minister to the Speaker of the house dated February 23, where the following paragraph of interest occurs:

While of the opinion that a final disposition of the question would properly come within the jurisdiction of the Speaker of the House of Commons, we believe that it would be desirable for you to consult fully with the officers of the press gallery, and to take cognizance of the information which may be at their disposal regarding the practices which have applied in the past in the determination of applications of the kind.

Perhaps I might terminate this long review by a memorandum by the Clerk of the house to the Speaker, which is not dated and reads as follows:

Mr. MACNAUGHTON: Was there any conclusion to the Buchanan case?

Dr. OLLIVIER: No; that was the end of it. The last thing was that when nothing happened he asked to have a seat in the official gallery and even that was denied.

All the galleries of the House of Commons are under the control of the house. No exception is made for the one reserved for the representatives of the press. If any member takes notice of strangers being present, Mr. Speaker could put the question under standing order 13 that strangers be ordered to withdraw and the members of the press gallery would have to leave just the same as the occupants of the other galleries.

Mr. Speaker may direct the sergeant-at-arms to issue cards allowing people to sit in any of the galleries. The fact that, under a tacit understanding, galleries have been reserved for the Senate, the officials, the press representatives, and so on, has no effect whatever on the Speaker's authority which extends over the precincts of the house and all the rooms used by persons connected with the house and its various services. The members of the press gallery cannot be denied the right to form an association from which they may exclude anybody, but they overstep their privileges when they endeavour to prevent a duly accredited representative of a newspaper from using for his work the premises set aside by the House of Commons for newspaper reporters. They have no power to exclude therefrom, any *bona fide* journalist who has been sent to Ottawa by an outside newspaper. The press gallery and the press rooms are provided by the house in order to give working facilities to all properly accredited newspapermen without discrimination.

It seems therefore that if the officers of the gallery have any objections to the presence of any journalist in the premises reserved for them, they should lay their case before Mr. Speaker who will look into the matter, consult the government, or report to the house, if necessary, and then give his decision which ought to be considered as final.

I would like here to insert a short question from Wade & Phillips Constitutional Law, at page 126, in view of the action of the courts in the present case. The quotation is as follows:

Questions of privilege have been a source of conflict between the House of Commons and the courts. Parliament has always held the view that whatever matter arises concerning either house of parliament ought to be discussed and adjudged in that house and not elsewhere; and that the existence of a privilege depends upon its being declared by the high court of parliament to be part of the ancient law and custom of parliament.

The situation having been reviewed the subject matter is now in the hands of the committee. You would probably like to hear the petitioner, unless you think that you have already heard him, and then a member of the executive of the press gallery association, before making your report and recommendations to the house.

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 17

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FRIDAY, DECEMBER 13, 1963

SATURDAY, DECEMBER 14, 1963

MONDAY, DECEMBER 16, 1963

TUESDAY, DECEMBER 17, 1963

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Respecting

The question of privilege raised by Mr. McIntosh  
(Swift Current-Maple Creek)

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WITNESSES:

Hon. Harry Hays, Minister of Agriculture, Mr. Howard Riddell, Director  
of P.F.A.A., Regina

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1964

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Vice Chairman: Mr. Larry T. Pennell

and Messrs.

Armstrong,  
Brewin,  
Cashin,  
Coates,  
Doucett,  
Drouin,  
Dubé,  
Francis,  
Gelber,  
Girouard,

Greene,  
Howard,  
Jewett, Miss  
Leboe,  
Lessard  
(*Saint-Henri*),  
Millar,  
More,  
Moreau,  
Nielsen,

O'Keefe,  
Paul,  
Ricard,  
Richard,  
Rondeau,  
Roxburgh,  
Smallwood,  
Webb,  
Woolliams—29.

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

- Mr. Klein replaced Mr. Caron on December 12, 1963.  
Mr. O'Keefe replaced Miss Jewett on December 12, 1963.  
Mr. Cowan replaced Mr. Cameron (*High Park*) on December 12, 1963.  
Mr. Regan replaced Mr. Klein on December 13, 1963.  
Mr. Crossman replaced Mr. Chrétien on December 13, 1963.  
Mr. Armstrong replaced Mr. Drouin on December 13, 1963.  
Mr. Lachance replaced Mr. Turner on December 13, 1963.  
Mr. Drouin replaced Mr. Lachance on December 16, 1963.  
Mr. Gelber replaced Mr. Rochon on December 16, 1963.  
Mr. Smallwood replaced Mr. Rhéaume on December 16, 1963.  
Mr. Woolliams replaced Mr. Monteith on December 16, 1963.  
Mr. Roxburgh replaced Mr. Regan on December 16, 1963.  
Miss Jewett replaced Mr. Cowan on December 16, 1963.

## ORDERS OF REFERENCE

HOUSE OF COMMONS,  
TUESDAY, December 3, 1963.

*Ordered*,—That the question of privilege, raised by the honourable Member for Swift Current-Maple Creek (Mr. McIntosh), respecting the following statement by the Minister of Agriculture (Mr. Hays), be referred to the Standing Committee on Privileges and Elections:

Apparently he does not understand that the problem arose out of the fact that Mr. Walker was taking orders from the honourable Member for Swift Current-Maple Creek instead of the Director. This was one of the problems, and was not satisfactorily fulfilling his job.

THURSDAY, December 12, 1963.

*Ordered*,—That the names of Messrs. Klein and O'Keefe be substituted for those of Mr. Caron and Miss Jewett respectively on the Standing Committee on Privileges and Elections.

THURSDAY, December 12, 1963.

*Ordered*,—That the name of Mr. Cowan be substituted for that of Mr. Cameron (*High Park*) on the Standing Committee on Privileges and Elections.

FRIDAY, December 13, 1963.

*Ordered*,—That the names of Messrs. Regan, Crossman, Armstrong, and Lachance be substituted for those of Messrs. Klein, Chrétien, Drouin, and Turner respectively on the Standing Committee on Privileges and Elections.

MONDAY, December 16, 1963.

*Ordered*,—That the names of Messrs. Drouin, Gelber, Smallwood, Williams, Roxburgh, and Miss Jewett be substituted for those of Messrs. Lachance, Rochon, Rhéaume, Monteith, Regan and Cowan respectively on the Standing Committee on Privileges and Elections.

Attest.

LEON-J. RAYMOND,  
*The Clerk of the House.*

## REPORT TO THE HOUSE

The Standing Committee on Privileges and Elections has the honour to present its

### FOURTH REPORT

Pursuant to Order of Reference of Tuesday, December 3, 1963, namely:

That the question of privilege, raised by the Honourable Member for Swift Current-Maple Creek (Mr. McIntosh), respecting the following statement by the Minister of Agriculture (Mr. Hays), be referred to the Standing Committee on Privileges and Elections:

Apparently he does not understand that the problem arose out of the fact that Mr. Walker was taking orders from the honourable Member for Swift Current-Maple Creek instead of the Director. This was one of the problems, and was not satisfactorily fulfilling his job.

Your Committee has held seven regular meetings to consider the said question of privilege.

The Committee has heard two witnesses.

The Committee has agreed to report that:

1. The question of privilege has been satisfactorily answered by the withdrawal of the Honourable Minister of Agriculture;
2. In view of the evidence produced before it, your Committee recommends that the Government institute an independent inquiry of a judicial nature to investigate
  - (A) the dismissal of Mr. Walker,
  - (B) the other evidence which has been adduced before the Committee, and
  - (C) the circumstances pertaining to the payment of P.F.A.A. funds prior to the re-examination of alleged irregularities discovered by the Director of P.F.A.A. in the crop reports of 1962.

Respectfully submitted,

L. PENNELL,  
*Vice Chairman.*

## MINUTES OF PROCEEDINGS

FRIDAY, December 13, 1963.

(28)

The Standing Committee on Privileges and Elections met at 9.17 o'clock a.m., this day. The Vice Chairman, Mr. L. Pennell, presided.

*Members present:* Messrs. Brewin, Cashin, Chretien, Cowan, Doucett, Drouin, Dube, Francis, Hamilton, Klein, Leboe, Lessard (*Saint-Henri*), McIntosh, Millar, Moreau, Nielsen, O'Keefe, Olson, Pennell, Rochon.—(20).

*In attendance:* Mr. Roy Faibish, C.B.C., Ottawa; Mr. Howard Riddell, Director P.F.A.A., Regina; Mr. George Walker, Swift Current, Saskatchewan; Mr. William Bird, Director, Crop Insurance, Department of Agriculture, Ottawa; Mr. George Fawcett, Chairman of the Board of Review, P.F.A.A.; Mr. T. Garland, member of the Board of Review; Mr. T. Hainsworth, member of the Board of Review.

The Vice Chairman read the Order of Reference sent to the Committee on December 3.

That the question of privilege, raised by the honourable Member for Swift Current-Maple Creek (Mr. McIntosh), respecting the statement by the Minister of Agriculture (Mr. Hays) be referred to the Standing Committee on Privileges and Elections. *That:* "Apparently he does not understand that the problem arose out of the fact Mr. Walker was taking orders from the honourable Member for Swift Current-Maple Creek instead of the Director. This was one of the problems, and was not satisfactorily fulfilling his job.

The Vice Chairman asked the opinion of the Committee on the procedure to be followed. Thereupon, Mr. Nielsen, seconded by Mr. McIntosh, moved,

*That* the Committee postpone consideration of this question of privilege until 9.00 o'clock p.m. this day.

A discussion arising, the question was put and it was resolved in the negative. Yeas, 4; Nays, 8.

Concerning the evidence to be given by the witnesses, Mr. Nielsen, seconded by Mr. McIntosh, moved,

*That* the witnesses appearing before the Committee be sworn.

The question being put, it was resolved in the affirmative. Yeas, 11; Nays, 1.

Mr. McIntosh was then invited by the Vice Chairman to introduce the witnesses: Messrs. Roy Faibish, Ottawa; Howard Riddell, Regina; George Walker, Swift Current, and William Bird, Ottawa.

The Vice Chairman ruled that one witness would be questioned at a time and that the examination of each witness would be completed before another is called. Each witness can be recalled at any time for further questioning.

The question arising about the possibility of calling other witnesses, it was agreed that other witnesses could be called either by Mr. McIntosh or Mr. Hays.

Mr. Howard Riddell, Director of P.F.A.A., Regina, was then called. The Clerk of the Committee administered the Oath to the witness and he was examined at length.

The examination of the witness continuing, on motion of Mr. Moreau, seconded by Mr. Francis,

*Resolved*,—That the Committee resume its hearing at 2.00 o'clock p.m., this day and in the evening if necessary.

It being 10.55 o'clock a.m., and the examination of the witness continuing, the Committee adjourned until 2.00 o'clock p.m. this day.

#### AFTERNOON SITTING (29)

The Standing Committee on Privileges and Elections met at 2.12 o'clock p.m., this day. The Vice Chairman, Mr. L. Pennell, presided.

*Members present*: Messrs. Brewin, Cashin, Chretien, Cowan, Drouin, Dube, Francis, Greene, Hamilton, Klein, Leboe, Lessard (*Saint-Henri*), McIntosh, Moreau, O'Keefe, Olson, Pennell, Rochon.—(18).

*In attendance*: The same witnesses as this morning.

The Committee resumed from this morning the consideration of the question of privilege raised by Mr. McIntosh.

On a point of order, Mr. Cashin, seconded by Mr. Cowan, moved,

*That* the Committee report back that there is no question of privilege before the Committee and accordingly the Committee proceed with other matters properly before the Committee.

And a discussion arising, the question was put on the motion of Mr. Cashin, and it was negatived. Yeas, 5; Nays, 13.

Before proceeding with the questioning of the witness, Mr. Howard Riddell; Mr. McIntosh, seconded by Mr. Brewin, moved,

*That* this Committee adjourn until 9.00 o'clock in the evening to hear the Minister of Agriculture.

After debate, the question being proposed on the motion of Mr. McIntosh, it was resolved in the negative. Yeas, 5; Nays, 8.

Thereupon, on motion of Mr. Moreau, seconded by Mr. Francis,

*Resolved*,—That the Committee meet on Saturday, December, 14th, 1963, at 9.30 o'clock a.m.

And the questioning of the witness continuing, Mr. Moreau asked leave from the Committee to revert to the consideration of the Canada Elections Act.

Thereupon, on motion of Mr. Moreau, seconded by Mr. Cashin,

*Resolved*,—That a report be made to the House, which is to include all amendments to the Canada Elections Act which have been thus far approved by committee.

On motion of Mr. Moreau, seconded by Mr. Cashin.

*Resolved*,—That all proposed amendments to the Canada Elections Act which were referred to Mr. Castonguay for drafting and which have not yet been formally adopted be included as an Appendix to the Minutes of this Committee.

Mr. Francis gave notice that he would move to have reproduced as an Appendix to yesterday's Proceedings the statement made last year before the Committee by Dr. Maurice Ollivier in connection with the question raised by Mr. Raymond Rodgers.

Thereupon, the Committee agreed to meet again in the evening at 8.00 o'clock p.m.

It being 5.05 o'clock p.m., and the examination continuing, the Committee adjourned until tonight at 8.00 o'clock p.m.

## EVENING SITTING

(30)

The Standing Committee on Privileges and Elections met at 8.16 o'clock p.m., this day. The Vice Chairman, Mr. L. Pennell, presided.

*Members present:* Messrs. Armstrong, Brewin, Cashin, Coates, Cowan, Crossman, Doucett, Dube, Francis, Greene, Lachance, Leboe, Lessard (*Saint-Henri*), McIntosh, Moreau, O'Keefe, Olson, Pennell, Rheaume, Rochon.—(20).

*In attendance:* The same witnesses as this morning and this afternoon.

On motion of Mr. Moreau, seconded by Mr. Francis,

*Resolved,*—That the recommendations of the Committee respecting the proposed amendments to the Canada Elections Act be prepared in draft form for presentation to the House as the Committee's interim Report.

With leave from the Committee, and in reference to his notice of motion, Mr. Francis reverted to the question of Mr. Rodgers.

On motion of Mr. Francis, seconded by Mr. Moreau,

*Resolved,*—That the statement read by Dr. Maurice Ollivier, Parliamentary Counsel, before the Standing Committee on Privileges and Elections, in connection with the question of Mr. Rodgers, and reproduced in the Minutes of Proceedings and Evidence of December 11, 1962 be printed as an Appendix to the Proceedings and Evidence of the meeting held on December 12, 1963. (*The said document was reproduced as Appendix "B" to Issue No. 16*).

Before resuming the questioning of the witness, Mr. Howard Riddell, the Vice Chairman, Mr. L. Pennell suggested that the Committee could adjourn to allow consultation with the usual channels with a view to expediting the proceedings but without prejudice to the members of the Committee and to the interested parties.

After debate thereon, on motion of Mr. Doncett, seconded by Mr. Greene,

*Resolved,*—That the Committee adjourn, to consult through the usual channels in order to expedite the proceedings without prejudice to the members of the Committee and to the interested parties.

It being 8.40 o'clock p.m., the Committee adjourned until Saturday, December 14th, at 9.30 o'clock a.m.

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SATURDAY, December 14, 1963.

(31)

The Standing Committee on Privileges and Elections met at 9.45 o'clock a.m., this day. The Vice Chairman, Mr. L. Pennell, presided.

*Members present:* Messrs. Armstrong, Brewin, Cashin, Cowan, Crossman, Doucett, Francis, Greene, Hamilton, Lachance, Leboe, Lessard (*Saint-Henri*), McIntosh, Moreau, Nielsen, O'Keefe, Olson, Pennell, Rochon.—(19).

*In attendance:* Mr. Roy Faibish, C.B.C., Ottawa; Mr. Howard Riddell, Director, P. F. A. A., Regina; Mr. George Walker, Swift Current, Saskatchewan; Mr. William Bird, Director, Crop Insurance, Department of Agriculture, Ottawa; Mr. George Fawcett, Chairman of the Board of Review, P. F. A. A.; Mr. T. Garland, member of the Board of Review; Mr. T. Hainsworth, member of the Board of Review.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Friday night, December 13th, 1963, its consideration of the question of privilege raised in the House by Mr. McIntosh.

At the opening of the meeting, on motion of Mr. Moreau, seconded by Mr. Lessard,

*Resolved*,—That the names of the following witnesses:

Mr. George Fawcett, Chairman, Board of Review, P.F.A.A., Regina.

Mr. T. Garland, member of the Board of Review, P.F.A.A., Regina,

Mr. T. Hainsworth, member of the Board of Review, P.F.A.A., Regina

be added to the list of witnesses whose testimony is material and important in the investigation of the Committee, as of Friday, December 13, 1963.

Thereupon, Mr. McIntosh asked the Chairman to investigate if it would be possible to facilitate reservations on planes to assure the return of the witnesses to their homes for Christmas. The Vice-Chairman assured the Committee that he would do his best to facilitate it.

And the examination of the witness continuing, there followed an extensive debate on the production of certain documents and the advisability of waiting for the testimony of the Honourable the Minister of Agriculture.

The Vice-Chairman ruled that communications from the Minister to the officials of the Department should be considered as privileged.

Thereupon, Mr. Nielsen suggested to call the Honourable Mr. Hays before the Committee, but the Vice-Chairman ruled that the Committee should abide by its decision taken on Friday morning, and accepted by the Committee, to complete the questioning of each witness before calling another one.

And a discussion following on the advisability of calling the Minister of Agriculture on Saturday or on Monday, Mr. Nielsen, seconded by Mr. Francis, moved:

*That* this Committee adjourn now and reconvene at 2.30 o'clock p.m., this day, to hear the Honourable Mr. Hays, if it is convenient for him, and, if not, meet again on Monday, December 15, 1963, at 10.00 o'clock a.m. to hear him at that time.

A debate arising, the question was put and it was resolved in the affirmative. Yeas, 7; Nays, 5.

It being 11.05 o'clock a.m., the Committee adjourned until 2.30 o'clock p.m., this day.

## AFTERNOON SITTING

(32)

The Standing Committee on Privileges and Elections met at 2.30 o'clock p.m., this day. Mr. L. Pennell, Vice-Chairman, presided.

*Members present:* Messrs. Armstrong, Brewin, Cashin, Cowan, Crossman, Doucett, Dube, Francis, Greene, Hamilton, Lachance, Leboe, Lessard (*Saint-Henri*), McIntosh, Nielsen, O'Keefe, Olson, Pennell, Rochon.—(19).

*In attendance:* The same witnesses as at the morning sitting.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed considering the question of privilege raised by Mr. McIntosh.

At the beginning of the meeting, Mr. Faibish asked for and obtained leave from the Committee to be excused from the hearing on Monday, December 16, 1963, on account of a previous commitment.

Thereupon, followed a lengthy debate whether there was really a question of privilege before the Committee. The Vice-Chairman ruled that the administration of the Department of Agriculture did not reflect on the personality of Mr. McIntosh.

And the discussion continuing, Mr. Lessard, seconded by Mr. Rochon, moved:

*That* the Committee adjourn until 4.00 o'clock p.m., on Monday, December 16th, 1963.

And debate arising, the question was put on the motion of Mr. Lessard, and it was resolved in the affirmative. Yeas, 10; Nays, 7.

It being 3.50 o'clock p.m., the Committee adjourned until Monday, December 16th, 1963, at 4.00 o'clock p.m.

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MONDAY, December 16, 1963.

(33)

The Standing Committee on Privileges and Elections met at 4.05 o'clock p.m., this day. The Vice-Chairman, Mr. L. Pennell, presided.

*Members present:* Miss Jewett, and Messrs. Armstrong, Brewin, Cashin, Crossman, Doucett, Drouin, Dube, Francis, Gelber, Greene, Hamilton, Leboe, Lessard (*Saint-Henri*), McIntosh, Millar, Moreau, Nielsen, O'Keefe, Olson, Pennell, Roxburgh, Smallwood, Woolliams—(24).

*In attendance:* The Honourable Harry Hays, Minister of Agriculture, and Mr. Roy Faibish, C.B.C., Ottawa; Mr. Howard Riddell, Director P.F.A.A., Regina; Mr. George Walker, Swift Current, Saskatchewan; Mr. William Bird, Director, Crop Insurance, Department of Agriculture, Ottawa; Mr. George Fawcett, Chairman, of the Board of Review, P.F.A.A.; Mr. T. Garland, member of the Board of Review; Mr. T. Hainsworth, member of the Board of Review.

Also, a Parliamentary Interpreter and interpreting.

The Committee resumed from Saturday, December 14, 1963, its consideration of the question of privilege raised by Mr. McIntosh.

Mr. Howard Riddell was recalled and questioned.

The Honourable Harry Hays, Minister of Agriculture, was called. The witness read and tabled a prepared statement ending as follows:

"I may add that in the light of certain evidence already given to the Committee, the government would be prepared to have an independent judicial inquiry made into the circumstances of the termination of Mr. Walker's employment, if the Committee agree that such an inquiry might be warranted".

And debate arising, Mr. Drouin, seconded by Mr. Moreau, moved:

*That* the statement made by the Minister be circulated to the members for examination.

After discussion, Mr. Greene, seconded by Mr. Francis, moved:

*That* this committee report back that the point of privilege of the hon. member for Swift Current has been satisfactorily answered by the withdrawal of the Minister of Agriculture and that in view of some of the evidence which has been brought out before this committee that this committee recommend the appointment of an independent committee of a judicial nature to investigate the dismissal of Mr. Walker and the other evidence which has been adduced before this committee.

And debate continuing, Mr. Olson, seconded by Mr. Leboe, moved in amendment thereto,—

*That* the following words be added to the main motion: And also specifically the circumstances pertaining to the payment and of P.F.A.A. funds prior to the re-examination of alleged irregularities the director of P.F.A.A. found in the crop reports of the 1962 crop.

And the question being put on the said proposed amendment to the main motion, it was resolved in the affirmative. Yeas, 15; nays 8.

Thereupon, the question was put on the main motion, as amended, and it was resolved in the affirmative. Yeas, 17; nays, 5.

It being 4.58 o'clock p.m., the Committee adjourned until Tuesday, December 17, at 4.00 o'clock p.m.

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TUESDAY, December 17, 1963.

(34)

The Standing Committee on Privileges and Elections met, in camera, at 4.00 o'clock p.m., this day. The Vice-Chairman, Mr. L. Pennell, presided.

*Members present:* Messrs. Cashin, Crossman, Drouin, Fisher, Francis, Gelber, Greene, Leboe, Lessard (*Saint-Henri*), McIntosh, Millar, Moreau, O'Keefe, Olson, Pennell, Roxburgh, Webb—(17).

The Vice-Chairman made an oral report of the last meeting of the Subcommittee on Agenda and Procedure, held the same day at 1.25 o'clock p.m., in his office.

The Vice-Chairman also informed the Committee that on motion of Miss Jewett, seconded by Mr. Brewin, the Subcommittee recommend the following Draft as the Committee's Fourth Report to the House.

"The Standing Committee on Privileges and Elections has the honour to present its

## FOURTH REPORT

Pursuant to Order of Reference of Tuesday, December 3, 1963,

*Ordered*,—That the question of privilege, raised by the honourable Member for Swift Current-Maple Creek (Mr. McIntosh), respecting the following statement by the Minister of Agriculture (Mr. Hays), be referred to the Standing Committee on Privileges and Elections:

"Apparently he does not understand that the problem arose out of the fact that Mr. Walker was taking orders from the honourable Member for Swift Current-Maple Creek instead of the Director. This was one of the problems, and was not satisfactorily fulfilling his job."

Your Committee has held seven regular meetings to consider the said question of privilege.

The Committee has heard two witnesses.

The Committee has agreed to report that:

1. The question of privilege has been satisfactorily answered by the withdrawal of the Honourable Minister of Agriculture;
2. In view of the evidence produced before it, your Committee Recommends that the Government institute an independent inquiry of a judicial nature to investigate
  - (a) the dismissal of Mr. Walker,
  - (b) the other evidence which has been adduced before the Committee, and
  - (c) the circumstances pertaining to the payment of P.F.A.A. funds prior to the re-examination of alleged irregularities discovered by the Director of P.F.A.A. in the crop reports of 1962.

Respectfully submitted,

L. PENNELL,  
*Vice-Chairman.*"

Thereupon, on motion of Mr. Olson, seconded by Mr. Drouin,

*Resolved*,—That the said draft constitute the Fourth Report of the Committee to the House.

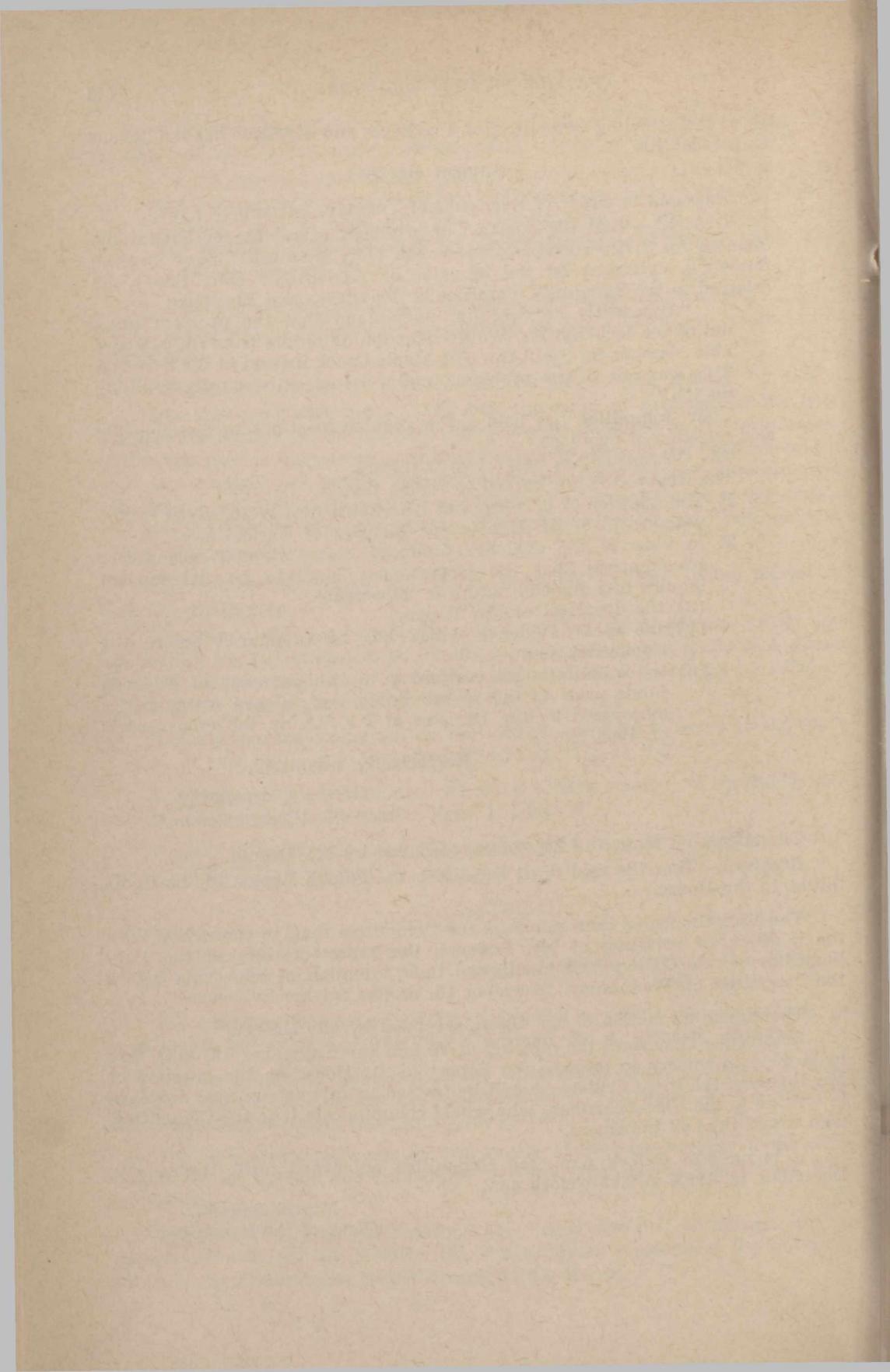
The Vice-Chairman then informed the Committee that, in connection with the question of privilege of Mr. Rodgers, the representatives of the Parliamentary Press Gallery had manifested their intention of appearing before the Committee on Wednesday, December 18, to give further evidence.

Thereupon, on motion of Mr. Olson, seconded by Mr. Moreau,

*Resolved*,—That since the meeting of Wednesday, December 18, 1963, was to be held in camera to prepare the Report to the House on the question of Mr. Rodgers, the Press Gallery should be invited to submit any new evidence in writing to the Vice-Chairman, who would communicate it to the Committee, who would then sit in camera.

It being 4.25 o'clock p.m., the Committee adjourned until Wednesday, December 18, 1963, at 9.00 o'clock a.m.

Marcel Roussin,  
*Clerk of the Committee.*



## EVIDENCE

FRIDAY, December 13, 1963.

The VICE-CHAIRMAN: Gentlemen, may I have your attention please.

The matter of business before the committee arises from a reference from the house to the committee. With your permission I will read the reference.

That the question of privilege raised by the hon. member for Swift Current-Maple Creek, Mr. McIntosh, respecting the following statement made by the Minister of Agriculture, Mr. Hays, be referred to the standing committee on privileges and elections.

I will now quote from *Hansard*:

At the time the hon. gentleman asked the question I stated that apparently he did not understand that the problem apparently arose out of the fact that Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek instead of from the director, and this was one of the problems, and that he was not satisfactorily filling his job.

Before the committee gets under way I should like to say that I am in the hands of the committee. From my brief experience of committees, I know the question always arises whether the witness should be entitled to hold his evidence merely as to what facts he knows, or whether he should be permitted to express opinions and sometimes gets into the realm of hearsay. I am not trying to superimpose my opinion on the committee at all but I merely raise this point and I would invite the opinion of the committee on what latitude you propose to allow the witnesses.

Mr. NIELSEN: Mr. Chairman, perhaps I might be allowed to say the following. I have discussed the question of privilege with Mr. McIntosh and it is his intention, since the privilege involves him, to confine the examination of witnesses fairly closely to the matter of privilege.

Since the first statement was made by the Minister of Agriculture accusing Mr. McIntosh of instructing Mr. Walker in his duties, the minister has accepted Mr. McIntosh' word that he did not so instruct Mr. Walker, and indeed the minister had the good sense to withdraw his remarks in that regard in the house. In so far as that particular aspect of the privilege is concerned, Mr. McIntosh is of the view that it has been satisfied. However, there still remains in the second statement of the minister in the house, a long list of serious shortcomings in so far as Mr. Walker's personal character and ability are concerned. It is Mr. McIntosh' view that they should not be left on the record unchallenged as they are there for the lifetime of Mr. Walker and would perhaps affect his future livelihood as well as his personal character. It is in this avenue alone that Mr. McIntosh intends to conduct his inquiry of the witnesses which have been called to appear. It is within those narrow confines that it is the intention to proceed.

The VICE-CHAIRMAN: I do not want to put words into your mouth, Mr. Nielsen, but as I read back over the terms of reference directed to the committee do I understand that part of the minister's remarks where he said that Mr. Walker was taking orders from the hon. member from Swift Current-Maple Creek instead of the director and which was withdrawn, was accepted by Mr.

McIntosh? We are no longer concerned with that, but we are concerned with the latter part where he said:

And this was one of the problems, and that he was not satisfactorily filling his job.

Is that the basis which is now raised for the consideration of the committee?

Mr. NIELSEN: That is correct.

Mr. MOREAU: Mr. Chairman, the terms of reference that were referred to the committee I feel should all be included in the discussion here. Mr. McIntosh in my opinion—I am open to direction—indicated to the house that the minister's statement was not in any way satisfactory, and his motion did include the statement of the minister when he asked for the consent of the house to have this referred to the committee. I therefore think that at this stage to limit our terms of reference in this way would not be in order. Mr. McIntosh said, and I quote:

Mr. Speaker, on a question of privilege, is it not a rule of the house that if a report is mentioned by a minister it should be tabled? If so, I make the request that the director's report be tabled, because it is obvious that Mr. Walker is the innocent victim of a dispute between the director and myself. At no time was he told either by the minister, although the request was made, or by the director, to whom also a request was made, the reason for his dismissal. Being an innocent victim, I believe he should be given the chance to refute the statement made by the minister.

Nowhere do we find an indication that Mr. McIntosh had accepted the minister's withdrawal. When he went to move his motion he said:

Then, Mr. Speaker, I have no alternative but to move this motion.

The motion which you previously read, Mr. Chairman.

I therefore feel that these are the terms of reference requested from the house by Mr. McIntosh, and I feel that we should follow them.

Mr. NIELSEN: Might I reply to that, Mr. Chairman? I think Mr. Moreau is getting the cart before the horse here. When a member rises in his place in the house and states a question of privilege, that is one thing, and when the minister rises in his place and says, and here I will quote from page 5360 of *Hansard* for December 3:

I am quite prepared to accept the hon. member's word and am prepared to withdraw my statement that Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek, which I had been led to understand had been the case.

This withdrawal in the normal course in the house does not require acceptance by a member. The privilege arose out of the fact that this accusation has been made. It was challenged by Mr. McIntosh and it was withdrawn. However—and here I think is where Mr. Moreau has become somewhat confused—the minister went on, and the citations by Mr. Moreau of the report have nothing to do with it. The report which the minister mentioned when he listed these lengthy shortcomings, or supposed shortcomings of Mr. Walker, had reference to the reasons for the dismissal of Mr. Walker, which had nothing to do with the withdrawal by the minister of the accusations he had made against Mr. McIntosh.

We are perfectly prepared, if it is the committee's wish, to go into this matter. We are merely trying to save the time of the committee. It seems to me that since the minister has made his withdrawal, and since the remaining portion of the privilege could be confined for the sake of order and for the

sake of efficiency and saving time, this is the way we should proceed. However, if it is the desire to go into the whole question of privilege, we are quite prepared to do so.

Mr. MOREAU: Mr. Chairman, I should like to say that I have no particular desire to pursue the matter any further than we have to in the committee, but I do feel that we should allow the witness as much latitude as possible which, I think, is quite normal in committees of this nature. Certainly I think they should be allowed to answer questions and to make statements with as much latitude as possible, without someone rising on a point of order to object to their testimony. It is only on that basis that I read the terms of reference.

If I might reply to Mr. Nielsen very briefly, without getting into a long debate it was, after all, on the statements which were made in the house that Mr. McIntosh raised the question of privilege and requested the consent of the house to refer the motion that we have before us. That motion does include the statement made by the Minister of Agriculture at that time. It was certainly my impression—and I am sure the impression of members of the house—that he was not satisfied with that question, in view of the fact that he did not accept the minister's withdrawal in the house and so indicated. I believe the witnesses here should not be restricted too much in their testimony regarding this question.

Mr. NIELSEN: I have got to put things in their proper perspective here, because there is no requirement for a member to accept a withdrawal on a question of privilege. If Mr. Moreau is fair about the matter, he will admit that.

However, here is the way that the motion was put in the house. After the minister had made his withdrawal, he went on to say—I will quote again from page 5360 of *Hansard*—

Mr. Walker was dismissed as the district supervisor for the Swift Current area. He was dismissed for not giving satisfactory services and for not carrying out the instructions of his superior officer.

Then Mr. McIntosh rose and said:

Mr. Speaker, on a question of privilege, is it not a rule of the house that if a report is mentioned by a minister it should be tabled?

Here is the nub of the reason from Mr. McIntosh's request:

... because it is obvious that Mr. Walker is the innocent victim of a dispute between the director and myself. At no time was he told either by the minister, although the request was made, or by the director, to whom also a request was made, the reason for his dismissal. Being an innocent victim, I believe he should be given the chance to refute the statement made by the minister.

And then Mr. Speaker rose and said:

As to whether the report should be tabled, I will leave that to the discretion of the minister.

Some hon. Members: Table it.

Mr. Hays: Mr. Speaker, this is a departmental report and I am sure the hon. member knows that this cannot be tabled.

The report having to do with Mr. Walker and his dismissal:

Some hon. Members: Oh, oh.

Mr. McIntosh: Then, Mr. Speaker, I have no alternative but to move this motion.

That is what gave rise to the motion, the fact that the report was not tabled, so it could not be shown whether or not Mr. Walker's dismissal was for a serious reason or not.

Mr. MOREAU: I would agree entirely with your remarks but they include only part of the story. When Mr. McIntosh went on, he did include the remarks made to the minister referring to the other matter—if they are distinct—about Mr. Walker taking orders from the hon. member of Swift Current-Maple Creek.

Mr. FRANCIS: This is a question of privilege which involves Mr. McIntosh.

Mr. NIELSEN: As far as Mr. McIntosh is concerned there is no objection to opening up this whole matter. We were simply trying to save the committee some time. We are prepared to go on.

The VICE CHAIRMAN: It appears that I am presiding over an unruly team this morning. May I say that I shall endeavour to direct the proceedings as impartially as possible, and if it appears I am not doing so, I can assure you it will be unwittingly and I will welcome if members of the committee would interrupt me and draw to my attention that they feel I am not conducting it in that manner. I will have to be guided on whether someone wants to take exception to the fact that the witnesses are moving away from the proper realm according to the direction.

Mr. DOUCETT: We will take that chance.

Mr. NIELSEN: I have two other submissions to make, one concerns the spate of steering committee meetings that we held on the run yesterday, on the timing of these meetings. There are two individuals involved here, as Mr. Francis pointed out to the steering committee last night, one is Mr. McIntosh, the other one is Mr. Hays, and of course there is the third and perhaps the most important person in the whole inquiry, and that is Mr. Walker. Since it is Mr. McIntosh who felt that this matter could be better presented in a more logical form if the witnesses were called in a particular order, I am sure you, as Chairman, will appreciate the need for a proper presentation of the matter so that the full benefits of the evidence can be obtained by members of the committee. This was brought up again by me in the house during the discussion of the estimates of the Minister of Agriculture when I asked him at what time he is prepared to come before the committee. He said he would be prepared to come at nine o'clock this evening, and he gave that undertaking, God willing. He also stated that he was prepared to appear as a first witness, because I did make that point quite clear. I realize it is up to the committee which witness is called first and when it is going to hold its meetings, but I would like to put for the consideration of the committee that it is felt that in the best interests of presenting this matter properly these witnesses should be called in a particular order. We would like to hear Mr. Hays first. Therefore, I have this suggestion to make, that we defer the consideration of this question until this evening at nine o'clock when Mr. Hays can be called first, as he has indicated he is willing to do.

I see the electoral officer here. The committee would not be wasting time if it went on this morning with the election act. I think it would be in the best interest all around if we deferred this question until nine o'clock this evening when Mr. Hays could appear as the first witness.

Mr. MOREAU: The motion that was presented before the committee by Mr. McIntosh and Mr. Nielsen at the meeting at which this matter was to be discussed, requested the appearance of certain witnesses. There was no mention whatsoever made of the order in which they would appear. It was even stated at that meeting that it was unlikely that the Minister of Agriculture could be here. The committee accepted the calling of those witnesses, agreed to hear the case of privilege today, and I see no reason whatsoever for deferring this matter until this evening. The request for a special order was never made in the initial motion to set up this meeting. In view of the fact that we are likely to run out of time—we certainly know the session is drawing to a close—to

defer this matter until this evening at nine o'clock is apt to mean we will not get an opportunity to hear all the witnesses. I would suggest that we continue our hearing this morning.

Mr. McINTOSH: I disagree with Mr. Moreau. The house is meeting tomorrow and this committee can also meet tomorrow. I would suggest that the conduct of this committee be to hear these witnesses in the form of a trial. There is one who is accused and there is the accuser. I think that in all fairness to the accused we should hear the one who made the accusation, who is the minister in the house. This to me, although I am not a lawyer, seems that we are trying the accused before we know what the charge is.

Mr. FRANCIS: Let us get the record straight. An employee was dismissed, the question was raised in the house, a statement was made by the minister, the statement was cleared on a matter of privilege by Mr. McIntosh, and as a result of Mr. McIntosh' appeal to this committee, which he raised in the house, we are meeting here, and that is why the witnesses are here. I see no reason why the minister has to be the first witness. Quite frankly, the privileges of two members are involved, Mr. McIntosh and the minister, and I think there is no particular reason why the minister has to be the first witness. As it turns out he is not in Ottawa at the time; he will be back tonight. He has indicated that he will make himself available to the committee as soon as he returns to the city. We should proceed with the witnesses that have been summoned on the question.

Mr. McINTOSH: A gentleman here says Mr. Hays could have been here.

Mr. LESSARD (*Saint-Henri*): You asked him to be here at nine tonight, not this morning.

Mr. NIELSEN: I see we are not going to get very far in requesting this courtesy of the committee. It does not seem to me that anything is being lost by this. If we go on with the act this morning, we are still doing what we were sent to do, and we can agree to meet tonight, which we have not agreed to do yet. In this way we will not be losing any time. We are perfectly agreeable to sitting tomorrow on this matter to clear this question up, if we do not finish it this evening, and you will probably get a good deal of co-operation from us in our meetings next week, if we happen to fall behind.

Mr. FRANCIS: Co-operation is a two way street.

Mr. NIELSEN: All we are asking is for a deferment of a few hours so that the matter can be presented in the proper perspective.

Mr. FRANCIS: In my opinion the proper perspective is to start with the man who is dismissed to see what he has to say.

Mr. NIELSEN: I would like to get on the record this motion, moved by me, seconded by Mr. McIntosh:

That we adjourn this matter of privilege until 9:00 p.m. this day.

The VICE CHAIRMAN: Does anyone wish to speak to the motion before I put the question? It is moved by Mr. Nielsen and seconded by Mr. McIntosh that we adjourn the question of privilege until 9:00 p.m. this day.

Mr. McINTOSH: I also believe, Mr. Chairman, that there should be some recognition of the precedence in which we list the witnesses that we called. I believe Mr. Hays is first on the list. It was for a purpose, as has been made obvious here this morning.

The VICE CHAIRMAN: For the purpose of the record and to be fair I must say that as a result the following individuals were called to give evidence before the committee: one, the Minister of Agriculture; two, Mr. Roy Faibish; three, Mr. Howard Riddell; four, Mr. Walker; five, Mr. Bird.

Mr. MOREAU: Also, to keep the record straight, there was mention at that meeting, when the motion was passed, that it was unlikely that the Minister of Agriculture could be here, and no objection was raised at that time.

Mr. McINTOSH: There may have been one; I do not recall it.

Mr. NIELSEN: The only reason that it was raised was that some members on that side doubted the power of the committee to call a minister of the crown. I am sure that you have since discovered it is possible and proper for a minister of the crown to be called.

The VICE CHAIRMAN: May I interject here and make this observation? From my legal experience I take it that frequently when a witness is heard out of place the committee or judge would instruct that that person should not have any communication with anyone. If you feel that way, I would suggest that those witnesses should have no communication with the minister. Is that your wish?

Mr. FRANCIS: Mr. Chairman, I had no understanding that this was the order in which the witnesses were to be interviewed when the motion was put.

Mr. COWAN: That is not binding on us. Why bring it up?

Mr. NIELSEN: We are bringing it up to request the courtesy of the committee since this privilege has been raised by Mr. McIntosh in a fashion which he feels—and I admit I agree with him—would place the whole matter in its proper perspective, in the same fashion that any matter in a civil court would be placed before the court.

Mr. COWAN: The list of witnesses is not binding in a court in the order of the naming.

Mr. NIELSEN: How to present it is usually left to the discretion of the person presenting the case.

There is another very important point in the reason why Mr. Hays should be called first, and that is of course the question of the production of the papers which the motion also calls for. I quite anticipate that we are going to have a discussion on whether or not the report from which Mr. Hays read in the house is going to be producible. Whether he is agreeable to producing it now or not I do not know; he refused to do so in the house despite the fact that he made reference to it at some length. However, in the report itself the nub of the whole privilege is the rather lengthy list of accusations against the character and capabilities of Mr. Walker. Before the committee has that before them in the form of that report, it is going to be rather difficult to assess the testimony in that light.

Mr. CASHIN: It seems we are not going to get anywhere in this way. It does not really make that much difference to me except for this point, that it was Mr. McIntosh who initiated the action that brought it here. It seems to me that it is not unreasonable perhaps to suggest that Mr. Hays be the first witness, but it does not seem that they have any claim of any substance to say that. If the majority of the members want to hear somebody first, let us do it that way. If not, I do not see that we are going to make much headway with this otherwise.

Mr. McINTOSH: There is one point here, namely that Mr. Hays may have some advantage in answering questions I might put to him after we have recessed here and he has had an opportunity to see what took place and what type of questions were asked, in particular, possibly, the answers to very pertinent questions.

You say two people were accused: Mr. Hays was one and Mr. Walker was the other. I could say three people were accused, because I become involved in the accusation which I thought was settled in the house and I accepted it. But if you wish to bring that up, I am quite prepared to go along as deeply

as you wish to go. I am quite positive that when the hearing is all over—the majority of the members here are fair minded men—hon. members will agree with what I said. However, you have the greatest number of members here, and I think the decision is up to the majority of the members.

The VICE CHAIRMAN: I will put the motion. It is moved by Mr. Nielsen and seconded by Mr. McIntosh that we adjourn this question until 9:00 p.m. this day.

Those for the motion? Four. Contrary? Eight.

The motion is lost.

Mr. MCINTOSH: Might I ask now if it is the wish of the committee to put these witnesses under oath?

Mr. COWAN: Did they investigate the Coyne dismissal under oath?

The VICE CHAIRMAN: I think we should confine ourselves to the question before us.

Mr. COWAN: I am looking for a precedent.

The VICE CHAIRMAN: I had hoped you would not interject any unnecessary comments into this. It is going to be difficult, anyway. The air is charged this morning in any event, and I anticipated this. I realized there would be sensitive areas naturally because some people feel, rightly or wrongly, that their personal integrity is involved. I would say, with great respect to you, that we should try to keep our remarks to the issue before us. I appreciate the significance of your remarks as to precedents.

Mr. MOREAU: On the question of the witnesses taking an oath, I would suggest we proceed without it. I think all sides are represented here, and if there is a challenge to a statement made, perhaps we might consider at that time whether the witness should be asked to take an oath or not, without necessarily going through this every time. I just raise that as a possibility concerning the procedure we might follow.

Mr. NIELSEN: I would like to speak to the matter of swearing the witnesses. There is provision in the rules for swearing witnesses who appear before the committee. I think it is essential to get at the truth of the matter. I am not going to suggest that merely because a witness is not sworn he would not be telling the truth.

Mr. MOREAU: We have no objection, if you insist.

Mr. NIELSEN: We would like to have the witnesses sworn.

Mr. MOREAU: I suggest that perhaps we could wait until someone challenged their statement. I have no objection, and I am sure none of the members of the committee would have objection.

An hon. MEMBER: What is the usual procedure?

The VICE CHAIRMAN: Could you give me the citation dealing with the swearing of witnesses before a committee?

Mr. LESSARD (*Saint-Henri*): We have a legal adviser here, Dr. Ollivier.

Mr. OLLIVIER: You can swear in a witness but I do not think you should swear in members; they have already an oath of office, and it is not usual to swear in the members as witnesses. However, witnesses from the outside are a different matter and you have the right to swear them in.

Mr. NIELSEN: With the utmost deference to Dr. Ollivier, the oath of office of a member is not similar to the oath taken by a witness.

Mr. OLLIVIER: But I have never seen a member being sworn in a committee.

Mr. MOREAU: Surely an hon. member's word should be accepted.

The VICE CHAIRMAN: Are there any comments?

Mr. OLSON: Mr. Chairman, I do not really see the purpose of putting the witnesses under oath in the initial stages. If, as the witnesses are called and the proceedings progress, we find that there are contradictory statements and we do not seem to be able to reconcile them, then I think would be the time to put them under oath.

Mr. OLLIVIER: If you have to take a member's word in the house, I do not see why you would not take it in the committee.

The VICE CHAIRMAN: If you are going to swear some witnesses and not others, it will reflect on certain people. The same will apply if you hear some of the evidence and then decide to swear a witness later on; there is going to be an inference there again, and that does not appeal to my sense of justice. However, I will be directed by the committee.

Mr. FRANCIS: If Mr. Nielsen would care to make a motion, I would vote in favour of it.

Mr. NIELSEN: I am writing out the motion now.

The quotation from Beauchesne's fourth edition, 1958, citation 307 is as follows:

The Senate or the House of Commons may at any time order witnesses to be examined on oath before any committee.

The motion is that

Witnesses appearing before the committee be sworn, save Mr. Hays, this morning.

The VICE CHAIRMAN: Unless Mr. McIntosh decides to give evidence.

Mr. McINTOSH: I am not a witness.

Mr. NIELSEN: With that exception, that witnesses appearing before the committee be sworn.

Mr. McINTOSH: At this time I would like to take the opportunity to introduce the witnesses.

The VICE CHAIRMAN: Is your motion, then, that the witnesses appearing before the committee be sworn? You heard the motion. All those in favour? Those against?

I declare the motion carried.

Motion agreed to.

Having removed the preliminaries I will invite Mr. McIntosh to open the matter.

Mr. McINTOSH: Mr. Chairman, I would like to introduce the witnesses first. I have one more question to ask afterwards, before I open the matter.

On my immediate left is Mr. Roy Fabish, the former private secretary to the former minister of agriculture. Then we have Mr. William Bird who, I understand, is now director of crop insurance for the Department of Agriculture, the former director of P.F.A.A. In the far corner is Mr. Riddell, present director of the P.F.A.A with head office in Regina, and the next three gentlemen are members of the board of review for the P.F.A.A. They were not listed on my list as witnesses. I have no idea why they are here.

Mr. FRANCIS: Perhaps it would be useful to call them. They might be introduced.

Mr. McINTOSH: Mr. Chairman, Mr. Fawcett is also here.

Mr. Garland, would you please introduce your members?

Mr. T. GARLAND (*Member of the board of review P.F.A.A., Regina*): Mr. Chairman, this is Mr. Hainforth from Manitoba and Mr. Fawcett from Alberta.

Mr. McINTOSH: The next gentleman is Mr. G. Walker, former supervisor of P.F.A.A.

Mr. NIELSEN: Might we inquire why the board of review is here and who asked them to come?

Mr. FRANCIS: I placed a motion, in consultation with the Minister of Agriculture, to see if there are any witnesses he cared to request. I put this motion and it is my understanding the minister stated it would be useful to have members of the board of review as witnesses.

The VICE CHAIRMAN: The Clerk handed me the minutes of proceedings dated 9 December, 1963, in which it is said that after discussions arising on a motion of Mr. Francis, seconded by Mr. Nielsen, it was resolved that the Minister of Agriculture be requested to name to the committee such additional witnesses as, in his opinion, should be summoned to appear to the committee on privileges and elections.

Mr. NIELSEN: I recall the motion very clearly, Mr. Chairman. What I meant was that not having heard from Mr. Hays, I was not aware any witnesses were being called, but I would now like to be informed whether these witnesses are going to be called.

Mr. OLSON: The obvious answer is to give some evidence.

Mr. FRANCIS: The point is that in my understanding the minister, pursuant to the resolution of the committee, took the opportunity of inviting the gentlemen to come as witnesses.

Mr. NIELSEN: I think that in order to follow properly the procedure we should have a motion requiring that these witnesses be called before the committee, if it is the intention that they testify.

Mr. MOREAU: Does that motion have to be made now? Perhaps the matter will be resolved without their testimony. Perhaps the committee might be governed by what develops. I would consider that this would be the proper procedure, that the motion to have them called later if necessary might be in order.

The VICE CHAIRMAN: As the matter progresses it may seem that the parties who are deeply interested may want to call other witnesses and Mr. McIntosh may wish to call other witnesses in addition to those listed. I would give him leeway to do that, if I may respectfully suggest.

Mr. McIntosh, you had one other point.

Mr. MCINTOSH: I should like to clarify your last statement. It is that I may have the privilege of calling other witnesses. Is that right?

The VICE CHAIRMAN: Yes, if you feel that something arises during the course of the proceedings I, as Chairman, would suggest that you be given the right to bring other witnesses.

Mr. MCINTOSH: My other point is on the method of conducting this hearing, if you wish to call it that. May I call my witnesses one at a time and continue my questioning of them without interruption before other members question them and after I am finished—

Mr. KLEIN: All of them will be cross-examined afterwards.

Mr. MCINTOSH: And if any points arise out of the cross-examination of other members, may I have the opportunity to call the witnesses back at any time?

The VICE CHAIRMAN: I see no objection to that.

Mr. FRANCIS: Presumably the other members may also call the witnesses back to the stand.

The VICE CHAIRMAN: Whom do you propose to call now?

Mr. MCINTOSH: May I make a short statement first? It is a statement I prepared on the question of privilege.

In reply to a question asked in the House of Commons as to why Mr. George Walker was dismissed from government service, the minister first replied "Because he was taking orders from a member of parliament". Subsequently he withdrew his statement, for which I thanked him. However, he then stated that Mr. Walker was not satisfactorily fulfilling his job. The minister stated that the basis for the dismissal of Mr. Walker was a report received from the director of P.F.A.A. to the effect that—and here I condensed the minister's remarks to ten accusations which are contained in *Hansard* of December 3.

The further statements contained in the report are as follows:

- (1) The administration of the P.F.A.A. in the Swift Current area was most unsatisfactory—
- (2) There was a lack of any co-operation between the Swift Current office and head office in Regina—
- (3) The supervisor was simply not carrying out the director's instructions—
- (4) His utter lack of co-operation with the Regina office was one fault—
- (5) His disregard for the director and Mr. W. F. Davies, the superintendent, could not be overlooked—
- (6) He made no effort to check inspectors who were not properly carrying out their duties when taking cultivated acreage reports.
- (7) In a number of instances he failed to carry out the inspections of those townships which were contiguous to other townships which had been declared eligible for award.
- (8) He disregarded instructions not to endeavour to answer any correspondence with officials of rural municipalities or farmers in his area.
- (9) He refused to co-operate in the investigations of alleged irregularities in some cultivated acreage reports which were filed in his area for awards.
- (10) Mr. Walker would not co-operate in making rechecks in a situation which developed in his area.

I stated, Mr. Chairman, that it was obvious to me Mr. Walker was an innocent victim of a dispute between the director and myself, and that Mr. Walker should be given a chance to refute the statement made by the minister. It is my present intention to conduct my questioning of the minister's statement that Mr. Walker was not satisfactorily fulfilling his job, and the statements contained in the director's report to the minister which rescinded in my opinion the unjustifiable dismissal of Mr. Walker.

If I may, Mr. Chairman, I would like to call Mr. Howard Riddell, the present director of P.F.A.A.

The VICE CHAIRMAN: There is a point which I wish to bring forward at this stage. I may as well be frank with the committee. Is the committee now going to decide whether Mr. Walker was improperly discharged? Is that the issue or the point of privilege which is going to be decided now? This is what concerns me. I want to be perfectly fair on this matter.

Mr. McINTOSH: I should like to reply to that. I had accepted the minister's withdrawal; however, I did not accept his further accusations which, in my opinion, he made after he withdrew. From what I heard this morning, apparently, the other members of the committee are not satisfied with that, although I am. I do not know what they have at the back of their minds, but as far as I am concerned I am trying to exonerate Mr. Walker from these accusations.

Mr. FRANCIS: I feel that the issues involved here are the dismissal of an employee and the inference that has been made in certain quarters reflects on at least the minister and one member of the house. I feel this is a very germane point to the investigation.

The VICE CHAIRMAN: Are we determining the reason why the employee was dismissed?

Mr. MOREAU: It seems to me that the matter of personal privilege was raised by Mr. McIntosh. I wonder if the second matter is indeed a matter of privilege. I think Mr. McIntosh raised the privilege in view of the statement of the minister. I have no particular desire to explore that, if he says he accepts the minister's withdrawal. However, it seems that perhaps there is no privilege at all if he does accept the statement. I just raise that point for the committee to consider.

Mr. MCINTOSH: I think that the house decided there was a question of privilege and it was voted on. As far as I am concerned, I was outlining my intention as to how I would conduct this, and I asked that proof be provided for these accusations. I think one of the members over there raised the point that there was an inference which came to his mind. There are many inferences which you could draw from this. I have stated in my opening statement that I accept the minister's withdrawal but based these hearings, as far as I was concerned, on the several accusations that he made at the time of making his withdrawal. I was not referring to any inferences anybody could draw out of the accusation.

Mr. FRANCIS: Mr. McIntosh has called the witness. In my opinion he should be allowed to proceed and to question the witness.

The VICE CHAIRMAN: Yes. This was for my own edification. I should like this to be quite clear because it is important and because I might be called upon to make a ruling. I should like to pose this question to you, and please draw no significance from it. Do you feel that there is a point of privilege involved here, turning upon the fact of whether this man was properly or improperly dismissed? Does this raise a point of privilege as far as you are concerned?

Mr. MCINTOSH: That is what I am actually thinking, that he was improperly dismissed.

The VICE CHAIRMAN: Let us assume this. I am trying to get to the point of privilege. Where does this come in, as a matter of privilege of a member of the house? I am not saying this offensively, you understand.

Mr. MCINTOSH: I realize what you are trying to get at. I, as a member, was accused originally of taking certain actions because of my position as a member of parliament. I denied that and I hope to prove my denial. To my mind a third party was involved unjustly. How he became involved I hope will be determined by this meeting. It may have been a misunderstanding on the part of other members or other persons referred to in the statements that were made in the house; it may be because, as I said before, a dispute or a misunderstanding between myself and someone else arose that was referred to in the house. I do not know how it came about. I was surprised that the accusation was made in the first place, and I was more surprised when the other ten accusations were made after the withdrawal of the first one.

Mr. KLEIN: Suppose this committee comes to the conclusion that Mr. Walker was wrongfully dismissed, what would be the situation? Would he be reinstated as a result of our gesture?

The VICE CHAIRMAN: I cannot answer that question. I think that is not within the ambit of the inquiry.

Mr. KLEIN: It would seem to me that any civil servant dismissed would have the right to appeal to this committee in such a case.

Mr. McINTOSH: They are not civil servants.

Mr. KLEIN: I would like to know what the result would be if we were to come to the conclusion that he was wrongfully dismissed.

Mr. MOREAU: Perhaps we might proceed and let Mr. McIntosh develop his case. If a point of procedure arises, we might decide it at the time.

Mr. LEBOE: It appears to me that Mr. McIntosh has taken the ten points as qualifications in respect to the withdrawal that the minister has made. It appears to me that when he made the withdrawal he listed these and they became qualifications to the withdrawal, which does in fact to my mind make it a continuing point of privilege.

Mr. CASHIN: I apologize for being out of the room for a couple of minutes while Mr. McIntosh made his remarks. The question and confusion that is in my mind may have been resolved had I not been out of the room. I do not want to prolong the proceedings of the committee but may I ask, in view of the fact that Mr. McIntosh accepted, as I understood it, Mr. Hays withdrawal of certain remarks, is it a fact that we do now have a valid question of privilege before us? This may have been answered while I was away but it seems to me that we may find ourselves determining the rightful or wrongful dismissal of an employee in the government, and I am not sure that is what we are supposed to be doing.

Mr. McINTOSH: My point of privilege is that Mr. Walker was dismissed because of my position in the house as a member of parliament, regardless of whether it was as a result of the statement I gave him or regardless of whether it is because of these other accusations.

The VICE CHAIRMAN: We do not want to go into whether a person is properly or improperly dismissed to see if there is a point of privilege? I want to make my mind clear on this so I can give a ruling if necessary.

Mr. HOWARD RIDDELL (*Director, Prairie Farm Assistance Act, Regina*), Sworn:

Mr. McINTOSH: Will you tell the committee who you are and what is your position?

Mr. RIDDELL: I am the director of the Prairie Farm Assistance Act with head office in Regina.

Mr. McINTOSH: As you have realized from the remarks that were made earlier, it had been my intention to call the minister as my first witness this morning, but seeing he is not here I would like you to establish for me the chain of command within your branch as it relates to the department. Who are your immediate superiors and who do you control under your direction?

Mr. RIDDELL: I report to Mr. Bird and he reports to the minister's office. The persons under me in the office in Regina are a superintendent in Regina and seven supervisors in Saskatchewan, and two in Manitoba. Then we have an administrative officer 2 in the office in Regina and an administrative officer 1, and the usual clerks. In Alberta we have an office with a superintendent, Mr. Graham Anderson, and he has five superintendents under him. He has the usual clerks and office manager, an assistant and five girls.

Mr. McINTOSH: You mentioned the name of Mr. Bird. Will you tell the committee who Mr. Bird is and what is his position in the government.

Mr. RIDDELL: As far as I know, Mr. Bird is the director of crop insurance and his head office is here in Ottawa. He acts as liaison between the minister's office and our office in Regina in connection with matters pertaining to prairie farm assistance.

Mr. McINTOSH: What relation has your branch of prairie farm assistance with the department of crop insurance?

Mr. RIDDELL: I cannot answer that question—none as far as I know.

Mr. McINTOSH: Will you also inform the committee as to Mr. Bird's duties with the government.

Mr. RIDDELL: All I can tell you is that Mr. Bird was director of the Prairie Farm Assistance Act before I was asked to take over the position, and I was assured before I took it over that he was going to be brought to Ottawa on crop insurance, and on that basis I was appointed.

Mr. McINTOSH: Was it because he was the former P.F.A.A. director that you reported to him or because he is director of crop insurance?

Mr. RIDDELL: I cannot answer that question.

Mr. McINTOSH: You do not know?

Mr. RIDDELL: No.

Mr. McINTOSH: You do at times take instructions from the minister?

Mr. RIDDELL: Yes.

Mr. McINTOSH: And anyone else in his office?

Mr. RIDDELL: Yes, Mr. Bird. At the present time I am dealing solely with Mr. Bird. All the correspondence I have had in connection with the administration of P.F.A.A. is through Mr. Bird's office.

Mr. McINTOSH: Prior to the present administration taking over, with whom did you deal in the former minister's office.

Mr. RIDDELL: Mr. Faibish.

Mr. McINTOSH: Who is Mr. Faibish.

Mr. RIDDELL: I believe Mr. Faibish was the executive assistant to the former minister of agriculture, Mr. Hamilton.

Mr. McINTOSH: Was there anyone else in Mr. Hamilton's office with whom you dealt, as director of P.F.A.A.?

Mr. RIDDELL: I do not just recall at the moment now. I dealt with Mr. Hamilton direct, too. It has been my privilege to deal with Mr. Hamilton on a number of occasions.

Mr. McINTOSH: I am not disputing your privilege; I am just asking you to inform the committee about the procedure.

Mr. RIDDELL: Mr. Hamilton and Mr. Faibish.

Mr. McINTOSH: Did you ever deal with the deputy minister?

Mr. RIDDELL: Yes, I did. I talked with Mr. Barry.

Mr. McINTOSH: Were there any other special assistants at all who were in the office, such as the parliamentary secretary, who is a member of parliament.

Mr. RIDDELL: I talked to Mr. Theissen; I talked to him on the telephone on a couple of occasions.

Mr. McINTOSH: I believe Mr. Hamilton had as parliamentary secretary a Mr. Jorgenson. Did you ever take instructions from him?

Mr. RIDDELL: No, not that I know of. He was in my office but I never took instructions. I had correspondence concerning members of his constituency but I did not take instructions.

Mr. McINTOSH: I believe he also has another parliamentary secretary, Mr. Pigeon. Did you ever take instructions from him?

Mr. RIDDELL: Not that I recall.

Mr. McINTOSH: Did you at any time ever take any instructions from a member of parliament, Mr. Riddell?

Mr. RIDDELL: I do not recall at the moment that I have ever taken any instructions directly.

Mr. McINTOSH: It would not be normal for you to take any instructions unless there was some liaison between members carrying a message, say, from the minister's office and so on.

Mr. RIDDELL: I did not get that question.

Mr. McINTOSH: If you knew that Mr. Hamilton had discussed a problem with you on the telephone, for example, and a member of parliament was going out there and said he would be dropping in to see you to discuss a certain problem, that would be quite normal?

Mr. RIDDELL: Oh yes, that was normal.

Mr. McINTOSH: Under the present system you do not deal with any of the people you dealt with under the former administration?

Mr. RIDDELL: At the moment I just deal with Mr. Bird in connection with administration. There are matters dealing with finance, and for that we have to deal with Mr. Beahen's office and make some reports to the treasury branch of the Department of Agriculture, I understand in regard to collections of accounts and so on. As far as administration in the field is concerned, that is what I have been referring to.

Mr. McINTOSH: Mr. Bird is your liaison between Regina and Ottawa? I notice there are three members of the board of review here. Will you tell the committee what are functions of the board of review?

Mr. RIDDELL: The board of review meet as they are required. So far their meetings in my tenure of office have been in Regina, but that does not necessarily mean they have to meet there. During the course of the year applications are made to our office by municipalities which feel they have suffered a crop loss, and those applications must be made to us by September 15. Where they show that the estimated yield in any particular township in a municipality is eight bushels per acre or less, we then arrange to make inspections in that area. It is necessary that we obtain inspectors to go in, and these inspectors must take crop reports from the farmers and these crop reports give us the cultivated acreage that the farmer has, all the land he farms, and particulars of the grain that he has stored on the farm, the size of the bins in which it is contained, how the grain is distributed according to the yield of each individual parcel, and other information pertinent to the question, with reference to the number of cattle he may have, the number of years that he has been farming, his permit book number and other information in that regard. We also get a breakdown from him on his acreage, the number of acres of yield, the number of oats in the yield, the rye in the yield, the flax in the yield, as the case may be, and seeded grass lands. These crop reports are then processed in our office after they are taken in the field and thoroughly checked by the field staff throughout the area. They are brought into our office and then they are put on a ledger yield sheet. That records the acres and the yields on each individual parcel in that particular township. Those yield ledger sheets are totalled with reference to the whole township and the average obtained, and they are also totalled with reference to each individual section. The average is obtained in that way. I might mention that a township represents 36 sections of land, which is six miles by six miles—six miles square. That is what we refer to as a township. There are river lot townships covered by the act and irrigation townships covered by the act which are a little different but they are all handled as townships. After this information is recorded on these yield sheets it is then sent to the treasury office where it is audited, and all the figures that are put on that ledger sheet are audited to the satisfaction of the treasury branch attached to the P.F.A.A. Then those ledger sheets are brought back to our office, and if the average yield in the sheet shows it is eight bushels per acre or less, they are then given to the board of review for their decision whether they shall declare them eligible. Once they sign them, they are dated

and signed and have the category put on them, and if the category happens to fall into the category of three or less, they are put in at zero to three and they are paid at that rate. If the category is three to five it is shown on the yield sheet and the farmers are paid at \$3 per acre. If they are shown at five to eight then the farmers are paid at \$2 per acre. The maximum payment is for zero to three, and a maximum of \$800, 400 acres. In the category three to five, the maximum payment is \$600 and the maximum acreage is 400 in that case. Similarly, in the higher category as far as yield is concerned, they get \$200 an acre and a maximum of 400 acres, half the cultivated acreage. Then there are cases arising where the average yield of the township is found to be over eight bushels. Provision is made in the act for us to set up blocks, and by blocks I mean any number of sections up to 35 in any township. Our office staff review these very thoroughly. A girl we have there is well versed in this part of the work and she does this. The average yield in the block must be eight bushels or less in order to qualify, and once the block is established it is put before the board and they review each block individually. It is their prerogative to decide whether they are going to allow that to stand or cut some off or cut it all off. The decision of the board is final. Once they sign the township yields, we have our authority to pay those townships. The board depend on me for any information shown on the yield sheets. I take it they depend on me to know it is correct information as to the current yield in that particular township in the year under review.

Mr. McINTOSH: You went a little further than I had intended you to go, Mr. Riddell. I wanted you to convey to the committee your connection with the board of review. However, I think the information you gave to the committee will assist them in understanding this whole problem. What is your connection with the board of review? Are they under your control?

Mr. RIDDELL: No, the board of review are not responsible to me and I am not responsible to them. They can say to me "You stay out; we do not want you in the meeting", and then I do not attend the meetings. If they want me in the meeting I get into the meeting.

Mr. McINTOSH: Can you tell me what is the purpose of the board of review?

Mr. RIDDELL: They deal with yields in various townships as shown on these ledger yield sheets. They can call for any information in connection with it at any time and in regard to any particular township or individual case in a township or any individual sections. We have to have the evidence there to back up the information that is presented to them.

Mr. McINTOSH: Do they scrutinize each crop acre report, or c.a.r. as they are commonly referred to by your inspectors? Do they scrutinize each one of these?

Mr. RIDDELL: No, not unless they have some particular thing under review. They scrutinize the yields on the ledger sheet which are shown there on each individual section or in the block that may be set up in that particular township.

Mr. McINTOSH: Are you the final authority to say whether a farmer gets a P.F.A.A. or not?

Mr. RIDDELL: No, the board of review is the final authority. We cannot pay any farmer until the board of review signs the ledger sheet, and when they sign the ledger sheet they are satisfied that that ledger sheet is correct and that gives us the authority to pay them.

Mr. McINTOSH: You said they did not see the crop acreage report but they see a ledger sheet. Do they see a ledger sheet from every farmer?

Mr. RIDDELL: No, the ledger sheet covers each individual township. It is a summary of the township.

Mr. McINTOSH: When you present that summary to the board of review they say whether it will be paid or not on your recommendation.

Mr. RIDDELL: No. We just set out the category; they deal with it there. These are questions the board should answer instead of me.

Mr. McINTOSH: I will ask those questions of the board if they come before the committee; you do not have to worry about that, Mr. Riddell. What other type of discussion might be undertaken at any of their meetings? Are there discussions sometimes as to why a farmer is not paid or whether he is overpaid?

Mr. RIDDELL: I do not just follow your question.

Mr. McINTOSH: Is there an appeal of the decision to the board of review?

Mr. RIDDELL: Any individual farmer can appeal his decision to the board of review.

Mr. McINTOSH: How does the farmer go about appealing?

Mr. RIDDELL: He writes a letter containing the nature of his complaint and it is then referred to the board of review. A summary is made of his particular case and the c.a.r. covering his individual case is presented to the board. They review all the circumstances and make the decision, and their decision is final. The act says the decision of the board shall be final. All the facts as we have them are presented to the board in any particular case who wishes his case to be referred to the board.

Mr. McINTOSH: Who does the farmer write to?

Mr. RIDDELL: He writes our office on occasion if it suits him, or he can write to the minister's office, which has happened in the past. They refer it back to us to ask that this case be referred to the board of review.

Mr. McINTOSH: To your knowledge those are the only people? Have you not dealt with any cases where the farmer has written to the member of parliament?

Mr. RIDDELL: That can come through the minister's office.

Mr. McINTOSH: Not necessarily, though.

Mr. RIDDELL: Not necessarily.

Mr. McINTOSH: There is no objection to a member of parliament contacting you directly by letter or contacting the board of review?

Mr. RIDDELL: No. It can be referred to the board if it is requested.

Mr. McINTOSH: And on occasion a farmer may write to one of your supervisors?

Mr. RIDDELL: Yes, they do. We instruct the supervisors not to conduct any correspondence with the farmers or commit themselves at all.

Mr. McINTOSH: It can go several ways, can it not? It goes up to you and you can take it to the board of review, can you not? Do the farmers write direct to the board of review?

Mr. RIDDELL: I would not know that. I could not say at the moment.

Mr. McINTOSH: When you receive these letters you adjudicate in your opinion whether they should be paid and whether an error has been made, and you present the case to the board of review?

Mr. RIDDELL: If the farmer makes a request and the individual or the member of parliament or minister asks that the case go to the board of review, it goes to the board of review for the final decision.

Mr. McINTOSH: We have wandered a little from my proposed method of procedure. We have established that you have no control over the board of review but you do consult with them from time to time when it is necessary.

Mr. RIDDELL: Yes, they allow me to sit in on their meetings; that is their privilege.

Mr. McINTOSH: Are they permanent employees of the department or do they just meet occasionally.

Mr. RIDDELL: They are appointed by the treasury of the department, I understand.

Mr. McINTOSH: But they do not sit every day?

Mr. RIDDELL: No, just as the occasion demands.

Mr. McINTOSH: Roughly, how many times a year?

Mr. RIDDELL: Starting in October, possibly towards the end of October, they will meet every two weeks until the end of January and then we might have a meeting in March, one meeting in March and another one in April and possibly another one in May. It just depends how the demand is for the board to meet. It is left to me to call the board together when we feel that the demand is there.

Mr. McINTOSH: Getting back to your own staff, I think we have established who the people above you are with whom you deal. Now I would like to go a little further. You have—as they are called in the army—a number two I.C. immediately under you. You have a superintendent. Will you tell the committee the duties of the superintendent?

Mr. RIDDELL: The superintendent is responsible to me.

Mr. McINTOSH: Who is your superintendent?

Mr. RIDDELL: Mr. W. F. Davies is superintendent in Regina and Mr. Graham Anderson is superintendent in Alberta.

Mr. McINTOSH: And neither of them are here today?

Mr. RIDDELL: No. They supervise the field work. That is done. We have seven supervisors in Saskatchewan and two in Manitoba, and as the policies are laid down in connection with the handling of the program we call a meeting of the supervisors together to instruct them how we are going to proceed with our program in any given year. The supervisors then during the course of the year call on them and discuss with them their problems, assist them in any way they can in connection with their work, and make suggestions to them and see that they follow out the policies that we have laid down from the head office in Regina.

Mr. McINTOSH: Mr. Riddell, the duties of the superintendent, as you call him, in your department is to supervise the supervisors? Is that correct?

Mr. RIDDELL: That is correct, pretty well correct.

Mr. McINTOSH: Is there any occasion where you would have to contact the supervisors directly yourself and bypass the superintendent?

Mr. RIDDELL: Oh yes, that is just a matter of arrangement between ourselves in the office.

Mr. McINTOSH: However, any time that you would do a thing like that I suppose you would inform your superintendent of what you were going to do and that you were going to contact your supervisor, would you not?

Mr. RIDDELL: Pretty well, yes.

Mr. McINTOSH: There would be very few occasions when you would not keep him in the picture?

Mr. RIDDELL: Pretty well, that is right.

Mr. McINTOSH: But normally he looks after the supervisors?

Mr. RIDDELL: We work together very closely.

Mr. McINTOSH: They you say you have seven supervisors in Saskatchewan?

Mr. RIDDELL: That is right.

Mr. McINTOSH: And under those supervisors what is the framework of your organization?

Mr. RIDDELL: That is right. Well, it is necessary that these crop reports be taken in the field and people apply for positions as inspectors. That is the way it is done under the present administration. They make an application to me. Any person who feels he can do the job in the field of taking the reports from the farmers applies to me as director and the application is considered. Then the supervisor is notified what men are to work, men we feel are able to do this work on the basis of the application that they have submitted. Then the supervisors contact these men as the need arises. We have a school of instruction for these inspectors, and that school of instruction is carried on with the assistance of the head office in Regina, and employees from the head office go out and assist in the instruction of the supervisors and then the supervisor takes the ball from there. It is up to him to see the inspectors do the jobs as laid down and according to the school of instruction and carry out the program as it is now in the area.

Mr. MCINTOSH: I forgot to establish, Mr. Riddell, that the superintendent is a permanent employee of the department, and so are the supervisors, although they are not civil servants. What is their status?

Mr. RIDDELL: I am there at the pleasure of the minister and so is any member of our staff.

Mr. MCINTOSH: Is that the case for any member of your staff, whether he be a secretary or another employee?

Mr. RIDDELL: Yes. The 55 members on our staff are all there at the pleasure of the minister.

Mr. MCINTOSH: I should like to ask the following question so that the members of the committee will know the terms which we are going to use as we proceed in this hearing. Who are the inspectors; are they permanent employees?

Mr. RIDDELL: They are local people from the area, local farmers. In their application it is said they should do a good job in preparing inspection reports. Those are very complicated reports. A man has to have a very good knowledge of agricultural affairs in order to complete them.

Mr. MCINTOSH: How long would these inspectors be employed by your branch?

Mr. RIDDELL: That depends on the size of the program in any one year.

Mr. MCINTOSH: Let us take the last two years. Could you give us a rough figure; is it six months of the year?

Mr. RIDDELL: No. Generally speaking it depends on how the harvest progresses. If it is a favourable harvest year, we feel that an inspector should not do any more than three or four townships. We feel that there should be enough inspectors to do three or four townships so that the inspection could be cleaned up as early as possible.

Mr. MCINTOSH: In six or seven weeks?

Mr. RIDDELL: We allow six days to a township, so that if a man does three townships, that will be 18 working days, or approximately a month.

Mr. MCINTOSH: Do they work individually or in teams? Is the allocation made for so many townships?

Mr. RIDDELL: They could work in teams or as individuals; it depends on conditions.

Mr. MCINTOSH: Would you explain to the committee how they would work in teams?

Mr. RIDDELL: If they make investigations they work in teams. They go out and measure bins in teams and make a report on the farmer. It facilitates matters to work in a team.

Mr. McINTOSH: You do not mean to say that each one of them makes a separate report?

Mr. RIDDELL: No, but if they work in a team they can do that so much quicker. Generally speaking, the individual inspector works himself.

Mr. McINTOSH: The only time they work in teams would be on re-inspection?

Mr. RIDDELL: That is right.

Mr. McINTOSH: We have given a rough outline to the committee on the set-up of the P.F.A.A. I would like to go over it again.

First of all, at the top of your department is the minister, then below the minister is deputy minister from whom you have at times taken orders and with whom you have carried on correspondence. Then there has been, on occasion, a special secretary to the minister and the parliamentary secretary to the minister. Now, next to him, we have Mr. Bird, who is the director of the crop insurance; then you also have the board of review who is associated with you and who meets in your office. They pass on the applications of the farmers. Below that, you have the superintendent, the supervisors and the inspectors, besides your office staff.

Mr. RIDDELL: We call the inspectors "casual help".

Mr. McINTOSH: In your discourse, Mr. Riddell, you went briefly into the method of paying, and you referred to the rates of pay. I would like to clarify that a little further for the committee. You said that it went from zero to three, from three to five, and from five to eight. I am doubtful whether the committee got what you meant by that.

Mr. RIDDELL: The average yield of a township is three bushels or less and the maximum award a farmer can get in that township is \$800, which is based on \$4 an acre, or half a cultivated acre with a maximum of \$400. That is the basis of zero to three. Three to five is made on the basis of the same acreage, and there the maximum award can be \$600. In the five to eight category the farmer can get a maximum award of \$400.

Mr. McINTOSH: From zero to three he would get \$4 an acre; from three to five he would get \$3 an acre. If I had exactly three bushels per acre, what would I get, \$4 or \$3 an acre?

Mr. RIDDELL: You would be in the zero to three category.

Mr. McINTOSH: Why do you say that it is \$3 in the three to five category?

Mr. RIDDELL: That is how we refer to it. That is our method of calling it on that basis. If you want, it can be zero to 3.1 bushels, to 5.1, to eight.

Mr. McINTOSH: That is the point I want to bring out, from zero to three I get \$4 per acre, and if it was 3.1, I would get \$3.

Mr. RIDDELL: The average yield is taken to one decimal point.

Mr. McINTOSH: Would you explain to the committee what you mean by an average yield in each township?

Mr. RIDDELL: In the total number of acres? Wheat is generally used as the yardstick in determining whether or not a township is eligible for an award. On that basis, when wheat is used as a yardstick, we take the total acreage seeded, divide that into the total yield that has been reported in that township, and that gives us the average yield of a township.

Mr. McINTOSH: You referred to blocks; now you are referring to townships. Will you tell us what a block is?

Mr. RIDDELL: The act provides that where a section of land or sections of land lie alongside of an eligible township—by eligible township I mean eligible for an award under the act—as long as they lie alongside one another, they are called a block.

Mr. FRANCIS: What has this got to do with the dismissal?

Mr. McINTOSH: I assure you it has a lot to do with the dismissal because some of the accusations that were made have to do with some of the points I have already raised. I want to get them down as Mr. Riddell understands them. I will possibly refer back to some of these points. I realize that as far as the committee is concerned it is very complicated, but for anyone who has been dealing with this it is not complicated. Mr. Moreau shakes his head; he comes from Saskatchewan and he is familiar with it, but to the others there are complications. You may think that I was being facetious when I asked about these zero to three or 3.1, but there is significance in that which I hope to bring out in my evidence later. Does that answer your question?

Mr. FRANCIS: Yes, Mr. Chairman.

Mr. McINTOSH: Will you carry on, Mr. Riddell?

Mr. RIDDELL: What was the point at which I stopped?

Mr. McINTOSH: You were explaining to the committee what you meant by the term block.

Mr. RIDDELL: A block is a section of land, or any number of sections of land, in a township, up to 35 sections. It lies alongside of an eligible township, and under section 6(a) of the act it can receive an award in whatever category it may fall. Then there is the matter of 6(b) blocks where he can get an eligible township. You get an area which contains 12 sections in rectangular form, one by 12 miles long, or two by six miles long, or three by four miles long which we call 6(b) blocks. This can lie in a township and it can be within the boundaries of four townships. It is treated the same as an eligible township.

Mr. McINTOSH: Mr. Chairman, I realize that maybe some of the members are getting a little restless, but I think you will agree with me that you forced me into this type of questioning when you said you did not want to accept the ten points that I took of the minister's statement in the house. I have no way of knowing how deep you want to go into the subject, but if it is your intention to go in as deep as possible, I want to get these facts on the record. I hope the committee will excuse me on this point.

Mr. LEBOE: It might help the committee if Mr. McIntosh could be a little more explicit in pointing out, on the point of privilege we are dealing with, how all these details are related. I am familiar with all the things he has said, but I still have not made a connection between the point of privilege and all the detail of the blocks or areas, and this sort of thing. These things have existed and still exist. I just do not see the relation.

Mr. McINTOSH: Mr. Chairman, it becomes obvious when I start questioning Mr. Walker what all these things mean. I want to get the foundations down. I want the committee to understand the functions as much as possible.

The VICE CHAIRMAN: I am not going to stifle you in any way. To my mind, the key thing is as follows. As I understood the point of privilege, you felt that once the minister had withdrawn his remarks you felt the privilege still turned on the fact that there was an inference that Mr. Walker's dismissal in some way was connected to you directly or indirectly.

Mr. McINTOSH: That was my personal opinion. If you remember, earlier on in the hearing, Mr. Moreau stated that he thinks it should be wide open. You said I had not accepted the withdrawal of the minister's remark that I had been giving orders. I do not know how far the committee wishes to go.

The VICE CHAIRMAN: May I take it a step further? This is a question for my own clarification. If you were given the assurance from the minister that this dismissal in no way involved you, if it was said to you "I assure you Mr. Walker's dismissal directly or indirectly did not evolve from anything you did

say in your own capacity", what would be your attitude? I really pose that question to you now. The reason I raise it is that I am concerned for Mr. Walker—and I say this sincerely. I would hate to see us discussing Mr. Walker and then coming to a decision turning on a vote in this committee that may or may not reflect favourably on Mr. Walker. It would be terrible if he came in here and this went out to the press and there would be a vote with one member's difference on the vote. We would be in the position of determining whether he was or was not discharged properly. So the first question I would ask would be whether the point of privilege would disappear, because we might be left only with the discussion of the manner in which an employee was dismissed. Is that our function? Maybe other members would wish to consider that. I see some danger in it and I am thinking of all the publicity concerning Mr. Walker.

Mr. McINTOSH: I do not think you have to worry about Mr. Walker too much, nor about myself, because I am quite sure that Mr. Walker feels that he is an innocent victim of accusations made in the House of Commons. I also feel that. At one time I could possibly have accepted a complete withdrawal. However, that did not take place, and I think it is too late, as far as I am concerned, to accept a complete withdrawal. I want to disprove those charges, and that is my intention.

The VICE CHAIRMAN: The minister said that he withdrew any suggestion that you are directly or indirectly related.

Mr. McINTOSH: Let the people back in Saskatchewan decide whether the committee arrived at the right conclusion or not.

The VICE CHAIRMAN: I am sorry I interrupted. You may continue.

Mr. McINTOSH: Mr. Riddell, how are the yields on each parcel of land established?

Mr. RIDDELL: A section is the smallest area in which we establish a yield.

Mr. McINTOSH: If I only had half or a quarter of a section, I would not have any P.F.A.?

Mr. RIDDELL: We consider that on the yield of a whole section. In the case where the average yield on any section of land, whether the township is eligible or not, is 12 bushels or more per acre, nobody gets paid P.F.A. on that section of land.

We call it a 12 plus section.

Mr. McINTOSH: Suppose you said there were from five to eight getting two; what happens if it is eight to 12?

Mr. RIDDELL: As long as the average yield in the township remains at eight bushels or less per acre, you could have 20 bushels on your farm, possibly, but as long as the section was whatever the form says, if the average is not more than 12 bushels per acre, and the average for the block or the township is eight bushels, or less, you get the same as the man who does not get any.

Mr. McINTOSH: It would be five to 11.9.

Mr. RIDDELL: I am talking about the average yield of the township, when I talk about from five to eight bushels.

Mr. McINTOSH: When were you appointed as P.F.A.A. director, Mr. Riddell?

Mr. RIDDELL: On June 1, 1961.

Mr. McINTOSH: By the nature of your previous experience had you had any connection with P.F.A.A. at all?

Mr. RIDDELL: Yes, I was secretary treasurer of the municipality; I was assistant secretary and secretary from August, 1933 until I took over my position on June 1, 1961, and by virtue of that office I had considerable dealings

with farmers in the municipality and I dealt with all the representatives of the council who were making representations to the government. So as director in our particular municipality I think I got a fair idea of what it was all about.

Mr. McINTOSH: Do the secretaries play any part in it? What is your function or duty in connection with the P.F.A.A.?

Mr. RIDDELL: They make applications and take instructions from the council. It is different in every municipality, I presume. I know that when I was secretary of the municipality, if a farmer came in with a legitimate complaint, I would write about it to the office in Regina on his behalf, if he asked me to do so, or I would say: "You write in and if you do not get a reply, come back to me and I will assist you with it."

Mr. McINTOSH: While you were municipal secretary did you ever have a P.F.A.A. supervisor call on you?

Mr. RIDDELL: Oh yes, quite frequently, quite often.

Mr. McINTOSH: What would they call on you about?

Mr. RIDDELL: The poor yield in the municipality, and to see in the pre-season survey in July or early August if the crops were going to be of a sufficient nature to require an inspection. And after the application was made they might call to see if the application was a legitimate one. Then later on in the year they would come back in to discuss any problems we might have.

Mr. McINTOSH: Did you call that a pre-harvest survey?

Mr. RIDDELL: Yes. After the program was completed, they would call occasionally. Our instructions to the supervisor are to keep close liaison with the municipalities.

Mr. McINTOSH: What do you mean by that?

Mr. RIDDELL: To keep in touch with the situation and to know how the crop is coming along in that area before it is harvested as well as after it is harvested, and to make inspections. We have to inform the council as to the average yield that they give us, and we have to make inspections.

Mr. McINTOSH: You both supervise and direct this work?

Mr. RIDDELL: Yes. And they supervise the inspectors.

Mr. McINTOSH: You give them full authority to deal with municipal secretaries?

Mr. RIDDELL: No.

Mr. McINTOSH: Where do you draw the line?

Mr. RIDDELL: They may call in and discuss the matter of the crop and determine the average, or the estimated yield in a particular municipality. But as far as entering into correspondence with the municipality is concerned, that is left to the office level in Regina. If they have a problem they can write in. But when it comes to putting it down on paper, only Mr. Davies and myself refer to the correspondence.

Mr. McINTOSH: And it is in connection with problems or in connection with anything at all?

Mr. RIDDELL: The criticism that comes to the office.

Mr. McINTOSH: If municipal secretaries are not aware of your instructions to supervisors, and if they write a letter to a supervisor, what happens to that letter?

Mr. RIDDELL: The supervisor sends the letter to our office and we reply to it from there regardless.

Mr. McINTOSH: No matter how minor the problem may be?

Mr. RIDDELL: Yes, regardless.

Mr. McINTOSH: Suppose it was a matter of his having left his gloves on the counter the last time he visited you?

Mr. RIDDELL: That is not dealing with a P.F.A.A. matter. I am only talking about P.F.A.A. matters.

Mr. McINTOSH: And that is zealously carried on by your supervisors?

Mr. RIDDELL: As far as I know it is.

The VICE CHAIRMAN: I do not want to interrupt, but we are approaching eleven o'clock. It may be that since today is Friday and the house is going to sit at 11 o'clock, we should adjourn.

Mr. FRANCIS: Can we not sit while the house is sitting?

The VICE CHAIRMAN: I wanted to clear the air on the point. We still have five minutes or so left.

Mr. OLSON: Mr. Chairman I move we adjourn for at least one hour while the house is sitting in its initial stages. I do not in any way want to attempt to stifle Mr. McIntosh's examination of the witness, but it is my private opinion that he is hurting his own case in the matter of time. However that is his business. Personally I want to go to the house at 11 o'clock, and I want to come back to examine this witness.

Mr. MOREAU: I move that we reconvene at 12 o'clock and sit until one, then take an hour off for lunch, and come back at 2.00 p.m., because in view of the time taken in the preliminary examination of this one witness we shall need all the time available to us.

Mr. NIELSEN: I wonder if Mr. Moreau would not include also nine o'clock this evening?

Mr. FRANCIS: And also nine o'clock tomorrow morning?

Mr. OLSON: What assurance do we have that the minister will come at nine o'clock this evening?

Mr. MOREAU: May I say to Mr. Olson I understand that Mr. Hays is out of the city, and that with weather permitting he is flying in.

Mr. OLSON: I know that, but I would like to know if the minister has said he would come at nine o'clock tonight, and has told some member of the committee who has authority to ask him to come.

Mr. MOREAU: Mr. Nielsen is a member of the committee, and I am another member of the committee, and we were both in touch with Mr. Hays.

Mr. FRANCIS: He has said that he will be here at nine o'clock.

The VICE CHAIRMAN: Could we have a motion to sit from 12 to one, and from two on. But what about the orders of the day? Most members want to be present until the conclusion. Why not come back after the orders of the day?

Mr. MOREAU: The clerk has indicated that it would be most helpful to get going again at 12, so I withdraw my motion and move that we meet at two o'clock and sit all the afternoon and again at 9.00 p.m. tonight.

The VICE CHAIRMAN: If you have a seconder we will resume our sitting at 2.00 p.m.

Mr. FRANCIS: Why could we not start earlier than nine o'clock tonight?

The VICE CHAIRMAN: Let us return at two o'clock, and we can deal with the situation at that time. Let us resume then at two o'clock.

Agreed.

The committee adjourned until 2.00 p.m., Friday, December 13, 1963.

FRIDAY, December 13, 1963.

## AFTERNOON SITTING

The VICE CHAIRMAN: Gentlemen, when we broke off I believe Mr. Riddell was giving evidence.

Mr. McINTOSH: Mr. Chairman, I think before lunch the questioning brought out roughly the function of the P.F.A.A. in Canada with as much detail as I think is necessary and perhaps more than some people thought.

The VICE CHAIRMAN: Would you prefer to come up here closer to the witness?

Mr. McINTOSH: This is fine.

Mr. Riddell, what are the particular areas in the prairies which the P.F.A.A. now covers; with relation to what provinces, or what areas?

Mr. RIDDELL: The provinces of Manitoba, Saskatchewan, Alberta and the Peace river block in British Columbia.

Mr. McINTOSH: Roughly what is known as the Palliser triangle.

Mr. RIDDELL: Are you asking what it is known as?

Mr. McINTOSH: Outside the borders of the Palliser triangle, roughly. You do go into British Columbia?

Mr. RIDDELL: In the Peace river area.

Mr. CASHIN: Mr. Chairman, on a point of order; I came here this morning because I had an opportunity to read the remarks in the House of Commons and the motion referring this matter to the committee. My point of order is that I do not believe we have a proper question of privilege before this committee at this time. The minister has made a withdrawal and in addition to the withdrawal the member for Swift Current, Mr. McIntosh, has accepted this. Therefore, it seems to me there is no real question of privilege. Our questioning seems to be leading us on a dangerous path where we will be adjudicating the rightness or wrongness of the dismissal of an employee of the government. If that is to be done, then certainly it must be done by another body other than this committee.

I respectfully submit we have no question of privilege which is rightfully before this committee.

Mr. BREWIN: Mr. Chairman, I too have been thinking about this matter since it was raised previously. I agree with Mr. Cashin to this extent; that I do not believe the rightness or wrongness of the dismissal of Mr. Walker is a matter of privilege to be determined by the house or by this committee. That is an individual matter. We could not sit as an appeal body for everybody in the civil service who is left out, and who thinks it was wrong.

However, I suggest there is perhaps a question of privilege remaining, notwithstanding the withdrawal by the minister of the statement and acceptance of that withdrawal by Mr. McIntosh; that is, the minister on the question of privilege in the house stated that the ground for dismissal covered several items which I do not think we need to go into, but it seems the privilege of the house would be affected if it is alleged by Mr. McIntosh that this is not the true ground. We are not concerned with the rightness or wrongness, competence or incompetence of Mr. Walker, but we are concerned with knowing whether the grounds put forward by the minister are the only grounds for action, or whether, as it has been suggested, there was some political motive of some sort involved, and that the minister, frankly, was not telling the whole story. I am not suggesting that this is the case; but I think that is a question of privilege we have to look into. I suggest it is a little premature, although I would be happy if we could clear this up.

Mr. MOREAU: I think Mr. Brewin has a point. However, is the minister's statement really in question; has anyone questioned the reasons for dismissal, and are they relevant to the whole question in any event? If Mr. McIntosh did allege that the minister's statement is inaccurate, it would seem to me the privilege then would be the minister's, and not Mr. McIntosh's. Mr. McIntosh's question of privilege arises out of the statement by the minister to the effect that Mr. Walker was taking orders from him, and when that statement was withdrawn and accepted this morning by Mr. McIntosh, surely this removes Mr. McIntosh's question of privilege. If the minister's statement should be challenged, then it would seem to me that the privilege then would be the minister's.

I feel that if Mr. McIntosh is to pursue his line of questioning, it should be related to the question of whether the minister knowingly misled the house. If the minister has given a report to the house which he believed to be correct from information received from the department, and so on, surely there is no question of privilege at all here in any way. I do not have any particular desire to end the discussion, except that we have a number of other things.

However, as Mr. Cashin and Mr. Brewin have pointed out, I think we would be setting quite a precedent if we are to investigate the charges of dismissal, whether justified or unjustified, of persons employed by the government or in the civil service.

Mr. CASHIN: In the light of what Mr. Brewin has said, I think Mr. Moreau has correctly pointed out that in this case the question of privilege would lay with Mr. Hays and not Mr. McIntosh, and it would be improper for us to continue even if it did give rise to a question of privilege, because there has to be a question of privilege in the first instance and if, in fact, there is a question of privilege along the line suggested by Mr. Brewin, then it is Mr. Hays who should bring this forward and he has not; therefore I suggest there is no question of privilege.

Mr. MCINTOSH: I would just like to repeat what I said this morning when a similar discussion took place. I said the point of privilege is that Mr. Walker was dismissed because of my position as a member of parliament. In a few words, that is my point of privilege. This morning it was accepted on those terms. Over the lunch hour apparently the members of the government had a consultation with someone and now come back with a suggestion which to my mind is a deliberate attempt to stop these proceedings.

Mr. MOREAU: I think that is most unfair. I think the same point was discussed at length this morning and not resolved. I think you, Mr. Chairman, raised the point in respect of whether we had a question of privilege. Certainly Mr. Brewin was not in consultation with the government, as Mr. McIntosh imputed.

Mr. BREWIN: I do not think Mr. McIntosh imputed that. I do not support them either.

Mr. GREENE: Will the seconder consent?

Mr. HAMILTON: Question.

Mr. MCINTOSH: I have not accepted the withdrawal.

The CHAIRMAN: That is why I asked earlier. I do not think you quite understood when I asked the question a while ago. Various members said you said this and I wanted to get your statement clear.

Mr. MCINTOSH: I have not accepted the withdrawal. If the withdrawal is as this committee seems to indicate, if it is a qualified withdrawal, I have not accepted it.

The CHAIRMAN: What did you withdraw, Mr. McIntosh?

Mr. MCINTOSH: I do not withdraw.

The CHAIRMAN: You do not accept the withdrawal?

Mr. McINTOSH: I do not accept the withdrawal.

Mr. KLEIN: Then the motion is out of order.

Mr. CHRÉTIEN: Mr. McIntosh accepted the withdrawal this morning.

Mr. MOREAU: I must say before the question is put, if it is going to be put, that I find myself in quite a dilemma because I would not want to restrict Mr. McIntosh's attempt to clear up this matter of privilege in any way. If Mr. McIntosh does not feel that he can accept the withdrawal of the minister, if he feels it was qualified in any way, this to me is one thing; but I was under the impression this morning that Mr. McIntosh had accepted the withdrawal and that we were going to get on to the dismissal. Before I could accept that interpretation, I would have to hear argument as to how the qualifications given reflect on Mr. McIntosh.

Mr. FRANCIS: The motion is out of order and we should proceed.

Mr. CHRÉTIEN: I want to say a word on this subject. This morning I understood Mr. McIntosh accepted the word of the minister and the withdrawal of the statements. This afternoon I heard the member for Yukon saying the same thing. In my opinion, he took this stand this morning, and I do not know how he can change this afternoon. It is on the record that he took this stand. In my opinion, if he accepted the word of the minister this morning we have to vote in the line of the motion of Mr. Cashin.

Mr. OLSON: The withdrawal that Mr. McIntosh accepted this morning was a qualified withdrawal. Now these members who are advocating this motion are suggesting, and some of the other suggestions that have been made are to the effect, that Mr. McIntosh accepted an unqualified categorical withdrawal, and he did not.

Mr. NIELSEN: I am glad to hear the member from Medicine Hat speak up. It is not often that we agree on too many things. What is happening on the statement of Mr. Moreau is that certain members are trying to play both ends against the middle.

Mr. CASHIN: That is unfair.

Mr. MOREAU: On a point of order, I stated I did not want to restrict Mr. McIntosh in any way if he indeed felt there was privilege, therefore I was prepared to vote against the motion if it was going to be put, and I think Mr. Nielsen's allegations are most unfair. I would ask him to withdraw them.

Mr. FRANCIS: I think we should proceed with the question.

The CHAIRMAN: I have allowed this because I know—if I may say this—having had 20 years in a courtroom that no matter how these things turn out there is a lot of second guessing. I make no threat; believe me, I am just pointing it out to you. That is why I wanted to clear the air and also to narrow as much as I can this point so we would be relevant in the questioning. The only reason I asked Mr. McIntosh the question was because I wanted to have it in the record so there would not be anything of the type happening that is happening now.

May we now proceed?

You do not accept the minister's withdrawal, Mr. McIntosh?

Mr. McINTOSH: After the discussion here this afternoon and under the conditions you say, I do not accept the minister's withdrawal.

Mr. GREENE: Is it possible to have read back what Mr. McIntosh said this morning.

The CHAIRMAN: He has said it now and there is no point.

Is the motion still before us or not?

Mr. CASHIN: Yes, the motion is still before us.

Mr. COWAN: Yes.

Mr. LEBOE: Unless you rule it out of order. The motion as it stands must be out of order. He has not accepted, and the motion says he does.

Mr. GREENE: He accepted this morning.

Mr. LEBOE: He does not accept a qualified withdrawal.

Mr. GREENE: Mr. Nielsen said he accepted it this morning.

Mr. NIELSEN: I did not say he accepted it at all, and it is unfair that that should get into the record without reply. I was speaking on a course of procedure to be followed in the committee and I suggested what we should do was to confine our examination of witnesses to the matter of privilege referred to us by the house so far as it related to the reasons given by the minister for the dismissal of Mr. Walker. That is what I said and the record will show that.

Mr. GREENE: On a point of privilege, Mr. Chairman, Mr. Nielsen said specifically earlier this afternoon that we should confine ourselves to the dismissal of Mr. Walker.

Mr. NIELSEN: Certainly.

Mr. GREENE: These are the exact words he said, and again I reiterate this is not the function of this committee.

Mr. NIELSEN: I said that because it affects the privilege of the hon. member concerned and that is what was referred to outside the house.

The CHAIRMAN: The motion is that there is no question of privilege before this committee; and accordingly the committee report back that there is no question of privilege before this committee; and the committee proceed to other matters before it.

Some hon. MEMBERS: Question.

The CHAIRMAN: Mr. Rochon, you have just come in. We are going to put a very fundamental motion here. Do you feel you are qualified to vote on it?

Mr. ROCHON: What is the motion?

The CHAIRMAN: I am going to rule that you are not qualified to vote on the motion unless you tell me otherwise. I feel it is fair that I should say this to you and I want you to understand what I am putting. We have been discussing this very fundamental matter and you have not heard any of the discussion.

Mr. NIELSEN: If the hon. member is a member of the committee, regardless of the extent of his knowledge of the matter before the committee, he is entitled to vote.

Mr. GREENE: If knowledge were a condition precedent there would be very few voters in these committees!

Mr. MOREAU: I thought Mr. Cashin also had included something additional.

Mr. FRANCIS: Is the motion in order or is it not in order? Is it a proper motion?

Mr. COWAN: How is it out of order?

The CHAIRMAN: I accept the motion. I will put the question and you will vote as you feel.

Mr. McINTOSH: Will you read the motion because I understand something has been left out.

The CHAIRMAN: The motion is:

That the committee report back that there is no question of privilege before the committee; that the parliamentary committee proceed with other matters before the committee.

Mr. McINTOSH: I thought he had changed it because I had withdrawn the motion, and that is why I asked.

Mr. CASHIN: Mr. Greene suggested that and I said it would be all right.

Mr. McINTOSH: And your seconder said yes.

Mr. CASHIN: It was never actually included.

Some hon. MEMBERS: Question.

The CHAIRMAN: All those in favour please raise their hands. Those against?

Motion negatived.

Mr. NIELSEN: We should get the division. We did not get the count.

The CHAIRMAN: All those against please raise their hands.

On division, gentlemen, 13 members have voted against the motion.

Mr. GREENE: As we are going to proceed? In view of the discussion are there to be any limits to the breadth of the interrogation or can we go into the whole question?

The CHAIRMAN: If you raise an objection the Chair will rule upon it.

Mr. GREENE: Ad hoc?

The CHAIRMAN: Yes.

Will you please proceed, Mr. McIntosh.

Mr. CASHIN: Mr. Chairman, again on a point of order, this is a matter involved now and we have determined that we can proceed with this. It is a matter of privilege of Mr. McIntosh. I wonder about the propriety of a member sitting on a committee which is to judge a matter of his own privilege. It seems to me there is a great deal of incongruity and inconsistency involved, and I wonder if that is in fact an accepted procedure.

Mr. GREENE: Would you please read the reference?

The VICE CHAIRMAN: If that is your wish. The reference reads as follows:

On motion of Mr. McIntosh, seconded by Mr. Winkler, it was ordered,—That the question of privilege, raised by the hon. member for Swift Current-Maple Creek (Mr. McIntosh), respecting the statement by the Minister of Agriculture (Mr. Hays) that: "Apparently he does not understand that the problem arose out of the fact Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek instead of the director. This was one of the problems, and was not satisfactorily fulfilling his job," be referred to the standing committee on privileges and elections.

That is what I have before me.

Mr. CASHIN: That is the point. The minister has withdrawn those remarks. Had he not withdrawn them, then there might be a question of privilege.

Mr. McINTOSH: He has not withdrawn them.

Mr. FRANCIS: Mr. McIntosh says that in his opinion the minister has not withdrawn them.

Mr. CASHIN: It is for the committee to determine whether or not the minister has withdrawn them. So there is no longer a question of privilege.

Mr. BREWIN: The withdrawal of the minister had been made in *Hansard* before the house appointed this committee. So they must have felt—or the house must have felt—that there was some question of privilege remaining to be dealt with. I think it would be well to get on with it now.

Mr. MOREAU: I think that was changed somewhat by Mr. McIntosh's acceptance of the minister's statement. He did not indicate that to the house, but he did indicate it to the committee.

Mr. CASHIN: If we can determine that the minister withdrew those remarks, even if the matter was subsequently referred to this committee, surely this committee can determine whether or not the minister has in fact withdrawn those remarks, by looking at what he said in the record, and if he did so, then I suggest there is no question of privilege.

Mr. OLSON: It may be that the minister has withdrawn them, but the house has not accepted it, but referred it to this committee.

Mr. CASHIN: It would give rise to the minister's having a question of privilege.

Mr. KLEIN: Would you ask Mr. McIntosh if he accepts the withdrawal of the minister?

Mr. McINTOSH: I do accept the remarks of the minister, but he did not qualify them. What constitutes withdrawal in the House of Commons I do not know.

Mr. LEBOE: Does it not all boil down to this: there was a contingency on the withdrawal which Mr. McIntosh has not accepted. Apparently the house felt the same way, because they referred it to this committee.

Mr. MOREAU: Should Mr. McIntosh not indicate to the committee why these qualifications, as he terms them, presumably reflect on him? I think this is a very relevant point that the committee should decide and that Mr. McIntosh should indicate.

Mr. LEBOE: To save time I move that we carry on with the proceedings of the committee. Will somebody second the motion?

The VICE CHAIRMAN: It has been moved by Mr. Leboe.

Mr. KLEIN: I second the motion.

Mr. CASHIN: I move that we not proceed, because I moved that there was no question of privilege before this committee.

Mr. COWAN: I will second it.

The VICE CHAIRMAN: Do you want to amend your motion?

Mr. LEBOE: I will stay with my motion that we proceed.

The VICE CHAIRMAN: I realize this. Apparently we are not proceeding. When we reconvened we thought we were proceeding, and that such a motion would not be necessary, and that unless there was a motion to the contrary we would proceed.

Mr. CASHIN: I move that there is no question of privilege, and accordingly the committee should get on with the business before it.

Mr. COWAN: I second the motion.

Mr. MOREAU: I think this is a debatable motion, and I think the point of privilege should be established.

Mr. NIELSEN: There is some question on the validity of the motion. Since the house has referred the matter to this committee, whether this committee can make a motion that it do not proceed in itself is questionable. I think the procedure properly is that the committee report back to the house.

The VICE CHAIRMAN: Yes.

Mr. NIELSEN: And on the question of privilege which has been referred by the house there are two aspects: number one is the imputation by the minister that Mr. Walker was accepting instructions from Mr. McIntosh; but the minister withdrew those remarks, and if I understand Mr. McIntosh's position, he accepts that withdrawal. But in that withdrawal, after he had withdrawn his remarks, the minister went on to list from eight to ten shortcomings, or alleged shortcomings of Mr. Walker, and it is this portion of the reference to the committee, as I suggested this morning, that we should confine ourselves

to, but that apparently was not the wish of the members. So this is the portion of the reference that I respectfully suggest that the committee should confine itself to. I have before me page 5360 of *Hansard* where, in the last line the motion says "was not satisfactorily fulfilling his job". But that has got nothing to do with the imputation that Mr. Walker accepted instructions from Mr. McIntosh. It has to do with the privilege of Mr. Walker which was referred by the house to this committee.

Mr. MOREAU: Now, Mr. Chairman, that is exactly the point.

Mr. CASHIN: I suggest that we now proceed with the vote.

Mr. OLSON: On a point of order; if this motion carries, it becomes the report of this committee on the terms of reference that were referred to it on this question, and that ends the proceedings, and it becomes our report.

The VICE CHAIRMAN: That is right, it would be reporting back that there was no point of privilege.

Mr. OLSON: That is all there is to it.

Mr. MOREAU: Mr. Nielsen indicated exactly the position stated here earlier, just before he came in. Mr. McIntosh has accepted the withdrawal in committee, but he did not accept it in the house apparently at that time; but he has accepted it before the committee.

Mr. McINTOSH: On condition.

Mr. MOREAU: My point is that the statement by the minister deals with Mr. Walker's privilege, as you correctly point out. I believe Mr. McIntosh, must establish before this committee, that these reasons for dismissal reflect upon him, because Mr. Walker's privilege has not and cannot come before this committee.

Mr. NIELSEN: May I reply? You say that the house has had the matter referred to it by Mr. McIntosh's motion. It was unanimously accepted in the house at page 5360 of *Hansard*, that all these matters be considered. Let me read the reference again. It reads as follows:

"Apparently he does not understand that the problem arose out of the fact Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek instead of the director. This was one of the problems, and was not satisfactorily fulfilling his job."—be referred to the standing committee on privileges and elections.

The house has made this reference to the committee in almost the same fashion that the house referred to us the split between the Social Credit Party and the Creditistes. I do not know if you were present at all when I proposed the motion which was almost on all fours with Mr. Cashin's motion that we refer the whole matter back to the Speaker again because we did not think it should be considered by this committee, but it was defeated by the members of the committee at that time.

I feel, since we have a reference, we must consider it and report back. I do not see how we can consider and report back if we do not hear all the evidence called before the committee, especially with respect to the last portion of the reference. The house has been directed to inquire into a matter and I do not think it can refuse to do so.

Mr. BREWIN: I propose to vote against this motion because I think on the basis of what Mr. McIntosh has said there is no question of privilege as privilege. I do not think the house can refer to us the question of Mr. Walker's rights. I do not think that could be a question of privilege. I think we are mostly agreed on that. But Mr. McIntosh says that contained in this withdrawal are other matters which he believes he is implicated in, and I think we have to go on to find out if that is so. I think it would be most unwise of this com-

mittee, in view of the reference made by the house, to decide that there was nothing to look into at all. It would be very unwise and I hope it will not be done.

Mr. McINTOSH: Mr. Moreau asked me to relate what the reflections were. First of all the minister withdrew the statement that I was giving orders to the supervisor. He reluctantly withdrew it because of a rule of the house, and that is implied in his speech, when he said he was forced to withdraw because of the rules. I think this is relevant to what the minister said, and to what he subsequently said, and that is my position in the matter as a member of the house.

Mr. MOREAU: If Mr. McIntosh accepted the withdrawal in committee, as he said in committee this morning, and as Mr. Nielsen has pointed out his position, I do not see how there is any longer a matter of privilege, unless the reasons for dismissal, as Mr. Leboe pointed out, are qualification which could be interpreted that way. I think we should hear Mr. McIntosh's argument on how they reflect on his privilege.

Mr. NIELSEN: It was Mr. Moreau this morning who insisted that this committee inquire into all the matters before the committee including the apparent withdrawal of the minister.

Mr. MOREAU: That is on the basis of the privilege.

Mr. NIELSEN: Can Mr. Moreau take both positions?

Mr. MOREAU: My position is simply that the only basis for privilege at all is the minister's statement, and it was subsequently withdrawn. That is the only privilege that I see. Therefore if we inquire into the matter at all, we have to inquire into the whole matter. That is my position.

Mr. FRANCIS: It is all or nothing.

Mr. KLEIN: I think we should proceed, but I think the witnesses should be restricted to answering questions that would tend to clear Mr. McIntosh of any suggestion that Mr. Walker was dismissed because he was taking orders from Mr. McIntosh, I think we should restrict ourselves to that. Perhaps you could take under reserve the motion now before you to be determined at the end of the hearing of the witnesses.

The VICE CHAIRMAN: I will tell you this: if the motion is tabled I will take it up now and deal with it. What happens to it, whether we proceed or not, depends on the motion. But I want to get clear what Mr. Brewin said. Your position was that we should restrict ourselves to Mr. Walker's dismissal, only in so far as it may involve or may not involve Mr. McIntosh.

Mr. BREWIN: From our point of view it would involve going into detail, going into reasons, to make sure that they are bona fide and not just a cover up.

Mr. GREENE: There were two aspects pointed out by Mr. McIntosh and Mr. Nielsen with regard to what was referred to this committee by the house. One was the privilege of Mr. McIntosh, and he has accepted the withdrawal of the minister in that regard. The second aspect of it is the dismissal of Mr. Walker. Mr. McIntosh now seems to fear in some way that the reference of the minister implicates him in the dismissal of Mr. Walker.

Now as Mr. Brewin says, I do not think you can go into the dismissal of Mr. Walker. Surely Mr. McIntosh's questions are relevant to that. I think the question of Mr. Walker's dismissal—this part of the reference—is not within the jurisdiction of this committee. It is within the jurisdiction of the courts. So I think our report back to the house should be that on the first aspect, Mr. McIntosh has accepted the withdrawal, and on the second aspect, the dismissal of Mr. Walker and the possible implication of Mr. McIntosh in it is not a matter for this committee, and that the committee has no authority to decide, and that we feel that the question of his dismissal is a matter for the courts.

The VICE CHAIRMAN: I think we had better get on the record clearly what Mr. McIntosh's position is with regard to the statement of the minister.

Mr. McINTOSH: This is about the fourth time I have done it.

The VICE CHAIRMAN: I realize that. But please do so again.

Mr. McINTOSH: The point of privilege was that Mr. Walker was dismissed because of my position as a member of parliament, and I go back to qualify it. I was possibly involved with the problems of P.F.A.A. in the constituency of Maple Creek, and I can see where some people may have got the impression that I apparently was alleged to have given—or people were suspicious that I was giving orders to the P.F.A.A. directors. I wanted this to be proved, and that is what I am trying to do.

Mr. CASHIN: The minister has withdrawn the matter, and you no longer have to prove it.

Mr. LEBOE: As I read it, this was one of the problems; that he was not satisfactorily fulfilling his job, with the implication that the hon. member for Swift Current-Maple Creek was involved, and it points out, as I see it, that there was some relationship between the member and Mr. Walker when he said that he was not fulfilling his job. Therefore I think there is a bona fide case for Mr. Walker in that regard.

The VICE CHAIRMAN: Are you moving your motion or not?

Mr. MOREAU: Perhaps Mr. Cashin might let his motion stand, and we might get on. I would like to ask Mr. McIntosh to come to the point. It seems to me that we were going a long way around this morning.

Mr. McINTOSH: That would be nothing new for this committee. I think it is my privilege how I want to clear myself.

Mr. CASHIN: My motion still stands.

Mr. KLEIN: And the seconder still stands.

The VICE CHAIRMAN: The motion reads as follows:

Moved by Mr. Cashin and seconded by Mr. Cowan that the committee report back that there is no question of privilege before this committee and accordingly the committee proceed with other matters properly before the committee.

Before I put the question, is there any further comment on it? Does anyone wish to speak to it?

Mr. GREENE: I wonder if that wording is complete. I think it is inherent in the motion that Mr. McIntosh, having accepted the withdrawal of the minister, there is no question of privilege. You can divorce the two.

Mr. CASHIN: I think Mr. McIntosh's remarks are really irrelevant because whether or not at the time a point of order is raised it is a valid point of order should be judged on its merits.

Mr. BREWIN: May I point out again that Mr. McIntosh says now that the reason for the dismissal was in some connection with himself as a member, so I think he has a continuing point of privilege. If that was not the reason, he does not.

Mr. CASHIN: It seems to me if Mr. Walker has been wrongfully dismissed because of any one of a number of reasons, then it is Mr. Walker who has a case, not before this body but at some other place. What Mr. McIntosh is really pleading is Mr. Walker's case.

Mr. GREENE: Mr. Chairman, if we are discussing a question of wrongful dismissal, as I understand has been stated, wrongful dismissal on the grounds of the fact that a member was intervening, wrongful dismissal is a judicial matter which is properly heard before the courts and any person who suffers

from wrongful dismissal has a right of action in the Exchequer Court. I do not think we have any right in this committee to be interfering with something that, by the constitution of this country, is specifically referable to a court, not to this committee.

Mr. LEBOE: I think we are ignoring the point that is made by Mr. Brewin here and by Mr. McIntosh, and that is that he feels that somehow or other he as a member is implicated in the dismissal, and as a personal privilege he wants to clear that situation. In those circumstances I do not see any other way in which we can overcome them without continuing to look into the matter on that basis.

Mr. OLSON: Mr. Chairman, Mr. McIntosh apparently feels that his friendship or relationship, or whatever you want to call it, with Mr. Walker has contributed to his being dismissed. If this is true and if this is the basis of the privilege that was raised, then I think it is a valid question of privilege.

The part that does trouble me is that Mr. McIntosh has stated that he has accepted the minister's apology for having said that, and that leaves it a little loose.

Mr. MCINTOSH: I further went on to say—I do not know whether you were here—

Mr. OLSON: Yes, I was here this morning.

Mr. MCINTOSH: I went on to say that when he withdrew his statement that I was giving the supervisor orders, to my mind he then made other charges in which I could be implicated.

Mr. MOREAU: He did not implicate you in any way, Mr. McIntosh.

Mr. MCINTOSH: You are making a statement that I do not accept. In your opinion, maybe not; in my opinion, yes.

Mr. MOREAU: Then we should hear argument on those points. I would be prepared to entertain arguments to show how any of the statements made by the minister reflect on yourself, and I think that is a valid point of discussion. If we are to proceed, it seems to me we should establish first and foremost, because it is certainly relevant to the whole question, how the dismissal was initiated and by whom and for what grounds. All the testimony we have heard this morning, although it might have been very informative, was quite irrelevant, it seems to me, to the main question before us. I would like to hear Mr. McIntosh put forward some arguments to show that the reasons given by the minister reflect upon Mr. McIntosh. Assuming that he had indeed accepted the withdrawal of the minister's initial statement and—

Mr. CASHIN: I am sorry to speak again but I do not often speak on these things, Mr. Chairman. There has to be some initial point from which the question of privilege must arise. Had Mr. Hays not withdrawn his remarks and perhaps too—although I do not know how relevant that is—had Mr. McIntosh not accepted it, then we would have a starting point; but it seems to me now what we are establishing is that any member can have this committee convened on the suggestion that a person has been wrongfully dismissed because of association with a member, merely on the statement of that as a fact by the member concerned. To be in order we have to have some initial evidence, and I think that any evidence there may have been has been removed by the remarks of the minister and of Mr. McIntosh himself.

Mr. MCINTOSH: If you will refer back to the minutes of the meeting you will see that Mr. Nielsen when he was here, tried to point out to the committee that we wanted to keep it to as narrow a question as possible.

Mr. Moreau himself was the one who said that the original statement of the minister that I was giving orders to the supervisor was now back under discussion of the committee because, he pointed out, according to

*Hansard* I had not accepted that and therefore it was still open to discussion by the committee, and that the committee accepted that as well as you yourself, as Chairman. Therefore the whole thing is still under consideration, the original statement of the minister and the subsequent statements of the minister.

Mr. MOREAU: I did also include in my remarks that the motion referred to us was before the committee, these were our terms of reference and this motion made by Mr. McIntosh indicated, I think, at the time, that he did not accept the remarks. I also indicated that the narrowness of the investigation of our enquiry here, if there was a case of privilege, should not be restricted. That was the context of my remarks. Just to hear the evidence that one party wanted to develop, I think was certainly not the intent of my remarks this morning. It seemed to me that Mr. McIntosh's statement in the committee this morning—and I do not think he has refuted it—indicated that he was prepared to accept that statement somewhat changed the question of privilege in my opinion.

Mr. MCINTOSH: If it had proceeded in the way in which we wanted it to proceed or the way we expected it to proceed I would have been prepared to accept the minister's statement. In fact, I would never have moved the motion in the house if he had withdrawn the statement, but when you wanted to make the other charges, that was different. We wanted to go back right from the beginning to when he made his original statement.

Mr. KLEIN: Then he has not accepted. He has not accepted the minister's withdrawal.

Mr. CASHIN: I am not as familiar with the rules as perhaps some other members might be but—

Mr. KLEIN: May I finish my remarks? I understood this morning there was quite a debate as to proceeding with this matter purely on the basis of whether Mr. Walker was rightfully or wrongfully dismissed after Mr. McIntosh said he accepted the minister's withdrawal, and quite an argument was made on that point. If Mr. McIntosh has accepted in fact the withdrawal of the minister's statement we are now left with a situation in which Mr. McIntosh now says that Mr. Walker was wrongfully dismissed on account of Mr. McIntosh. That I think would be something of a point of privilege that should be raised now by Mr. Hays who is being implicated by the remark made by Mr. McIntosh, which would indicate the minister was instrumental in seeing to it that Mr. Walker was dismissed simply because of any relationship that might have existed between Mr. Walker and Mr. McIntosh. Therefore, I say that a point of privilege cannot be raised. A point of privilege cannot be raised in committee unless I am mistaken; it can only be raised in the house.

Mr. GREENE: Even if this question of alleged wrongful dismissal is a point of privilege on the member alleged to have been instrumental in that dismissal, is it within the ambit of the authority given to us by the house? If the Chair would read the actual wording of the reference to this committee from the house I think we will see that the question is not within the ambit of this committee.

Mr. CASHIN: Mr. Chairman, if the minister has retracted his remarks, then he has given no evidence of the implication that Mr. McIntosh imputes. If there is a question of privilege now, it seems it would be perhaps for the minister and not for Mr. McIntosh.

Mr. MOREAU: Might we hear Mr. McIntosh bring out some argument indicating how the reasons for dismissal, expressed by the minister, reflected upon him. I think this would be relevant to the discussion.

Mr. McINTOSH: I intended to do that in the course of my cross-examination, but I do not want to reveal anything I have until I see what is going to develop.

Mr. FRANCIS: Mr. Chairman, I think we have to deal with it as we come to it. Personally I have reservations about Mr. McIntosh putting the minister on the stand and conducting an inquiry in the way it has been conducted up to this point. With regard to the other witnesses, I am not so sure I am concerned.

Mr. GREENE: On the point of order; I gather we are sitting here as judges. We are the jury. Is it proper for someone to sit on the jury when he is also the accused? Unless Mr. McIntosh is the accused, there is no point of privilege. Is it proper that he sit on his own jury?

Mr. FRANCIS: And conduct his own examination?

Mr. GREENE: Even I could win cases under those auspices.

The VICE CHAIRMAN: Do you wish to comment on that, Mr. McIntosh?

Mr. McINTOSH: No. Let us carry on.

Mr. GREENE: The Chair is ruling it is in order for Mr. McIntosh to proceed.

The VICE CHAIRMAN: I will take it under advisement. I would like to give Mr. McIntosh an opportunity to be replaced on this committee. He cannot be at this stage, it not having been raised as a point of order when the meeting opened. I think I should let him proceed until the end of these proceedings today, and he may withdraw at the end of the meeting if he wishes.

Mr. CASHIN: Perhaps the only way in which Mr. McIntosh can ask the questions is as a member of this committee, but it seems inconsistent to me that he should still have the right to vote.

The VICE CHAIRMAN: I am allowing him to proceed and I will make a ruling later on.

Mr. McINTOSH: Thank you, Mr. Chairman.

Mr. Riddell, would you tell the committee what is the function of the superintendent, Mr. Davies; what are his duties?

Mr. RIDDELL: Mr. Davies' duties are to work in co-operation with the director in carrying out the administration of the P.F.A.A. program in any given year, and he supervises the work that is done by the supervisors in the field. He calls at their offices. Each one of them has his own office. He calls at their office and if they have any problems or difficulties he takes these up with them and discusses various aspects of the program and is there to give them any assistance which is required.

Mr. McINTOSH: Would he have any power to hire or fire a supervisor?

Mr. RIDDELL: I would say no.

Mr. McINTOSH: Would you, as the director, have that power?

Mr. RIDDELL: To hire or fire a supervisor?

Mr. McINTOSH: Yes.

Mr. RIDDELL: No; I do not think I have.

Mr. McINTOSH: If you did, what would be the procedure?

Mr. FRANCIS: Objection. I do not think that is a fair question.

Mr. McINTOSH: We will skip that question, Mr. Chairman. Would you tell the committee how the supervisors are engaged?

Mr. RIDDELL: The supervisors are hired by the minister.

Mr. McINTOSH: Are you consulted at any time?

Mr. RIDDELL: I have not been consulted in my term of office; no. The two supervisors were hired and I was notified by telephone in both cases that they were the supervisors and that was all there was to it.

Mr. McINTOSH: Did you at any time resent that type of hiring?

Mr. RIDDELL: Yes, I did. I made mention of it to the minister at that time.

Mr. CASHIN: May I ask a supplementary question?

Mr. McINTOSH: I would rather carry on with my questions.

The VICE CHAIRMAN: Yes.

Mr. FRANCIS: The only reservation I have is that this cannot go on interminably. There would have to be some discretion exercised by Mr. McIntosh.

The VICE CHAIRMAN: It is my proposal that Mr. McIntosh continue his examination and we will continue with this witness until everyone has had an opportunity to question him.

Mr. GREENE: It would be a long trial.

The VICE CHAIRMAN: Maybe.

Mr. McINTOSH: You are aware that the minister stated in the House of Commons Mr. Walker was discharged on your recommendation?

Mr. RIDDELL: I did not hear you.

Mr. McINTOSH: You are aware that the minister made the statement in the house that Mr. Walker was discharged on your recommendation?

Mr. RIDDELL: Yes, that is correct.

Mr. McINTOSH: In other words, he also stated he was discharged as a result of a report you forwarded to the minister. Is that correct?

Mr. RIDDELL: I believe so; so far as I know.

Mr. McINTOSH: Was that a written report which you forwarded to the minister?

Mr. RIDDELL: No; I did not forward a written report to the minister. I sent the report to the deputy minister.

Mr. McINTOSH: Mr. Barry, the deputy minister.

Mr. RIDDELL: Yes.

Mr. McINTOSH: Did you not say this morning this liaison between you and the minister was through Mr. Bird?

Mr. RIDDELL: That is right; but in this case I referred it to Mr. Barry.

Mr. McINTOSH: Is there any particular reason why in this case you referred it to Mr. Barry and not Mr. Bird?

Mr. RIDDELL: I thought it was of such importance it should go to Mr. Barry.

Mr. McINTOSH: In other words, you did not think Mr. Bird was capable of taking it to the minister?

Mr. RIDDELL: I would not say that.

Mr. GREENE: Objection. We are in a very dangerous type of proceeding here. If there is one type of case I am sure most hon. members disapprove of, it is the McCarthy type of case. This procedure is very dangerous, if a member of the committee is going to be allowed to cross-examine the witnesses with no limitation.

The VICE CHAIRMAN: Whenever an objection is raised, I will deal with it.

Mr. BREWIN: If we start any McCarthy-like inquiry he will rule it out of order.

The VICE CHAIRMAN: Will you proceed?

Mr. McINTOSH: What was the date of the report you forwarded to the deputy minister?

Mr. RIDDELL: I think that was a confidential document. Am I required to answer?

Mr. McINTOSH: During what period of the month; August, September, March, or July? You do not have to give the exact date, if you do not wish to.

Mr. RIDDELL: Am I required to do that?

Mr. GREENE: On a point of order; I submit that communications between various members of the civil service and the minister are privileged and not subject to examination before this tribunal.

Mr. McINTOSH: Mr. Riddell stated this morning he was not a member of the civil service. If Mr. Greene had been here he would have heard this.

Mr. GREENE: This is an agency of the crown, and I think the principle applies to all agencies of the crown.

The VICE CHAIRMAN: I am inclined to so rule, but I will hear argument on it.

Mr. OLSON: The only point I want to bring up is the minister stated in the house that one of the reasons he discharged Mr. Walker was based on the report Mr. Riddell or the superintendent sent to him. This is the statement on which the privilege is based.

Mr. MOREAU: Mr. Riddell confirmed the existence of the report and I think he is entitled, as author of the report, to state what his recommendations were. I do not think the document itself, being a privileged document, should be produced here.

Mr. LEOE: I do not think that was asked. The document was not asked to be produced.

Mr. MOREAU: I did not suggest that the question was out of order, but I did feel the document itself was.

Mr. FRANCIS: I do not think there is any objection to asking generally when the report was sent.

The VICE CHAIRMAN: Remember that the minister will be called on these questions. I do not want to put the witness in an embarrassing position on this matter. If you ask it in general, then I will permit it that far, subject to agreement by the committee. I do not propose to get into the precise information within the document. You may answer the question.

Mr. RIDDELL: It was the early part of August.

Mr. McINTOSH: Before we leave this point, the minister stated in the house, and it is in *Hansard*, the ten points which I enumerated this morning. I would say that is part of the document. Do you mean to say we cannot discuss that?

The VICE CHAIRMAN: You ask the questions and I will rule on them as I see them.

Mr. FRANCIS: The question has been answered by the witness.

Mr. McINTOSH: You said the early part of August, Mr. Riddell?

Mr. RIDDELL: That is right.

Mr. McINTOSH: Had you ever submitted an adverse report on Mr. Walker prior to this time?

Mr. GREENE: Objection, Mr. Chairman. We are concerned with the particular report to which the minister referred in the house. Surely, we cannot go into other privileged communications in any way.

The VICE CHAIRMAN: I will sustain the objection, but I am prepared to hear argument to the contrary.

Mr. McINTOSH: Mr. Chairman, I stated I am deeply involved in the P.F.A.A. in this constituency, and I must try to bring out my relations with Mr. Walker

in respect of former problems which arose out there, how they were treated, and why this was not treated in the same manner.

Mr. OLSON: That does not dispute the fact that if we are going to open up matters between employees and ministers of the crown, these are communications which we regard as privileged documents.

Mr. McINTOSH: I am just asking him whether he ever submitted a report in respect of Mr. Walker prior to this time.

Mr. GREENE: I would point out that we are on very dangerous grounds here. We have a very high calibre public service in this country and surely a great portion of it is because of the confidences which can exist within the service and between the ministers and the service. It has been ruled that because the minister himself brought some of this outside the area of the privilege, then possibly that area which he personally brought out is within the ambit of the inquiry; but surely if we are going to set a precedent that in this case every civil servant of the crown or agent can be pilloried about any statement he made previously, we are getting close to McCarthyism and are going to imperil the future of the civil service.

Mr. BREWIN: Surely he is overemphasizing this.

The VICE CHAIRMAN: I am ruling against you, because, if we open up any other communication between this man and the crown, we would be getting into the matter of interdepartmental communications which at the time they were made were felt to be private communications. I do not propose to allow this, but of course I am subject to being overruled by the committee. I say this with great regret, Mr. McIntosh.

Mr. McINTOSH: I accept it.

Are you required, from time to time, Mr. Riddell, to submit reports on your supervisors?

Mr. RIDDELL: There is an efficiency rating in connection with various employees in the services, and that report is signed by the employee and superintendent in the case of the supervisors and is signed by myself.

Mr. McINTOSH: To whom do those reports go?

Mr. RIDDELL: They come to Ottawa.

Mr. McINTOSH: You send them on to the minister?

Mr. RIDDELL: They are sent on to the minister. They are sent on through to the administration in Ottawa. This is particularly in a case where there are increments in salary coming to the employee. His efficiency report is completed at that time with remarks attached to it.

Mr. McINTOSH: Prior to your submitting the report, to which the minister has referred in the house, did you discuss the subject with anyone else?

Mr. RIDDELL: Discuss what?

Mr. McINTOSH: Mr. Walker's dismissal or the procedure in respect of how to go about it?

Mr. RIDDELL: I cannot say that I discussed the matter of his dismissal with anyone else. I took it upon myself to write a letter to the deputy minister in connection with it.

Mr. McINTOSH: Without any advice?

Mr. RIDDELL: That is my prerogative as director.

Mr. McINTOSH: I do not deny that. I am just asking you the question, yes or no. You have answered no, you did not discuss it with anyone.

Mr. RIDDELL: No; I did not discuss it with anyone.

Mr. McINTOSH: You did not at any time have a call from Ottawa instructing or suggesting to you a report should be forwarded on Mr. Walker?

Mr. GREENE: Objection, Mr. Chairman, on the same grounds of a privileged communication between a departmental official and a public servant which is not within the ambit of the reference from the house.

Mr. LEBOE: I do not know whether I can go along with that. This is a situation where he is asking whether or not a certain thing was done. It seems to me this is not going too far. I think we should protect civil servants, but whether he got a communication, surely is relative to this proceeding.

The VICE CHAIRMAN: Will you put the question again?

Mr. MCINTOSH: Did you at any time receive a written communication or telephone call from Ottawa suggesting to you that such a report should be submitted on Mr. Walker to the minister.

Mr. RIDDELL: No; I do not recall any telephone call in connection with it.

Mr. MCINTOSH: Any letter?

Mr. RIDDELL: No letter.

Mr. MCINTOSH: Any telegram?

Mr. RIDDELL: No; I do not recall a telegram. There was no telegram.

Mr. MCINTOSH: Or a verbal message from anyone?

Mr. RIDDELL: I do believe Mr. Bird when he was up mentioned to me that I should make a further report to the deputy minister. That was submitted.

Mr. MCINTOSH: On what date did you receive instructions from Ottawa to dismiss Mr. Walker?

Mr. RIDDELL: Do you mean the date of the letter?

Mr. MCINTOSH: There was a letter which you received?

Mr. RIDDELL: Yes. I believe it was on August 12.

Mr. MCINTOSH: The instructions were in writing?

Mr. RIDDELL: Yes.

Mr. MCINTOSH: Will you tell the committee from whom did you receive the instruction?

Mr. GREENE: Objection, on the same grounds, unless the minister is involved. I submit Mr. McIntosh could ask him did he get any communication from the minister?

Mr. MCINTOSH: Was your letter from the minister instructing you to dismiss Mr. Walker?

Mr. GREENE: Objection. He has not said it was a letter from anybody instructing him to dismiss.

An hon. MEMBER: Yes.

Mr. GREENE: I thought he just said he had the letter. I withdraw the objection.

Mr. RIDDELL: The letter was not from the minister.

Mr. MCINTOSH: Thank you. Would you tell the committee the procedure that you followed on receipt of the letter and how you instructed Mr. Walker that he was dismissed?

Mr. RIDDELL: When I received the letter I got in touch with Mr. Walker by telephone and told him I had to see him in Regina immediately. He travelled to Regina by car and arrived there I believe around six o'clock, if I remember correctly. The office had closed and I had returned to my residence. He telephoned me that he was there and I went back down to the office. I informed Mr. Walker that I had been instructed to request his resignation.

Mr. MCINTOSH: What did Mr. Walker say at that time?

Mr. RIDDELL: Mr. Walker said he would not give his resignation unless he were given a reason.

Mr. MCINTOSH: Did you give him a reason?

Mr. RIDDELL: I said, "I cannot give you any reason; I cannot tell you the reason."

Mr. MCINTOSH: What subsequently happened? How was he discharged?

Mr. RIDDELL: Mr. Davies, the superintendent, went to Swift Current the next day and I wrote a letter and gave it to Mr. Davies to give to Mr. Walker requesting Mr. Walker to turn the key of the office over to Mr. Davies.

Mr. MCINTOSH: Then Mr. Davies dismissed him, not you? Is that right?

Mr. RIDDELL: No, it is not right.

Mr. MCINTOSH: What is right? Who dismissed Mr. Walker?

Mr. RIDDELL: I asked Mr. Walker for his resignation.

Mr. MCINTOSH: And you told us he refused to give his resignation!

Mr. RIDDELL: That is right. I told him it did not matter whether he gave his resignation or not. My understanding was that he was dismissed. That is what it was.

Mr. MCINTOSH: Did you write to him to that effect?

Mr. RIDDELL: No, I did not write to him to that effect.

Mr. MCINTOSH: You did not?

Mr. RIDDELL: No, I did not write him to that effect. I just instructed him to turn the key of the office over to Mr. Davies because his duties as supervisor were terminated.

Mr. MCINTOSH: Did he at any time ask you for a reason?

Mr. RIDDELL: Yes, he did.

Mr. MCINTOSH: How many different occasions did he ask you?

Mr. RIDDELL: I only saw Mr. Walker that night, that evening, as I recall.

Mr. MCINTOSH: Mr. Chairman, I would like to remind the witness that he is under oath.

Mr. MOREAU: Objection. I think that remark does imply that the witness was being untruthful.

Mr. MCINTOSH: Or forgetful.

Mr. MOREAU: Mr. McIntosh should, if he feels there is additional evidence in this connection, try to develop it through questions without casting a reflection against the witness.

Mr. FRANCIS: Or trying to discredit his own witness.

Mr. MCINTOSH: That is just what I intend to do, Mr. Moreau.

Mr. RIDDELL, when did you first meet the present Minister of Agriculture?

Mr. RIDDELL: I cannot recall the date.

Mr. MCINTOSH: Broadly? Roughly what month?

Mr. RIDDELL: I do not recall the date. He was in the office for about ten minutes. I took him out to the aircraft. I did not expect him there and I do not recall the date at all.

Mr. MCINTOSH: Have you met him since that first meeting?

Mr. RIDDELL: No, I have never met him since.

Mr. MCINTOSH: You have never met him since?

Mr. RIDDELL: No, I have not.

Mr. MCINTOSH: You did not talk to the minister on November 26 or November 27, when he was in Regina?

Mr. RIDDELL: November 26 or November 27 of this year?

Mr. MCINTOSH: Yes, of this year.

Mr. RIDDELL: No.

Mr. MCINTOSH: You had no telephone conversation with him either.

Mr. RIDDELL: No.

Mr. MCINTOSH: Then you did not accompany the minister to the airport on the night of his departure from Regina.

Mr. RIDDELL: I do not know. The only time I saw the minister was when he was with Mr. Barry, and I took him to the airport. I do not recall the date.

Mr. MCINTOSH: It was certainly before the month of November, according to your answer?

Mr. RIDDELL: Yes, it certainly was. I do not recollect the date just at the moment. I think it was a Saturday—Saturday noon as I recall.

Mr. MCINTOSH: During any conversation you had with the minister did you at any time state to him that I was giving orders to Mr. Walker?

The CHAIRMAN: I think if he was talking in his capacity it would be the same position as writing a letter. If he was talking in his capacity, having a confidential conversation with the minister, I would feel that, just as a letter, would be subject to privilege.

Mr. BREWIN: Is your ruling not condemning us to complete and utter futility as a committee? If you are going to make a ruling of that sort, our function is useless. We have been asked to inquire, in effect, not into the reasons for dismissal and whether they are right or wrong but into the basis for the dismissal. Mr. McIntosh says he has been affected, and surely if there is any privilege it ought to be waived and not exercised if this committee is to function. We might as well pack up and go home unless we are to hear the answer to that sort of question.

Mr. MOREAU: Perhaps this statement has been made in the house and certainly it is the crux of the matter. I think in most matters I would agree with your ruling but in this particular question I believe we should hear the answer.

The CHAIRMAN: Will Mr. McIntosh put the question again. I hate to keep asking you to do this, Mr. McIntosh, but will you give us the question again.

Mr. MCINTOSH: That is quite all right.

Mr. Riddell, did you at any time state to the minister that I was giving orders to Mr. Walker?

Mr. CASHIN: Mr. Chairman, on that question we are asking the witness to disclose a privileged conversation.

Mr. GREENE: Mr. Chairman, on the point Mr. Brewin has made, he has said the privilege should be waived. I respectfully submit the only person who can waive the privilege is the minister, and if that question is to be put he has to be asked if he wishes to waive the privilege, and give his consent; otherwise all these motions in the house to give papers and so on are redundant because we can get at them very easily in this way.

Mr. OLSON: I think this particular question should be more properly asked of the minister, but I would say this. In the minister's reply to Mr. McIntosh in the house he did say part of the reason for dismissing Mr. Walker was the recommendation of the superintendent.

Mr. FRANCIS: I think the question should be allowed, myself.

Mr. LEBOE: I think so too, on that basis.

Mr. BREWIN: If the minister is the only person who can waive the privilege, then I think we should make sure that he is requested to waive

it. If he is going to maintain a privilege in respect to questions of this sort, the function of this committee is completely frustrated and we do not exist for any useful purpose at all.

The CHAIRMAN: I quite appreciate the significance of your remarks. I do not want to put myself in the position of arguing with any member, but I want to make this observation. This sort of thing frequently arises in the house when the member thinks he has a legitimate question and the minister says the documents are privileged. Some members sometimes say there was an opinion, although they are written, and it may come out that he received an oral opinion from an officer of the crown, but they have always claimed privilege for it. It may very well frustrate the proceedings in the house at times but none the less the privilege has been claimed.

Mr. BREWIN: Let me put it to you in this way. If there is a privilege, it should be claimed. Who is claiming the privilege? Is the minister claiming it? He is not even here. Has he some representative to claim it on his behalf? Surely, frequently privileges of this sort are waived in the general interest of getting to the bottom of some matter or other. It may be that the answer would not do any conceivable harm to the crown and the minister would not want to press the privilege.

The CHAIRMAN: When the witness began he said he did not want to be put in the position of answering any questions with regard to matters that took place between the minister and himself, and I said I would rule on them as they came up.

Mr. McINTOSH: Mr. Chairman, possibly you should advise the committee as to the concessions that we were willing to agree to because a minister could not appear as a first witness.

Mr. OLSON: That is irrelevant.

Mr. FRANCIS: It is irrelevant.

Mr. McINTOSH: It is not irrelevant. If this could have been arranged, maybe some of these questions would not be necessary. I did agree to that on Tuesday. It was changed again, and it was changed again last night about three times. The committee forced me to proceed in this manner, and therefore I must insist.

The CHAIRMAN: I concede you are co-operative, Mr. McIntosh. I would not argue that for one moment.

Mr. KLEIN: Could the question not perhaps be put in this way. Could the witness be asked whether his decision to recommend the dismissal of Mr. Walker was based in any way on the ground that he was taking his orders from Mr. McIntosh?

The VICE CHAIRMAN: The point being what?

Mr. KLEIN: I am talking about the decision, not about the written communication.

Mr. LEBOE: Possibly Mr. McIntosh might ask this question of the minister when he is on the stand, because it involves the two of them. Let the minister take the responsibility himself.

Mr. GREENE: On a point of order; I submit there may be a difficulty in terminology. There are two types of privilege. We are here to deal with a question of privilege of the house or of a member of the house. But there is also what is known as ministerial privilege, that is, between a minister and a public servant. I think that any question that infringes upon that privilege should be declared to be out of order.

The VICE CHAIRMAN: This leads me to the point of the import of Mr. McIntosh's earlier remark that the minister should have been called first and at that time he would have dealt with it, going along with it or not, because

it places an employee of the crown in a very embarrassing position, after having had confidential dealings with the minister. I am not going to ask the witness to reveal anything which he said to the minister. It would be undermining the organization of government if I did so. The minister himself will be appearing, and he will be subject to recall. I appreciate the difficult position that I have been placed in, but that is the principle to which I propose to adhere.

Mr. McINTOSH: It has been my understanding that a standing committee of the house can compel any officer or servant of the crown to give information of any kind that the committee wishes.

The VICE CHAIRMAN: What is your authority for saying that?

Mr. McINTOSH: I do not have any authority, but that has been my understanding. I would ask you to rule if that is correct or not.

Mr. GREENE: I submit that this is patently incorrect. That is the information we have been given over the years with respect to the sanctity of relations between a minister and a public servant. This statement of Mr. McIntosh's is patently incorrect because according to it any public servant could be asked anything at any time.

Mr. McINTOSH: I shall save my questions until the minister is here. I move we adjourn until the minister arrives.

Mr. FRANCIS: The rest of us have not had a chance to question the witness. What about the rest of the committee.

Mr. GREENE: I am inclined to agree with Mr. McIntosh. I do not think that any of us are trying to put him in a disadvantageous position with the rules.

Mr. KLEIN: May we not ask this witness what motivated his decision to recommend the dismissal? That is the point.

Mr. MOREAU: There are a number of other questions which came up in that statement in the house, both by Mr. McIntosh and by the minister, which I feel are within the competence of this witness to answer. I feel the committee should be allowed to proceed.

Mr. FRANCIS: Other members of the committee at least should have privileges equal to those which Mr. McIntosh has enjoyed with respect to the witness.

Mr. McINTOSH: I have not denied that.

Mr. FRANCIS: That would be the effect of adjourning the committee at this time.

Mr. McINTOSH: Not necessarily. The witness could be recalled.

Mr. KLEIN: May I question the witness?

Mr. McINTOSH: That changes the method of procedure as you outlined it. I wonder if the same argument might not arise on every question.

The VICE CHAIRMAN: Undoubtedly it may. I realize how this road block appears to be, but that is the principle which I must consider and I have declared myself. Do you wish to move a motion?

Mr. McINTOSH: I move we adjourn until we hear the minister.

Mr. BREWIN: I support the motion. I do not want to see these proceedings dragged out indefinitely, but you have made a ruling on the question of propriety, that this witness should not be questioned in respect to some of the things which go to the very root of the inquiry which we have been asked to make. We have been told that there is privilege of a minister of the crown, and I have no doubt that this is right, if in his judgment and sense of responsibility, he thinks that some harm might come, in his view, from our asking this question

and proceeding in this manner. No doubt he has responsibility as to that. Some of us might question the motive in his doing so, but even if we did that, it would be wrong, because the minister would have to take the responsibility for doing it. The minister is not here, and I do not see how Mr. McIntosh can reasonably be asked to proceed until we first ascertain whether or not the minister is going to claim privilege. If he does, then our inquiry is not going to be very satisfactory, but that is up to the committee. Nevertheless, I think we should adjourn now.

The VICE CHAIRMAN: Would you please reduce your motion to writing?

Mr. OLSON: I think Mr. McIntosh has the right to conduct his inquiry or his cross-examination in any sequence that he likes. If he thinks that it would serve his purpose better to cross-examine the minister before he proceeds with any further examination of the witness, that is fine. Then he would be yielding his position in which he is now asking all the questions, and others members could have an opportunity to ask some of the questions that they would like to ask, and he could continue his sequence in cross-examination, if he wishes.

Mr. MOREAU: That is my point. There has been a great deal of discussion relating to the association between P.F.A.A. and their hiring practices, and so on, in the department. I think the members of the committee should be allowed to explore some of the areas that have been already opened up by Mr. McIntosh himself. I see no reason at all why this committee should now adjourn. I feel that there is a great deal of work to be done and that we should carry on this evening.

Mr. FRANCIS: It seems to me that Mr. McIntosh is getting into the position of a counsel before the committee in being the only one to put questions and to call witnesses. I feel very strongly about it. I want to ask some questions of the witnesses relating to their testimony so far. I see no reason why we should not have that right.

The VICE CHAIRMAN: I shall put the motion.

Mr. GREENE: I think we have all seen the danger in the kind of inquiry that we have been caught in here, if I may use that term, although it has been in the best of faith I would go along with the majority decision, but in fact we have opened up an entire procedure in the matter. The entire proceedings of Mr. Walker's dismissal are being opened up and developed, and it is almost impossible to limit it. This is what we have achieved by introducing this. Once the withdrawal of the statement has been made, we are not on a question of privilege at all but on the question of the relationship between a public servant and his minister, and we have a professional type of inquiry going here. I do not know how this type of inquiry could take place under the parliamentary system. I did not know that such a thing could be conceived under the parliamentary system. This is a very dangerous area that we are treading in. The precedents could be very, very grave in the future if this type of thing could be done.

I submit it might be a good idea to adjourn. This is really a matter concerning Mr. McIntosh with which we are dealing here. I think possibly all of us might search the question of procedure and whether or not we wish to carry on this inquiry on the basis that it is going to be very wide and perhaps develop into a congressional inquiry; maybe when we reconvene we will have had an opportunity to gather our thoughts together in this regard. I think the motion should be supported.

Mr. MOREAU: I had two previous motions dealing with the committee's business. This involves a report to the house in respect of our proceedings with relation to the Elections Act.

Mr. LEOBE: I believe we have a motion which is not debatable before the committee.

The VICE CHAIRMAN: If this motion carries, I propose that we come back to the elections act

Mr. CASHIN: The motion is that we adjourn.

The VICE CHAIRMAN: Yes, and relates to the point of privilege.

Mr. McINTOSH: That was not the wording of my motion. However, if it is the wish to put it in, that is all right.

Mr. GREENE: Mr. McIntosh has indicated he is agreeable to this.

The VICE CHAIRMAN: That it is a question of privilege?

Mr. McINTOSH: Yes.

Mr. LEBOE: There is only one question in that regard. Are the members who are here prepared to go on with the other business at this moment?

The VICE CHAIRMAN: The elections act is a very small matter and if they do not want to deal with it, then we will not. I do not want to press it on them.

Do you approve of the amendment, Mr. McIntosh; that is, that I add the words "question of privilege".

It is moved by Mr. McIntosh, seconded by Mr. Brewin, that this committee adjourn the question of privilege until the minister has given his evidence tonight at 9 p.m.

All those in favour of the motion? Contrary?

Motion agreed to.

The VICE CHAIRMAN: Mr. McIntosh, do you wish to continue your questioning of this witness, and then I will deal with the questions as they arise?

Mr. McINTOSH: What was your ruling on my last question?

The VICE CHAIRMAN: I ruled the witness did not have to answer it.

Mr. McINTOSH: Thank you. There was a request from another member that he put the question in a different manner. I have no objection to that.

The VICE CHAIRMAN: That was by Mr. Klein.

Mr. KLEIN: I do not intend to ask him to say what he said. I would like to ask him to say what motivated him.

The VICE CHAIRMAN: I have made my ruling and I propose to stand by it.

Mr. KLEIN: Perhaps I might put the question and then you could decide whether or not you rule it out.

Mr. McINTOSH: Mr. Riddell, what is the superintendent's, Mr. Davies, assessment of Mr. Walker as a supervisor?

Mr. GREENE: Objection. Again it is a communication between two public servants.

The VICE CHAIRMAN: Is Mr. Davies a witness in these proceedings?

Mr. McINTOSH: It was stated by Mr. Riddell this morning that Mr. Davies was his superintendent in charge of supervisors.

Mr. GREENE: I submit Mr. Davies could be asked his opinion, but this witness could not be asked what he was told by another public servant.

Mr. MOREAU: If Mr. McIntosh would like to call Mr. Davies before the committee to give his assessment of Mr. Walker, that would be in order.

The VICE CHAIRMAN: We would just be getting on to a merry-go-round. Mr. Davies would be in the position of claiming privilege. It is very awkward for me. I will have to stand that question. I realize it may make a farce of your examination, but still I have to keep myself to what I feel are the rules of procedure in this matter.

Mr. McINTOSH: There are many other persons I could have called as witnesses. I have considered the expense to the crown, and with my understanding of the powers of the committee and not forgetting the minister's prerogative

as a minister, I felt with the witnesses we have and the powers of the committee that I would not need these other witnesses. I do not think this jeopardizes Mr. Riddell in any manner.

Mr. MOREAU: Your ruling, Mr. Chairman, is not debatable.

Mr. LEBOE: Is your ruling that he cannot answer the question or that he does not have to? There is a difference.

The VICE CHAIRMAN: That he is not obliged to answer the question.

Mr. LEBOE: Then I think the question may be put and all the witness has to say is he prefers not to answer.

Mr. GREENE: Invoke the fifth amendment.

The VICE CHAIRMAN: I understood the question to be for Mr. Riddell to state what Mr. Davies told him in a report about Mr. Walker.

Mr. McINTOSH: And you said the witness is not obliged to answer. Do you wish to answer that?

Mr. RIDDELL: I could answer that question.

As I recall it the report did indicate that Mr. Walker had ability but that he had to learn to take orders.

Mr. McINTOSH: Just answer the one question.

Mr. RIDDELL: That is the answer.

Mr. GREENE: Would you finish your answer?

Mr. RIDDELL: As I recall the document—

Mr. McINTOSH: Which document are you referring to? I am talking about Mr. Davies, the superintendent. Was there a document between you and Mr. Davies?

Mr. RIDDELL: Would you ask the question again? I understood that that was what you had asked.

Mr. McINTOSH: My original question is what was the superintendent's, Mr. Davies, assessment of Mr. Walker?

Mr. RIDDELL: Mr. Davies' assessment was that he lacked experience. He possibly had some ability—this is as I recall it—but he needed to learn to take direction from the Regina office. That is how I recall the report.

Mr. McINTOSH: Did you at any time state to anyone other than a government employee that I was giving orders to Mr. Walker?

Mr. RIDDELL: Did I state?

Mr. McINTOSH: To anyone other than a government employee that I was giving orders to Mr. Walker?

Mr. RIDDELL: That is something I do not think I can answer. I could not recall.

An hon. MEMBER: It is a loaded question.

Mr. McINTOSH: You cannot remember?

Mr. RIDDELL: I would not say I cannot remember. I do not just recall.

Mr. FRANCIS: Is the witness obliged to answer this?

The VICE CHAIRMAN: I take no exception to him answering that, other than in the course of his duties in reporting to the minister. I take it this is outside that. I may have made that ruling to somebody else.

Mr. McINTOSH: You did say you did register a complaint to the minister in writing against Mr. Walker?

Mr. RIDDELL: I said to the deputy minister.

Mr. McINTOSH: While Mr. Walker was a supervisor did you ever receive a complaint from a municipal secretary or farmer as to his conduct as a supervisor within his area?

Mr. RIDDELL: I do not believe I ever did. I do not recall ever receiving any complaint.

Mr. McINTOSH: Do you ever recall receiving a telephone call from the vicinity of Gravelbourg, Saskatchewan, in respect of a complaint against Mr. Walker?

Mr. RIDDELL: Gravelbourg?

Mr. McINTOSH: Yes; the Gravelbourg area?

Mr. RIDDELL: I do not recall at the moment.

Mr. McINTOSH: Did you ever telephone Mr. Walker in respect of a complaint you received from the Gravelbourg area telling him to stay out of that area?

Mr. GREENE: Objection. Again this is a communication between a public servant and another public servant, and surely it is not within the area of this inquiry.

Mr. BREWIN: Could we expand on this question of privilege? It always has been my understanding that the privilege was in the public interest, and if it were a minister of the crown or an executive, it would be against the public interest to have the information disclosed. Is anybody saying that the answer to this question would be against the public interest? It seems to me it is not just that any communication is privileged.

Mr. LEBOE: I am concerned about what is developing here. I object to this procedure of saying "I object to this" and "I object to this". I object now, myself, to this type of courtroom procedure. This is a committee of inquiry; this is not a court.

Mr. CASHIN: It seems to me the objections were not necessarily legal objections. Were we to delve into legal objections, there would be far more.

Mr. GREENE: Those of us who did not wish to pursue along that line in this inquiry—any of us with any experience in courtrooms—feel this is the whole danger in witch-hunts, or whatever you call them; that is, there are no rules.

Mr. BREWIN: Surely we do not need all these references to witch-hunts, and so on. I wish we would not use this type of language.

The VICE CHAIRMAN: It has been pointed out that the question of whether he was wrongfully or rightfully dismissed is not our business, except in so far as it may relate to Mr. McIntosh. I do not know where the questions are leading. This is a great problem to the Chair.

Mr. McINTOSH: I think my purpose in asking this question will be brought out when Mr. Walker is on the stand. It is that he did receive a telephone call from Mr. Riddell in respect of a telephone call he got, or several, from the Gravelbourg area to the effect that he was in that area when he was not in fact in that area. As I understand it the original telephone call came from Ottawa instructing Mr. Riddell to keep Mr. Walker out of the area. This to me indicates there is something else behind the accusation.

Mr. FRANCIS: I hope that Mr. McIntosh is prepared to give evidence himself about these telephone calls. It has not come from the witness' statements.

Mr. GREENE: Nor from the minister either.

Mr. CASHIN: The dilemma here is that evidently we have determined there is some question of privilege involving Mr. McIntosh; but at the same time the committee has been subjected to numerous questions which really are fundamental to the question of the rightness or wrongness in dismissing Mr. Walker, which we have no business to be looking into.

Mr. FRANCIS: I do not think it is fair to have just one member of the committee ask the questions.

The VICE CHAIRMAN: Others will be permitted.

An hon. MEMBER: If this goes on we will be here for many days.

The VICE CHAIRMAN: I am endeavouring to seek out the relevancy of the question.

Mr. McINTOSH: The relevancy is that these accusations apparently were made because I had something to do with the P.F.A.A. I am trying to prove that some of these accusations are false.

The VICE CHAIRMAN: You can direct a question to him which directly involves some reflection upon yourself.

Mr. McINTOSH: In every question I ask I cannot involve myself.

The VICE CHAIRMAN: So far, apparently, the questions have no bearing on the matter we are trying to determine. I was hoping we would have a question where your name or you personally were involved in this. It gets back to the question of privilege.

Mr. McINTOSH: I assure you I am trying to come to that.

Mr. FRANCIS: I think, Mr. Chairman, that Mr. McIntosh at an earlier stage suggested the possibility that he should go on the stand and explain what he has already referred to more than once, the fact that he was involved with P.F.A.A. in this riding, and I would like to have an opportunity to ask just how he was involved and the nature of the program. This might be more relevant to Mr. McIntosh's privilege than the line of questioning we have had so far.

Mr. GREENE: Mr. McIntosh just made a statement, and this is the difficulty. He says "I cannot ask questions which involve myself." Any other question is irrelevant. We are not here to investigate dismissal of Mr. Walker. We have settled that very clearly. It is all very well to be cavalier about these things. I think there is something far more important inherent within this hearing than this particular matter, and that is the right of committees such as this to go into the internal workings of any government department and ask "Did you tell so and so that?", between superior and inferior servant. If we are going to open up that kind of thing in this hearing we are doing something very dangerous.

The CHAIRMAN: I do not propose to let it go that far. I am trying to get to the point of privilege.

Mr. McINTOSH: I submit Mr. Greene's argument is based on a false premise because I did not say "I cannot ask questions concerning myself"; I said "Every question I ask cannot concern myself."

Mr. GREENE: If it does, it is irrelevant.

The CHAIRMAN: Proceed with your question, Mr. McIntosh.

Mr. McINTOSH: Mr. Riddell, did you bring with you any reports that you submitted with regard to Mr. Walker?

Mr. RIDDELL: Did I bring any reports that I submitted? Did I bring any with me?

Mr. McINTOSH: Yes, either adverse or otherwise.

The CHAIRMAN: The question is "any reports". Did you bring any reports with you?

Mr. RIDDELL: I have copies of correspondence in connection with this with me, if that is what you refer to as reports.

Mr. McINTOSH: There is not a form report required, that you send in every year?

The CHAIRMAN: You are not obliged to answer that question, in my opinion.

Mr. RIDDELL: I will not answer that question.

Mr. McINTOSH: You are aware that from to time statements are made by members regarding P.F.A.A. problems that exist in their areas?

Mr. RIDDELL: Yes.

Mr. McINTOSH: This is not unusual, is it?

Mr. RIDDELL: I would say not, no.

Mr. McINTOSH: It happens to practically every prairie member?

Mr. RIDDELL: I would say so, yes.

Mr. McINTOSH: You are aware that members of parliament are vitally interested in the problems of P.F.A.A. in their constituencies.

Mr. RIDDELL: Yes, but I cannot express an opinion about it. I do not know if they are or not. I cannot tell you. I cannot express an opinion about members of parliament. There are three from the prairie provinces whom I have barely met.

Mr. McINTOSH: You have had correspondence from members of parliament about P.F.A.A. problems within their constituencies?

Mr. RIDDELL: Yes.

Mr. McINTOSH: And as a result of some of those problems that members of parliament have written to you about, there have been solutions found to the problems. Is that not correct?

Mr. RIDDELL: I would not say there was in every case.

Mr. McINTOSH: No, I said some; there would have been some solutions found?

Mr. RIDDELL: I do not understand your question when you say there would have been some solutions found; the cases are dealt with and replies are given according to the evidence that is on file in connection with each one. I do not know what you mean by "some".

Mr. McINTOSH: You remember, Mr. Riddell, that on several occasions while you and I were discussing problems of P.F.A.A. we did not agree on the method of solution of those problems?

Mr. RIDDELL: What do you mean by problems? I cannot answer that question. I do not understand it.

Mr. McINTOSH: Did we ever disagree on a solution in respect of a P.F.A.A. problem that you can remember?

Mr. RIDDELL: Are you referring to an individual case now when you mention P.F.A.A. problems?

Mr. McINTOSH: Well, an individual case or anything else that you wish to refer to.

Mr. RIDDELL: I recall the first meeting I had with you, sir, when your first words said to me were: "If you think you are coming down to Swift Current to tell Jack Davidson and Jack McIntosh how they are going to run P.F.A.A., you can just go back to Regina". Those were the very first words you ever spoke to me.

Mr. McINTOSH: What was the problem about?

Mr. RIDDELL: At that time it had to do with a school at Swift Current.

Mr. McINTOSH: How long had you been director at that time?

Mr. RIDDELL: I was appointed about the first of June, and this incident was some time in the latter part of July or early August.

Mr. McINTOSH: What year?

Mr. RIDDELL: 1961.

Mr. MCINTOSH: When were you appointed director?

Mr. RIDDELL: June 1st.

Mr. MCINTOSH: What was the rest of the conversation about this school? What was the dispute about in regard to the school?

Mr. RIDDELL: As I recall it, there was supposed to be a number of schools held, and we had the supervisors meet in Regina and arrange for a number of large schools in which we had all the supervisors, and arrangements had been completed for those schools, and notices had been sent out to the inspectors to go to those schools. Then I received word that there was difficulty at Swift Current, and that I was to go there and endeavour to make some other arrangement. Then I went to see the superintendent in connection with it, and it was because of that that the school was called off and a number of smaller schools held by a small number of inspectors. That was your wish. I understood that it was your wish that that was the way it was to be done.

Mr. MCINTOSH: Who gave you to understand that?

Mr. RIDDELL: Mr. Davidson gave me to understand it.

Mr. MCINTOSH: Did you, prior to your visit to Swift Current, get a wire from the minister saying that a large school would not be held?

Mr. RIDDELL: I am not obliged to answer that question.

Mr. MCINTOSH: You say you do not care to answer it. If I make the statement that you did receive a wire prior to your coming down, would you dispute it?

Mr. GREENE: Objection. You cannot do backwards what you cannot do forwards.

Mr. LEBOE: We can assume that there was one.

The VICE CHAIRMAN: I have to interrupt. If the committee is going to meet tomorrow they have to know about the reservation of rooms now. What is the wish of the committee, shall we sit tomorrow?

Mr. FRANCIS: Yes.

Mr. CASHIN: Is it absolutely necessary?

Mr. MOREAU: In view of the fact that our witnesses are here from out of town, I move that we sit tomorrow morning.

Mr. CASHIN: At 9.30 a.m.?

Mr. MOREAU: That would be suitable.

The VICE CHAIRMAN: All in favour?

Agreed.

Mr. CASHIN: Reluctantly.

The VICE CHAIRMAN: All those contrary minded.

Motion agreed to.

All right, 9.30 a.m. tomorrow.

Mr. MCINTOSH: Did you make a statement before leaving your office that you were going to go to Swift Current, to see what the member had to say in regard to P.F.A.A.?

Mr. RIDDELL: I cannot recall whether I did or not. I went to Swift Current with the expectation that there would be some difficulty there and some interference in the administration of P.F.A.A.

Mr. MCINTOSH: Did you hold a large school in Swift Current?

Mr. RIDDELL: Yes, it was held.

Mr. MCINTOSH: Do you remember our parting words when you left again for Regina?

Mr. RIDDELL: I remember we settled the situation quite amicably at that time. I recall that. Objection was raised to the large school and there was the matter of notifying the inspectors to get word to them; some of them had no telephone, and there was no time to get word to them to delay the meeting. They said, "You decide it", and I said: "No, you decide it".

Mr. MCINTOSH: Do you remember if you made the statement that you made to me at the time that you left, and with the understanding that if you made that statement, I said "if it embarrasses you, when you go back we will have a large school"?

Mr. RIDDELL: I recall too, in our discussion in that regard, there was a matter of these men going to go to Swift Current from a great distance, and there was no way to notify them, because I could not be sure on Monday if two men from the office were coming down to conduct the school, and if they did not turn up, these men would have come in from a very great distance and they could not get paid because there was no mileage allowance, and it was going to be very embarrassing.

Mr. MCINTOSH: And we agreed to a solution?

Mr. RIDDELL: That is right.

Mr. MCINTOSH: Was Mr. Walker in any way involved in this question?

Mr. RIDDELL: No, Mr. Walker was not involved in it. He was not supervisor at that time.

Mr. MCINTOSH: Thank you.

Mr. FRANCIS: Does that terminate the questions?

Mr. MCINTOSH: During this past year, Mr. Riddell, did you have any complaints from a farmer named Floyd Dawson?

Mr. RIDDELL: I could not recall the complaints I had in regard to individual cases like that. I would have to search the files, and have it here for the committee.

Mr. MCINTOSH: Perhaps I might refresh your memory a little. This had to do with three towns; one of them was paid in the \$2.00 category that you mentioned this morning.

Mr. MCINTOSH: Was there a subsequent payment made in regard to that?

Mr. RIDDELL: I do not recall.

Mr. MCINTOSH: You do not remember anything about it?

Mr. RIDDELL: We have a tremendous number of files and letters. It is impossible for me, unless I search the files and review them, to make a statement here. I do not think I would be expected to do so.

Mr. MCINTOSH: Would you remember if this case came up before the board of review?

Mr. GREENE: Objection. He says he does not remember the case. It is a hypothetical question.

Mr. MCINTOSH: Mr. Riddell, the minister stated in the house as one of the ten points—I will not refer you to all ten points—that the administration of the P.F.A.A. in the Swift Current area was most unsatisfactory. Would you explain in what manner it was unsatisfactory?

Mr. RIDDELL: To begin with, Mr. Walker was appointed supervisor and I was not consulted in any way. He immediately started on his own to proceed to the affairs as a supervisor. The first thing he did, or one of the first things he did, was to hire a key inspector, for which we allow \$14 a day, and the ordinary inspectors only get \$12. Such a key man is paid \$14 a day, and that is done under the direction of the director; and that has always been the case. Mr. Walker proceeded to do that and he carried on the work, and he did not

contact me on appointments. He did not come into Regina. There was no mention of him coming in to discuss the affairs or anything. He just continued to do the work. He was the office manager and he just took control, and that was all there was to it.

Mr. McINTOSH: In other words, he was carrying on his job as supervisor of the area, as he saw it should be done. Did you tell him he was doing something wrong?

Mr. RIDDELL: He was doing something I did not know he was doing until it came to my attention through the office. Then I got in touch with him, particularly over this item of hiring these key men, by telephone, and told him that after all he has to consult me in matters of this kind, he does not have to just go right ahead and do these things. He came into Regina, I believe, later on and we eventually resolved the thing. I wrote a letter and told him that I would wait until he came into Regina and we possibly would resolve it. But that was the attitude he took, he just went right ahead and did not ask anybody.

Mr. McINTOSH: He does not pay them? He submits the account to you?

Mr. RIDDELL: Yes, he hired them. He had authority to hire a man at \$12 a day but he did not have the authority to hire a key man at \$14.

Mr. McINTOSH: Was the man to whom you are referring paid at a rate of \$14 a day?

Mr. RIDDELL: He was, yes. Mr. Walker was getting \$14 a day before he received his appointment.

Mr. McINTOSH: It had been a normal procedure?

Mr. RIDDELL: In as much as it had to be approved by the director before it was done.

Mr. McINTOSH: You said Mr. Walker was appointed without your being consulted. Did you say this morning that you were aware that the director had nothing to do with these appointments, that they are appointed by the minister. That is what I thought you said.

Mr. RIDDELL: They are appointed by the minister but there was another appointment made in the administration while I was there and I was consulted in connection with it, and just to appoint these supervisors and not be consulted—I mentioned it to the minister. I said that this morning.

Mr. McINTOSH: You resented the manner in which Mr. Walker was appointed?

Mr. RIDDELL: Yes, I did, to a certain degree.

Mr. McINTOSH: The second point is the matter of co-ordination.

The CHAIRMAN: I am going to let you proceed, Mr. McIntosh, but it seems to me that we still have not reached anything relevant to a point of privilege today. I do not want to prejudge it, but it seems we have not dealt with any thing that is relevant to a point of privilege.

Mr. GREENE: We are on the dismissal.

The CHAIRMAN: It is actually a difference between Mr. Riddell and Mr. Walker, but I still fail to see where the point of privilege involving you or any other member of the house in this question.

Mr. McINTOSH: These questions do involve Mr. Walker's dismissal, and that is the whole point.

Mr. CASHIN: That is not the whole point.

Mr. GREENE: That is not the whole point. We decided that. Those who voted in favour of carrying on this proceeding surely made it very clear that the only thing was the privilege and the involvement of Mr. McIntosh, not the whole ambit of dismissal or otherwise of Mr. Walker.

Mr. FRANCIS: Nor the conduct of Mr. Walker.

Mr. BREWIN: I do not understand how Mr. McIntosh can attempt to bring out the point he is trying to make, that somehow or other the dismissal was connected with him, Mr. McIntosh, without exploring as he is doing what were the facts. He may be going in a slightly round about way to get at them, but I do not see how he can be stopped. The reasons given do not stack up as amounting to very much. Perhaps Mr. McIntosh can draw some inference from that and suggest there was some other reason.

Mr. MOREAU: Mr. McIntosh surely is not on a hunting trip here. The privilege arises out of statements made in the house and surely he should be coming to the point. I am quite agreeable to him proceeding, but I would ask you, Mr. Chairman, to ask Mr. McIntosh to please come to the point. He is not on a fishing expedition here. He is really here to establish his privilege. I think he should proceed to do that. Surely that is the point before us.

Mr. CASHIN: I agree with what Mr. Brewin said. Certainly leeway may have to be given to Mr. McIntosh to establish the connection with himself, but I should also think—and Mr. Brewin would see this too—that proceeding as we have, we have not been given the remotest connection; and there are other things that are apt to occur in the course of this investigation, or whatever it is we are conducting, which are totally irrelevant and may in fact damage or in some way reflect upon other persons, and that is surely not what we are here to do. It is not what we are supposed to be doing.

Mr. MCINTOSH: If I may respectfully submit, this is a committee not a court, and I do not think I have to conduct myself as a lawyer.

The CHAIRMAN: I agree with you, Mr. McIntosh. The only point is that I would like the points to be relevant and I must say—I am speaking only for myself—the question has not yet any relevancy. There has been evidence adduced as to differences between Mr. Walker and the witness, but so far I have not been able to see any connection involving a point of privilege with you as a member. It may be—I have had this happen in the courts—that I have interrupted your train of thought. I have had judges interrupting my train of thought and destroying my whole cross-examination. However, I have raised this because I hope we do not want to get too far afield.

Mr. LEBOE: There was a connection with the schools, a large school and a small school. I could see the picture starting to develop there, but then we left it and got away. I could see there was something in connection with the member in that.

The CHAIRMAN: Continue, please.

Mr. MOREAU: The schools, Mr. Leboe, I might say were not mentioned in the house.

Mr. LEBOE: But it is part of the evidence.

Mr. FRANCIS: I think Mr. McIntosh should be allowed to go ahead.

Mr. MCINTOSH: Mr. Riddell, did you think that in any manner I had anything to do with the hiring of this new office manager, or whatever he was, and stating what salary he was to get.

Mr. RIDDELL: What office manager are you referring to?

Mr. MCINTOSH: The one that replaced Mr. Walker. You mentioned \$14 and \$12.

Mr. RIDDELL: That you had anything to do with it? No, I never did.

Mr. MCINTOSH: The second question is this. The minister said that there was no coordination between Swift Current and the head office in Regina. Would you care to comment on that?

Mr. RIDDELL: Yes, that feeling has existed for quite some time in the Swift Current area. Mr. Davies mentioned to me on a number of occasions that suggestions had been made about how the work should be carried out, and it was just the Swift Current office who carried on with their own method and carried out their inspections any way they saw fit.

Mr. McINTOSH: Did you have any idea in your mind that I was running the Swift Current offices?

Mr. RIDDELL: Yes.

Mr. McINTOSH: In what manner?

Mr. RIDDELL: In the manner that Mr. Davidson referred to you on a number of cases.

Mr. McINTOSH: Mr. Davidson is not involved.

Mr. RIDDELL: Yes, he is involved. You asked me on what occasion.

Mr. McINTOSH: I want an answer.

Some hon. MEMBERS: Let him answer.

Mr. RIDDELL: He said that the chief was wanting it to be done this way, and he was referring to you.

Mr. McINTOSH: What basis have you for saying that, You say "the chief". My name is not "Chief".

Mr. GREENE: That is "Dief"!

Mr. RIDDELL: But there was no doubt in my mind to whom he was referring.

Mr. McINTOSH: Did the same thing occur to you when Mr. Walker was—

Mr. RIDDELL: Yes, when I went down with Mr. Davies to Swift Current in connection with the matter I felt there were irregularities in the reports regarding old wheat. I was instructed by the minister to make investigations where I saw fit. I was to contact the members of parliament and I phoned you from Regina, as I recall, and you said that these certain investigations were not to be done now, they were to be done at a later date. I said, "That is not my interpretation of the thing." I said that I was instructed by the minister to go ahead with these, that I was to keep the members of parliament informed as to what form of investigation we were to conduct, and that the matter of the investigation was to be done on a basis of good public relations in the field, and that I was to keep you people, the M.P.'s, informed.

Mr. McINTOSH: Were you ever told that these investigations were not to be carried out, from the minister's office?

The CHAIRMAN: You are not obliged to answer that question.

Mr. McINTOSH: You are not obliged to answer. Do you wish to do so?

Mr. RIDDELL: I have not finished with the other question. I got in touch with you and you told me I had better get in touch with the minister. The minister told me on the phone to go down to Swift Current and endeavour to resolve the situation with you.

Mr. CASHIN: It works both ways, does it not? This part is not relevant, is it? It is not relevant as to what the minister said, is it?

Mr. FRANCIS: If he wants to say so, yes.

Mr. RIDDELL: I went to Swift Current with Mr. Davies with the intention of conducting some investigations in regard to what we were doing. I suggested at the time that we were going to bring men down from Regina, and you informed me at the time that I was not going to make investigations in your constituency, that if any investigations were being made you would concede to the point that I would supervise it and Mr. Walker and the inspectors in that area would do the work. I said I could not agree to that, that they had

already done these inspections and that we did not feel it correct. I said that something had to be done about it, and it was at that point that we reached a stalemate. I had to go back to Regina.

Mr. McINTOSH: What?

Mr. RIDDELL: I had to go back to Regina. Eventually it wound up that you instructed me to get in touch with the minister about it. I did endeavour to get in touch with him, and Mr. Faibish came into the picture. He instructed me to leave the matter lay. I wished to make the payments in those areas, and at some later date when a convenient meeting could be arranged between you and Mr. Walker and Mr. Faibish and myself, a meeting was to be held and some decision was to be made at that time about the handling of the Swift Current area.

Mr. McINTOSH: Were the investigations ever made?

Mr. RIDDELL: No, they never were made, not in that area.

Mr. McINTOSH: Why were they not made?

Mr. RIDDELL: The reason they were not made was that we had other investigations to be carried out in other parts of Saskatchewan at the time, and we conducted those investigations along the lines the former minister had suggested to me. The payments had not been made in these other areas. It was therefore essential that we get information from the Canadian wheat board, that was necessary on the grain deliveries that these farmers had made. The investigation covered—I might mention this for your information—the matter of old wheat on hand that the farmers were claiming, which we felt was the current year's production. In order to determine the matter of the current year's production we had to get deliveries from the Canadian wheat board if they would supply us with that information. As it turned out, the board ruled they could not give out this information without the written consent of the farmer. When they had not made payments, it was no problem, but where the payments had already been made it was a difficult thing to get the farmers to sign these forms, and in any event, in the meantime the administration changed and the meeting did not develop. There was a certain length of time before the new administration took over, and by that time the wheat was disposed of. I discussed it with my superior officer and it was decided at that time that we could get nowhere if we did make investigations.

Mr. McINTOSH: What wheat was disposed of? I just want to clear this up. You left an inference there. I feel you left the inference that once it is disposed of there is no record of it. You still have the figures, you still have had the same opportunity to check any time since the new administration took over.

Mr. RIDDELL: I would not agree with you on that, sir. The farmers can trade wheat; they can sell wheat; they can feed wheat; and they can get rid of it. If we start making inspections in May and June that should have been made possibly in November or December or October, if we start running into the next year, our experience is that you cannot get the correct answers.

Mr. McINTOSH: From your experience do you know of any precedent where a similar circumstance took place?

Mr. RIDDELL: I believe there was, though I am not sure of the year. We were making investigations continually, and we are doing it this year too.

Mr. McINTOSH: I am trying to determine now why you did not carry out the investigation that you thought should be carried out.

Mr. RIDDELL: I think I have answered that question.

Mr. McINTOSH: Then, in your experience, once a farmer has been paid a certain amount of P.F.A.A., have there not been adjustments from time to time in cases overpayment or under payment?

Mr. RIDDELL: Not under conditions such as that.

Mr. GREENE: On a point of order, Mr. Chairman, surely we are far far removed from privilege. We are now talking about payments and investigations. What in the world has this to do with the question of privilege?

Mr. OLSON: I object to the point of order. I think we are finally coming to the question of privilege.

Mr. MOREAU: I agree, Mr. Chairman. We are finally getting to something which is relevant.

Mr. GREENE: I have made my point, Mr. Chairman.

The VICE CHAIRMAN: Continue, Mr. McIntosh.

Mr. McINTOSH: The third point the minister made was that the supervisor was not carrying out the director's instructions. That was the third point he made in the house. Would you care to comment on that?

Mr. RIDDELL: That is a matter of two or three things. Getting back to this matter of old wheat, after I had been at Swift Current and discussed this matter with you, Mr. Faibish got in touch with me and told me to make these payments. I felt reluctant. I felt I was doing something I should not be doing. I went back to Regina and I met the minister. I found out he was in Regina and I went back there on the 28th February, I believe, and met the then minister. I found out he was in Regina on March 3rd. It was on a Sunday. I telephoned him at his hotel and I told him I wanted to see him quite badly. I felt it was quite important.

The CHAIRMAN: Your conversation then between the former minister and yourself is also privileged.

Mr. RIDDELL: I want to clear the former minister on this thing. The former minister said I was not to make these payments and he would get in touch with Mr. Faibish, and if I thought there was something wrong he would get in touch with Mr. Faibish and Mr. Faibish would get in touch with me. The thing dragged on and Mr. Walker was informing a number of farmers that the payments were coming out. He was writing letters to our office about when the payments were coming. I was not in a position to disclose to him then how the position was, and as a result of that it dragged on for pretty nearly a month, I believe—or three weeks, anyway. Then Mr. Walker came into Regina and came into the office. I was away in Saskatoon. I was addressing a municipal convention. The next day he telephoned me and wanted to know why these payments were not made.

I told Mr. Walker that we did not need them, that they were being held up. He wanted to know why, and he could not find out why, and he wanted to see Mr. Faibish. I told him that he was to stay out of the picture, and that it was none of his affairs, and that the matter was in my hands and the minister's hands at that time. I cannot prove that he did see Mr. Faibish, but next morning I got a call from Mr. Faibish and he instructed me to go ahead and to proceed with the payments that he instructed me to do, so I can only conclude that Mr. Walker saw him. That was one time when he defied me.

I think at that time that if any person in my position, had talked to his superior the way he talked to me over the telephone, the superior would not have hesitated to discharge him immediately over this matter.

Mr. McINTOSH: Why did you not discharge him?

Mr. RIDDELL: Because I did not hire him. I was good enough to let it go. I might have reported him to the minister and have made a recommendation, but I did not. I was going along with Mr. Walker.

On another occasion he had work to do. There was work that should have been done in a certain municipality, R.M. 109, and the situation developed

where he attended a council meeting and endeavoured to obtain crop reports in 1963. The council at the time mentioned to him that some of the townships had not been cleared up before, and what was going to be done about it? This was rather a ticklish situation, and when I learned about it I made the decision that we would not be doing any rechecking in those townships regardless. I got in touch with the Ottawa office and discussed it with Mr. Bird, and he agreed with the decision I made.

I went to Swift Current and I saw Mr. Walker. I said: "This is a rather ticklish situation. It should have been done here. It was the responsibility of the office at Swift Current to clear these townships. You had the information, and you should have done it."

He went to the file and pulled out a letter indicating that in certain conditions these townships should have been cleared. He was the office manager for Mr. Davidson, and prior to his taking over I feel he should have been aware of the situation.

Mr. McINTOSH: What do you mean by cleared?

Mr. RIDDELL: I mean that when a township or a block in a township becomes eligible for award, we inspect the sections that are contiguous or adjoining the payable area to make sure that their yields are high enough that they should not be included in the block.

Mr. McINTOSH: Who drew that situation to your attention?

Mr. RIDDELL: Mr. Walker drew it to the attention of the office in the first instance. I went to see him. I spoke to Mr. Walker. I gave him definite instructions. I said: "Do not go near that municipality for a matter of two to three weeks." I said, "Explain it to them." He looked in the file and brought out a letter he had written. I said: "You should not have written that letter to the secretary." And the result of it was that he went back on the Tuesday, the following Tuesday, and wrote me a letter to the effect that he had called to see the secretary, and the secretary had accepted his explanation, and that the Regina office had decided not to clear the township. But that left it in a very vulnerable position because of the council meeting there in the following week. I said: "You should have written to the minister at Ottawa." It left us in a most vulnerable position. It was this that caused me to write to the minister and tell him I could not put up with the work that Mr. Walker was doing.

Mr. McINTOSH: I would like to go back to the problem of the cheques which were to be issued and you took it upon yourself not to issue them. Did you at any time tell him that?

Mr. RIDDELL: I did not take it on myself at any time to issue cheques.

Mr. McINTOSH: You were never instructed to issue cheques by the minister's office?

Mr. RIDDELL: I was instructed, but I was instructed by the minister not to issue them.

Mr. McINTOSH: Subsequently did you get further instructions to issue them?

Mr. RIDDELL: That is right.

Mr. McINTOSH: Did you tell Mr. Walker to tell the farmers who were phoning the fact that you were writing him, and that the cheques would be out by a certain date?

Mr. RIDDELL: I believe that happened, yes. I think this situation developed.

Mr. McINTOSH: The point I am trying to raise is that you gave verbal instructions at one time which he carried out. Then he asked you why this did not take place, as you instructed. Did you not think he should have been instructed when he got a number of telephone calls and letters saying, "What is the matter? The date has arrived and there are no cheques?"

Mr. RIDDELL: The situation was such that I was waiting for information from the top in connection with the matter, and I could not disclose anything to anybody.

Mr. McINTOSH: To me?

Mr. RIDDELL: Yes, to you.

Mr. McINTOSH: What connection did I have with it?

Mr. RIDDELL: Mr. Faibish was to get in touch with you. That is what the minister informed me at the time about the matter.

The VICE CHAIRMAN: I did not anticipate that you would say that. Those are confidential reports and I would ask that they be struck off the record unless the committee overrides me. I do not think there should be any mention made of it by the press.

Mr. FRANCIS: How much is involved in these cheques?

Mr. RIDDELL: Considerable.

Mr. MOREAU: Could we have a word of explanation as to the amount involved? Would Mr. McIntosh agree to introduce this information at this time?

Mr. McINTOSH: Yes, certainly.

Mr. LEBOE: In connection with the answer, I would imagine that this information could be obtained in statistical form, if anybody were interested in the bulk of it.

The VICE CHAIRMAN: It probably could.

Mr. FRANCIS: Would the witness like to take a note of the question and confer with others? He may not want to state the amount of money involved.

Mr. McINTOSH: Yes.

Mr. OLSON: Did the witness say there was payment of P.F.A.A. awards to one municipality?

Mr. RIDDELL: I do not follow you.

Mr. OLSON: Did you say that payments were held up, in the matter of awards to one municipality?

Mr. RIDDELL: No. There were a number of townships scattered throughout the area.

The VICE CHAIRMAN: I do not want to get into a field where we are questioning administration decisions of this or of the prior administration. We are not involved in that. We have a point of privilege and I hope we get to it as quickly as possible.

Mr. McINTOSH: The fourth point the minister brought up was Mr. Walker's utter lack of co-operation with the Regina office. What do you have to say about that?

Mr. RIDDELL: I think I have gone into that enough.

Mr. McINTOSH: The fifth point was his disregard of the instructions of Mr. Davis the superintendent, which could not be overlooked. How did he disregard you?

Mr. RIDDELL: I think I covered one point in regard to Mr. Davis. He intimated to me that he never felt that he got co-operation from him.

Mr. McINTOSH: You mean from Mr. Walker?

Mr. RIDDELL: That is right.

Mr. McINTOSH: The sixth point was that he made no effort to check inspectors who were not properly carrying out their duties when taking cultivated acreage reports. Would you care to tell us who these inspectors were?

Mr. RIDDELL: I do not have the names of these inspectors with me.

Mr. McINTOSH: Would you care to tell us in which townships they inspect?

Mr. RIDDELL: I think that is getting into a question of privilege.

Mr. McINTOSH: What is privileged about inspecting a township for P.F.A.A.?

Mr. RIDDELL: I can certainly—

The VICE CHAIRMAN: Do you make forms and report to the minister on these, or what?

Mr. RIDDELL: The question involves these townships where we felt the reports were not correct.

The VICE CHAIRMAN: I would like to get it clear. The information you are going to give now is your opinion of what was taking place?

Mr. RIDDELL: Yes.

The VICE CHAIRMAN: Not what you reported to the minister, but what you felt yourself.

Mr. McINTOSH: Mr. Chairman, this statement was made by the minister in the house.

The VICE CHAIRMAN: I do not think this witness should be called upon to answer for statements his superior made. He will give evidence as to what he did, which is not privileged.

Mr. McINTOSH: The question I want to ask is on what date did those inspections take place?

Mr. RIDDELL: I do not have that information.

Mr. McINTOSH: The seventh point is: in a number of instances he failed to carry out the inspections of those townships which were contiguous to other townships which had been declared eligible for award.

Mr. RIDDELL: Yes; 109 is an example.

Mr. McINTOSH: In what area is that; what village or township is close by?

Mr. RIDDELL: Excuse me a minute. The Carmichael area.

Mr. McINTOSH: The eighth point is: he disregarded instructions not to endeavour to answer any correspondence with officials of rural municipalities or farmers in his area. Would you comment on that?

Mr. RIDDELL: We feel this is a very dangerous practice; that is why we gave these instructions. Up until this year they have not had the files in their office. It is just that they would get into difficulty over something when they do not have the full files to refer to. That is why we gave those instructions. There was a letter Mr. Walker had written to a municipality and I pointed out to him that we could get into difficulty over it.

Mr. McINTOSH: Did you have similar difficulties with any other supervisors?

Mr. RIDDELL: Not that I recall to any degree.

Mr. McINTOSH: This morning you stated your supervisor contacted a municipal secretary by letter.

Mr. RIDDELL: We instruct them not to carry on correspondence. When I made that statement I meant the matter of administration of the P.F.A.A. in respect of the matter of yield, and so on.

Mr. McINTOSH: You mean they were to use their discretion in this?

Mr. RIDDELL: Certainly. The same thing in respect of the councils. We have to depend on their good will in order to carry out the work in a satisfactory manner.

Mr. McINTOSH: The ninth point is: he refused to co-operate in the investigations of alleged irregularities in some cultivated acreage reports which were filed in his area for awards.

Mr. RIDDELL: When we wanted to conduct that investigation, Mr. Walker was opposed to carrying on any further investigation. He was not willing to co-operate with us on it. We discussed this at quite some length. I recall discussing with him that the matter of seed wheat which farmers would use might enter into the picture. His opinion was we should not charge that against them. That was his attitude. His attitude was that the P.F.A.A. should be run on a loose basis; that is not my attitude. It should be run honestly and honourably.

Mr. McINTOSH: You are not insinuating that Mr. Walker suggested it not be done on an honest basis?

Mr. RIDDELL: No.

The VICE CHAIRMAN: You are not suggesting that.

Mr. RIDDELL: No.

The VICE CHAIRMAN: I would hope that we would not get into this field; we have to be very careful. The press are here and I would hope that that would not be reported. There was no allegation about the honesty of Mr. Walker.

Mr. McINTOSH: You are not making the allegation that the Swift Current office was not run in an honest manner?

Mr. CASHIN: This goes to the root of how this man functioned in his job and has nothing to do with the question of privilege. As we have been saying, this is not proper in this committee; yet we have been getting into an awful lot of it. If we are going to conduct a court, then let us do so; if not, let us continue in the proper manner.

Mr. McINTOSH: The allegation has been made that I was running the Swift Current office. If that is proven, I certainly am entitled to ask the witness if it was run in a loose manner.

Mr. Greene: On a point of order; the point of privilege is whether Mr. McIntosh was interfering in an area where he had no business to be interfering. Whether his interference was adept or not, is not at issue.

The VICE CHAIRMAN: You will see that the minister has made certain assertions which he has put on the record as to the reason for the dismissal. I understood the point of privilege was whether these were correct. I thought it would be to your advantage to go into this; this is what I assumed. It is not for me to do this.

Mr. McINTOSH: I will put my last question in this regard. Have you evidence that Mr. Walker did not co-operate in making these rechecks in a situation which developed in this area?

Mr. RIDDELL: No, any more than conversations we had in connection with it.

Mr. McINTOSH: Where were these rechecks made?

Mr. RIDDELL: We made rechecks in the municipalities of McCraney, Hafford and Vonda.

Mr. McINTOSH: I have only a few more questions.

Mr. RIDDELL: There is one more point in connection with Mr. Walker that was not intimated to the minister.

Mr. McINTOSH: I do not think this is necessary at this hearing.

The VICE CHAIRMAN: Possibly at the end you will have an opportunity to add your comment.

Mr. RIDDELL: I will let it stand.

Mr. McINTOSH: To your knowledge was there any indication at any time to anyone that the farmers were dissatisfied with Mr. Walker as a supervisor, or even when he was an inspector?

Mr. RIDDELL: No; I do not think so. The supervisor does not have too much to do with the farmers; it is more the inspectors.

Mr. MCINTOSH: Since the minister, Mr. Hays, has taken over the present portfolio of agriculture has his office, to your knowledge, received any complaints from farmers or municipalities with regard to a P.F.A.A. matter?

Did you, Mr. Riddell, ever tell the minister that you called Mr. Walker and talked to him about his shortcomings?

Mr. GREENE: Objection.

The CHAIRMAN: I rule that this is a matter of privilege.

Mr. MCINTOSH: Did any of the inspectors under Mr. Walker ever advise you that Mr. Walker was not performing his duties adequately?

Mr. RIDDELL: No, they did not advise me of that.

Mr. MCINTOSH: Did they advise anyone?

Mr. CASHIN: This again is—

Mr. MCINTOSH: I did not want to leave a wrong inference.

That is the end of my question.

Mr. MOREAU: I would like to propose a motion, before we adjourn the two motions before us, without prejudicing this hearing in any way. I say this, because if this report is to be made to the house as a result of the work the committee has done on the Canada Elections Act, the reports have to be printed and translated, and the staff feel they require the weekend in which to do this job. May I put the two motions at this point?

I have two motions which I do not think are controversial in any way, and, if it is agreeable, perhaps we might dispose of those motions in order to facilitate the proceedings of the committee for next week.

Mr. MOREAU: I move, seconded by Mr. Cashin, that a report be made to the house which will include all amendments to the Canada Elections Act which have been thus far and approved by committee.

Motion carried.

I move, again seconded by Mr. Cashin, that all proposed amendments to the Canada Elections Act which were referred to Mr. Castonguay for drafting and which have not yet been formally adopted be included as an appendix to the minutes of the meeting.

Perhaps I should explain the reason for this motion. It is to facilitate the proceedings of the committee in the next session. We would hope that committee might then look at these amendments and that they would be listed, perhaps sometime in the future in the proceedings of the sittings of that committee.

Mr. NIELSEN: For clarification, does that include the amendments that were drafted and passed to Mr. Castonguay by members of the committee?

The CHAIRMAN: If Mr. Castonguay is permitted to say a word on this, it might expedite things.

Mr. CASTONGUAY: Would it include all amendments that were referred to me by the committee?

Mr. MOREAU: There are two motions. We have just passed one to the effect that the amendments approved by the committee so far would be reported to the house. The second motion is that the proposed amendments that have not been approved but which we have instructed Mr. Castonguay to prepare, be included as an appendix to the minutes of this meeting. There were two motions involved.

Mr. BREWIN: I do not disapprove of this motion but it raises a question for the steering committee. Is the report to the house going to contain any

reference to the question of political contributions under section 62, in respect of which we recommend they be fully reviewed at the next session when the committee is reconstituted?

Mr. FRANCIS: We should certainly say that.

The CHAIRMAN: I anticipate we will be meeting again on the Canada Elections Act, and the Chair will be pleased to recommend a motion to that effect. If you draw that to the attention of the Chair at the time, this can be done. I would entertain such a motion.

Mr. MOREAU: I would like an opportunity to question the witness at 8 o'clock.

Mr. NIELSEN: Does the first motion mean that we are presenting an interim report to the house?

The CHAIRMAN: That is my understanding of it, yes.

Mr. FRANCIS: In connection with the Rodgers case, it has been brought to my attention that in the minutes of proceedings, volume No. 1, there was an opinion by Dr. Ollivier which was given to the committee. I would like to suggest that be printed as an appendix and included with the documents to be distributed, so members would have it before them.

The CHAIRMAN: When the committee reconvenes I would ask you to put that question.

Do we meet again at 8 o'clock?

I do not suppose it is fit and proper for me to pass any observation on the matter we have been discussing, sitting back here as Chairman. However, I throw this out for whatever benefit it may have. The minister said at that time, and I am paraphrasing; I am quite prepared to accept the hon. member's word and I am prepared to withdraw my statement that Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek, which I had been led to understand had been the case.

Then he went on to say that he was dismissed for not giving satisfactory services and for not carrying out the instructions of his superior officer.

We have had a lot of testimony here today. I am not trying to offer wise advice, but it seems to me that those involved in this matter might take under advisement whether the minister withdrew his statement in full and it might be worth—

Mr. McINTOSH: He withdrew it conditionally.

The CHAIRMAN: —trying to do something between now and our meeting later tonight which might clear the air. While we may get something to our satisfaction here, I hate to see innocent bystanders drawn into this matter. It may be a case of the superior having been wrong or the inferior officer having been wrong. Obviously, they were incompatible and something happened. I merely throw out this suggestion. I sincerely ask the parties to consider it. We have put in a great deal of time here and I appreciate that you have a position to be vindicated, Mr. McIntosh; I appreciate this.

Gentlemen, we will now adjourn and we will reconvene at 8 o'clock in 371 west block.

—The committee adjourned.

#### EVENING SESSION

FRIDAY, December 13, 1963.

The VICE CHAIRMAN: Just before we arose at five o'clock there was a motion relating to the Canada Elections Act. In fact we passed two motions, and we now require a third motion to get the necessary funds to print the report.

Mr. MOREAU: The motion reads as follows:

Resolved—that the recommendations of the committee respecting the proposed amendments to the Canada Elections Act be prepared in draft form for presentation to the house as the committee's report.

The VICE CHAIRMAN: I understand the purport of it is to give authority to publish this material for presentation to the house.

Mr. NIELSEN: If I might speak to the motion, I certainly would not have any objection to the publication of the proceedings, and to have them printed, and to have them attached as an appendix to our interim report. As was suggested just before we adjourned before dinner, we cannot, I suggest, present a final report which the import of the resolution would seem to imply we are doing.

Mr. MOREAU: Would you prefer that it read "the committee's interim report"?

Mr. NIELSEN: Fine.

Mr. MOREAU: All right, I will add the word "interim" to my motion.

Mr. NIELSEN: Since we have not completed our inquiry, we cannot report that we have done so.

Mr. MOREAU: The motion is to read: "for presentation to the house as the committee's interim report".

Mr. NIELSEN: What is expected to be accomplished by this? Certainly the presentation of an interim report to the house will not allow the house to act on it. We cannot have half a bill going before the house.

Mr. MOREAU: The reason for it is to have all the amendments thus far adopted by the committee in one form.

The VICE CHAIRMAN: With permission of the committee Mr. Castonguay would like to make a short explanation.

Mr. N. J. CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman and members of the committee, I would think it would be the wish of the committee to have this in a bill form, whether it be an interim or a final report, because so long as it is in a bill form, the committee next year would have a composite bill to study. That is all.

The VICE CHAIRMAN: It is more or less for information.

Mr. NIELSEN: As long as there is no misunderstanding; the committee is placing before the house a bill. It is not being presented as a complete consideration of the amendments to the Canada Elections Act and the armed forces voting regulations, because we have not completed these amendments. We have several amendments yet to consider to the Canada Elections Act, so I think there should be no misunderstanding when a draft is proposed. And if it is included in the interim report to the house, there should be no misunderstanding that it constitutes the bill that this committee is presenting to the house.

Mr. MOREAU: That could be so stated in the preamble to the report.

Mr. CASHIN: The fact that this becomes an interim report does not mean that in a new year this committee would have to start all over at the beginning.

The VICE CHAIRMAN: No, no. It must start afresh.

Mr. NIELSEN: Unless the committee next session should move to adopt the previous evidence.

The VICE CHAIRMAN: This would be purely information for the use of the committee next year, to make it readily accessible. If everyone is agreed to that understanding, there is no objection to this being carried. Is that right?

Agreed.

I do not want to put words into Mr. Nielsen's mouth. Do I properly understand this to be your wish?

Mr. NIELSEN: I have no objection to the motion. But if I am on this committee next year, if it is another session, I shall have something to say about the previous decisions.

The VICE CHAIRMAN: That is right. Thank you, Mr. Castonguay. Before moving on, I would just like to throw out a suggestion purely on my own initiative.

Mr. FRANCIS: I spoke to you about a motion.

The VICE CHAIRMAN: I believe Mr. Francis has a motion to present in relation to the Rodgers matter.

Mr. FRANCIS: All the evidence at the last hearing of the Rodgers case was to be reproduced and sent to the members of the committee so that they would have a chance to look at it before meeting again to make their decision. My motion is that the opinion of Dr. Ollivier, given about a year ago, namely on Thursday, November 29, and December 1, 1962, in the previous committee, be reprinted as an appendix for the information of the members so that they could know, by examining the document, as they have the other documents. I would so move.

Mr. MOREAU: I second the motion.

Mr. FRANCIS: It is to be found in the proceedings for Thursday, November 29 and for December 1, at pages 29 and 30, of proceedings No. 1.

The VICE CHAIRMAN: It would not necessarily be binding on the committee.

Mr. FRANCIS: No, but it would be useful to the committee to have it, I think.

Mr. OLSON: I think it would be helpful to have it.

The VICE CHAIRMAN: All those in favour?

Motion agreed to.

As I began to say a few moments ago, on my own initiative entirely I would make the suggestion that we temporarily adjourn these proceedings, if I may borrow a House of Commons expression, so that negotiations through the usual channels may be carried on which might expedite the conclusion of this matter to the satisfaction of everyone. When I say that, I think it would be without prejudice to any of the parties concerned. My suggestion is that we reconvene at 9.30 a.m. tomorrow morning.

I hold out no promise that this would be successful because obviously I have not talked to the minister or to Mr. McIntosh except for a passing word or two with him. But I throw the suggestion out to you. Do you think there is merit in it?

Mr. McINTOSH: I have no objection to anything to expedite the proceedings and to shorten or resolve them. I will agree, as I told you before.

The VICE CHAIRMAN: It is also to be understood that it would be done without prejudice to the rights of any party if, when we resume, it was found that an entente did not come off. Then you might look at the Chairman and say he has thrown away a couple of hours when we might have been moving along.

Mr. MOREAU: There seems to be great anxiety to get the Minister of Agriculture to testify. Would it be possible for him to be here tomorrow? I do not know if anyone has explored that. I would like to know. I understand he is on his way here and is expected in the city about now at the airport. I wonder if he will be available tomorrow.

Mr. NIELSEN: He said yesterday, at page 5774 of *Hansard*, that he is prepared to meet the committee at nine o'clock Friday evening, or on Saturday morning, or at seven o'clock on Monday, Tuesday, or Wednesday morning, or any one of those mornings. I think the suggestion has some merit. I am not averse to going on now, but if Mr. McIntosh and Mr. Hays can somehow come to a meeting of minds it would perhaps allow the committee to get on with its main body of work, namely, the Canada Elections Act, and it certainly would not prevent the members, when we reassemble tomorrow morning, from resuming this matter. If you are suggesting a recess now to see if a meeting of minds can be had, and if tomorrow morning after there is a report to the committee, should there be a suggestion made as a result of the meeting between Mr. McIntosh and Mr. Hays, then the committee can accept or reject whatever comes out of that report.

The VICE CHAIRMAN: That is right.

Mr. NIELSEN: So I would have no objection to it.

Mr. OLSON: I have no objection to adjourning this meeting tonight to allow the usual channels of negotiation to attempt to reach some understanding. But in view of the evidence and the course of the hearing that we have had this afternoon, primarily because Mr. McIntosh has been the only member who has cross-examined the witness so far, and because of the fact that the witness replied with a "yes" in response to the question whether or not in his opinion Mr. McIntosh had interfered with the administration and operations of the P.F.A.A. office in Swift Current, this establishes the fact that if we accept this opinion, with the thought in mind that the minister was right when he said that somebody in the P.F.A.A. office was taking orders from the member. This is the crux of this inquiry as far as I am concerned. If we adjourn tonight I do not object to that, provided that Mr. McIntosh comes back tomorrow morning and says he is willing to accept the apology of the minister, and that everything is forgiven and forgotten so far as the question of privilege is concerned. But I would not like to give up my opportunity to cross-examine this witness to determine the extent of the interference which Mr. McIntosh exercised over the P.F.A.A.

The VICE CHAIRMAN: You mean that he is alleged to have exercised.

Mr. OLSON: Which came out in the evidence today, and which I think is a matter of importance to members of parliament, because he gave a categorical answer that he did interfere, and I would like to explore it further.

Mr. MOREAU: If we are to explore it further I do not think we should adjourn now. I would only make the comment if we are to continue, I think we should use the time available to us.

Mr. GREENE: I think we are here to determine Mr. McIntosh's point of privilege, and if we do go on, no doubt there are many members, like Mr. Olson, who are just sitting here waiting to get at the witness. I think that if we do go on, it may exacerbate some of the wounds, and make it that much more difficult to resolve the point of privilege on a proper and amicable basis. I would suggest that once the point of privilege is settled, if it can be settled, and once Mr. McIntosh is satisfied that it is settled, then that is the end of it. I do not think any of the rest of us have any right to go howling after the witness, once the point of privilege is settled. I feel this is a very diplomatic move towards that end.

The VICE CHAIRMAN: It is obvious that I had not consulted with the parties before I made my suggestion.

Mr. DOUCETT: I have listened to what was said, and I want to congratulate you on the manner in which you conducted the investigation this afternoon. I think the suggestion made is a very commendable one, and I would be very much in favour of it. I think it is a move in the right direction.

The VICE CHAIRMAN: I urge with all sincerity and all the conviction at my command that you give it consideration. But I am in your hands. I am not here to attempt to lead you in any way.

Mr. MOREAU: I wonder if someone would make a motion with this view in mind, and if there is any discussion on it, we could determine it on that basis.

Mr. DOUCETT: I move that we accept the Chairman's suggestion or recommendation for an adjournment until tomorrow morning.

The VICE CHAIRMAN: So that negotiations could be carried on through the usual channels and without prejudice to anyone. Then tomorrow, after hearing about it, if it is your desire to pursue it in the morning, you are free to do so.

Mr. OLSON: I would like to have assurance that this witness would be available tomorrow morning so that if we are not satisfied with the result of the negotiations we can pursue the matter that has been raised today.

The VICE CHAIRMAN: Without prejudice to anyone's rights, Mr. McIntosh, or the minister, or any member of the committee at all. That is understood.

Mr. MOREAU: Am I clear that we are to proceed with each witness, and we are to allow other members of the committee to cross-examine the witnesses with the reservation that we would make special allowance to induct the minister into the proceedings because of his commitments, whenever he is available, and then we would immediately resume at the point where we left off with whatever witness was before us?

The VICE CHAIRMAN: My understanding would be that after Mr. McIntosh has completed his examination, we would finish up with Mr. Riddell, and the minister would come on as the next witness.

Mr. MCINTOSH: That is agreeable to me.

The VICE CHAIRMAN: We would pursue the same course again, and when we come back the members of the committee would not be restricted in any way in their rights to question. Mr. Doucett has moved a motion.

Mr. LEBOE: I am anxious to see this thing wound up along the lines you are suggesting. There is only one thing bothering me. Perhaps somebody with a legal mind could help me. I have heard the statement made that we have a tiger by the tail. How do we let go? That is the problem as I see it.

The VICE CHAIRMAN: It is not for me to give explanations. If an amicable meeting of the minds were reached which was acceptable to the committee we would be happy. I realize one person's statement before the committee would not necessarily be conclusive on it, and we would not necessarily have to accept it. I am merely giving you an illustration.

Mr. LEBOE: I think somebody else in the committee might give us information about it because, as I see it, the witness has made a statement, and it does in fact involve a member who is claiming privilege. Now, my problem is, in all honesty, how can we advise on this thing? If the witness tells the committee that he is not satisfied that we have disposed of it, in spite of the fact of any negotiations made, it may eliminate, from then on the point of privilege. But in fact we are almost seized of something. That is what bothers me.

Mr. NIELSEN: May I offer a suggestion. The committee is master of the content of its report to the house, of course. I am making the suggestion here that the members might be imaginative and give thought to what might transpire during any discussion between Mr. McIntosh and the minister. It is quite conceivable, possible, or probable that the minister might in fact

himself say something which would, in the house or before the committee, be in direct contradiction to any evidence that we have received from the witness.

Mr. GREENE: On that point, Mr. Chairman, it was said by the Chairman of the committee or the minister in the house that the results of this hearing will appear in the report itself. If one person is of the opinion that someone did interfere, I do not think that is the crux of the matter. There are probably many persons who think that about each and every one of us, that we do things we should not do. That is not important. The important point which Mr. McIntosh has is that this question of privilege should be determined. If it is determined in the report to his satisfaction, there can be an amelioration of this, and I do not think that the fact that one person has some ideas on this, is of great importance. If one person's opinion were to hang any of us, we would be on the gallows a long time ago.

Mr. MOREAU: It seems to me that if the point of privilege between the minister and Mr. McIntosh is removed, any testimony that was given before the committee might constitute a new basis of privilege, but the original terms of reference would not be settled and there would not be anything before us. That is essentially the position that could be taken.

Mr. NIELSEN: In deference to Mr. Moreau, I think the committee would still have the report because we still have the reference by the house.

Mr. OLSON: Let us not forget that the whole basis, or at least the major basis is the question of privilege that has been referred by the house. According to Mr. McIntosh himself who raised it, it is that the minister accused him of interfering with the administration of the P.F.A.A. In the testimony taken under oath a man within the administration of the P.F.A.A., who is most directly involved—the director of the P.F.A.A.—has said that it is so. I think perhaps this committee might be derelict in its duty if it does not pursue this matter, that we have this official evidence taken under oath before us.

Mr. MCINTOSH: If I might say a word on that, I think I said some time during the proceedings today that I could possibly foresee where the witness before us might think I was interfering in something in which I had no business. However, if there is no agreement on the negotiations, this will all come out, and I hope to disprove what the witness said. I am not concerned with what the witness said to you people. I am quite confident I can prove otherwise.

Mr. GREENE: May I point out something? I have written down the words of the witness as he said them. In his opinion there was interference.

Mr. OLSON: Whose opinion is more pertinent to the matter before us than the director's of the P.F.A.A.?

Mr. NIELSEN: The minister's might be.

Mr. BREWIN: I suggest that in the line of discussion we lose the value of the suggestion which we made. If we are going to adjourn, we should adjourn. If not, let us go on talking.

The VICE CHAIRMAN: It was moved by Mr. Doucett, seconded by Mr. Greene, that we adjourn until 9:30 tomorrow morning to allow negotiations through the usual channels in the hope that we might expedite the conclusion of this matter without prejudice to any members of the committee or interested parties. It is agreed.

The committee adjourned.

SATURDAY, December 14, 1963

The VICE CHAIRMAN: I call the meeting to order. Last night before the committee arose a suggestion was made to the members from the Chair. All I wish to say now is that the interested parties accepted the motion and have acted in good faith. I have no further comment to make except to suggest that we proceed with the hearing. In doing so, I would like to reiterate the fact that we are proceeding reflects on no one. All parties acted in good faith. With the indulgence of the committee, we will proceed.

We have some witnesses here who were not on the original motion: Mr. Fawcett, Mr. Garland and Mr. Hainsworth, members of the board of review. I am stating this to ensure that their expenses are paid as witnesses. As I understand it, unless their names are on the list of witnesses they will not be paid.

I would welcome a motion.

Mr. FRANCIS: I so move.

The VICE CHAIRMAN: Moved by Mr. Francis, seconded by Mr. Lessard (*Saint-Henri*) that the individuals I have just mentioned should be included on the list of witnesses.

Mr. McINTOSH: There is another point to be considered on that motion. It is very difficult to obtain reservations to return home. Some of these men, possibly because of the congestion on the aircraft and trains, may have to stay here one or two extra days. I do not know what luck they have had so far in getting return flights or reservations on the train. I wonder if this committee has any influence with the Minister of Transport; some of them may miss Christmas at home because of this sitting.

The VICE CHAIRMAN: The point is well taken. I hope this motion will at least cover their expenses in this regard. It was for that purpose that I invited the motion so that they at least have the assurance that while they are being held here in Ottawa their expenses will be paid. I will be pleased to speak to the witnesses on that aspect of the matter.

Motion agreed to.

When we rose Mr. Riddell was giving evidence. I am not certain whether Mr. McIntosh had finished his questioning.

Mr. RIDDELL: Before we commence I would like to make a statement.

Mr. McIntosh asked me if I had discussed with anyone the matter of Mr. Walker's dismissal before I wrote to the deputy minister, and I replied that I had not. I wish to change this answer. I should have said yes. I did mention to Mr. Bird when he came into the office at just about that time, and he said "Well, get in touch with the deputy minister and relate the facts to him".

Mr. FRANCIS: I think you did indicate that you had spoken to Mr. Bird.

Mr. RIDDELL: I do not recall whether I did, but I just wanted to clear the record.

Mr. McINTOSH: If we are clearing the record I have a couple of questions. First of all, I would like Mr. Riddell to produce the report made on Mr. Walker by the superintendent.

The VICE CHAIRMAN: He takes the position that it is a privileged document. I would suggest the minister is the only one who can produce that document. I expect the minister will be appearing. He is in the house and he communicated with my office to say that as soon as he was required he would come over from his office and make himself available at the committee's convenience. He asked the indulgence of the committee because he has some

business to attend to and I took it upon myself to assure him that the committee would approve of that procedure. I suggest you put that question and ask the minister to produce it.

Mr. McINTOSH: I want to make certain that I have made this request and you have recognized that he has refused it. I also want to request the production of the letter he sent to the deputy minister in regard to Mr. Walker.

Mr. GREENE: I object to the wording. The wording "He refused it" is improper wording. This is a privileged document and within the ambit of the method of doing business between government and a minister it is the proper method not to disclose those documents unless the minister himself wishes to release his privilege. There is an implication there that this witness is hiding something; whereas he is just doing his job in a proper fashion as a public servant in not tendering that document for the record.

Mr. McINTOSH: Am I to assume, then, Mr. Chairman, that Mr. Riddell refuses any documentary evidence that I ask for?

Mr. GREENE: I object to the word "refuse". I think it should be the ruling of the committee—or the court—and as we are now constituted we are almost that—that these are privileged documents. It is not the witness who refuses.

Mr. McINTOSH: You can put any wording on it you want. I want the documents and if they are not going to be given to me I want it recorded.

Mr. GREENE: I think that is quite in order but I do not think it is fair to the witness to state that he is invoking the fifth amendment like James Hoffa because I do not think he is doing any such thing. He is not producing the documents in accord with the good principles of government business as between a minister and a public servant or as between public servants. Such communications should not be disclosed without the minister's consent, which possibly you may have.

Mr. FRANCIS: The point is that the witness does not have discretion in the matter.

Mr. GREENE: No, it is not his discretion; it is the minister's.

Mr. McINTOSH: I will not request any further documents; I am assuming he does not have to produce them until the minister is here. I will accept that and deal with them at that time.

In view of the changed testimony of Mr. Riddell, I think possibly I should go back and pursue my questioning.

The VICE CHAIRMAN: I think that is quite proper.

Mr. McINTOSH: I asked Mr. Riddell from whom in the department he took orders and he said from Mr. Bird.

The VICE CHAIRMAN: Put your question to the witness.

Mr. McINTOSH: I am explaining why I want to go back. I want to ask you the questions over again. Yesterday you told me you receive now your instructions direct from Mr. Bird. In other words, you intimated to the committee that there had been a change in procedure since the new administration had taken over. Is that correct?

Mr. RIDDELL: I do not follow you.

Mr. McINTOSH: I asked you what connection you had or what liaison there was between Ottawa and Regina and you said yesterday that it was between Mr. Bird and you, that he was your connection.

Mr. RIDDELL: He was the liaison between the minister's officer or the deputy minister's office.

Mr. McINTOSH: He was the one to whom you reported?

Mr. RIDDELL: Yes.

Mr. McINTOSH: Why did you submit this document or letter or whatever it was to the deputy minister?

Mr. RIDDELL: As I understand it, it is my privilege at any time to write to the minister or the deputy minister without going through Mr. Bird's office.

Mr. McINTOSH: That is correct. You said you had not made contact with anyone in regard to the origin of this report or recommendation, or whatever it was, but in this one particular case you changed your normal routine procedure and instead of sending it to Mr. Bird you sent it direct to the deputy minister.

Mr. RIDDELL: That is right. I sent the letter to the deputy minister.

Mr. McINTOSH: You talk about reinstructions of certain areas round the Gravelbourg area. What prompted you to decide that that area had to be reinspected.

Mr. RIDDELL: From scrutiny of reports in our office which indicated that there was considerable old wheat on hand. Comparing the reports of 1962 with the reports of 1961, it appeared to us that that old wheat was not there, and that is what prompted my suspicions and suggested that possibly reinspection should be undertaken.

Mr. McINTOSH: That old wheat was not there? How did that affect your C.A.R.'s.

Mr. RIDDELL: The situation is this. We go out in 1961 in an area and we take a report from a farmer. There is a space on the report for him to indicate the amount of old wheat he has on hand and then the amount of new wheat or the current year's production. So, as a case in point as an example, a farmer may say that he had 300 bushels of old wheat on hand in 1961, and he produced 700 bushels in 1961, which would give him a total of 1,000 bushels. Our inspector goes out then in the next year to take a report from him and he says "I have 1,500 bushels of old wheat on hand." This was what was showing up on these C.A.R.'s. He might say "I had 1,000 bushels of old wheat on hand" and the next year he put in his seed for 1962, which immediately indicated to us that it was improperly filled out or it was incorrect, and that is how our suspicions arose.

Mr. McINTOSH: Roughly how many C.A.R.'s go through your office? I know it varies.

Mr. RIDDELL: It varies. In an ordinary year we figure that there are 2,000 townships and possibly on the average 20 to 25 farmers in a township.

Mr. McINTOSH: Who is good at quick arithmetic?

Mr. BREWIN: Fifty thousand.

Mr. McINTOSH: Fifty thousand goes through your office?

Mr. RIDDELL: Yes. In 1961, we covered pretty well all the prairie provinces.

Mr. McINTOSH: Would you say that you just picked some out at random and said "We will reinspect this area", or how did you determine Gravelbourg?

Mr. RIDDELL: As I mentioned yesterday, I made it quite clear that we made investigations on the same basis in Hawarden municipality and in Vonda municipality and Hafford municipality.

Mr. McINTOSH: This glaring error only happened on one year? Has it ever happened before or since?

Mr. RIDDELL: It has happened this year. We are watching it this year very closely.

Mr. McINTOSH: Did it happen before?

Mr. RIDDELL: Not to my knowledge in 1961.

When we are processing these claims, Mr. McIntosh, and we find in the field that the details are complete and accurate it is recorded on the township

ledger summary sheet that is presented to the board of review, and approved for awards. Then the matter may be eligible for an award but the farmer must qualify himself for the award regardless of the fact that his land is eligible or not. It is necessary for us to look over the farm to see that both the farm and the farmer are eligible.

We have in our office what we call approvers who, in dealing with each individual award, go over each individual application and satisfy themselves in respect of the eligibility. These approvers are well acquainted with the act, regulations and policies of the board of review. When they have satisfied themselves in this regard they put their initials on the application, approving the individual for an award. Everyone of these cases is dealt with on that basis. The approvers also refer to the previous year's claim when they are dealing with the application to see if there is any increase in the cultivated acreage, and any such increase must be accounted for. In 1961, which I think everyone will agree was an exceptionally severe year, prairie farmers assistance extended over the whole of the spring wheat area. We paid out more money that year than at any time during the history of the act. It was not possible to get qualified men who would sit down and compare the previous year's claims with the claims in 1961, and this practice was not followed that year. The practice was again followed in 1962 and is being followed in 1963.

Mr. McINTOSH: Mr. Riddell, during the performance of your duties I imagine you have had to go back over the procedures followed in former years prior to your taking over. Can you tell me whether this situation arose at any time, other than that occasion you have referred to, to your knowledge?

Mr. RIDDELL: No, I do not know that it did.

Mr. McINTOSH: You are not aware of any occasions on which this happened before?

Mr. RIDDELL: No.

Mr. McINTOSH: I should like to refer to C.A.R.'s.

Mr. BREWIN: I multiplied 25 by 20 which gives 50,000. That figure is subject to correction.

Mr. McINTOSH: Are you positive that all of those C.A.R.'s were correct in every respect with the exception of the ones you picked out?

Mr. RIDDELL: In the opinion of our approvers they appeared to be, yes.

Mr. McINTOSH: Did you in a discussion with myself and other individuals suggest that in respect of the C.A.R.'s that you are now using you could not determine or prove how much a farmer had left in his granary from a previous year?

Mr. RIDDELL: The cultivated acreage report that we are using is revised from year to year. I have a sample form with me, but we revise the form from year to year. We endeavour to produce a form which will give us the actual production of a farm, and the forms are revised to the best of our ability with that intention.

Mr. McINTOSH: In the year in question, using the form of that date, you were not sure in your own minds that the information given by the farmer which you thought was complete, was incorrect or not? You may have had suspicions but you were unable to prove as a result of the form how much wheat a farmer held over from previous years, and you cannot do so unless you have C.A.R.'s for each successive year, is that correct?

Mr. RIDDELL: C.A.R.'s are not received from year to year. We did make an investigation when there was barefaced evidence before us.

Mr. McINTOSH: What do you mean by "barefaced"?

Mr. RIDDELL: I am talking about the bare facts which appear when we are comparing one year's claim with the previous year's claim.

Mr. McINTOSH: You are maintaining that you had all the facts to substantiate your claim that a reinvestigation should have been made in this particular area?

Mr. FRANCIS: Mr. Chairman, I think the witness should be allowed to finish his answer before another question is asked. I do not think this type of questioning is fair to a witness. If he has some thoughts he should be allowed to express them before he is obliged to answer another question.

Mr. McINTOSH: I suggest that the witness has said things about me which are not fair either, and this is what we are trying to determine.

Mr. MOREAU: Mr. Chairman, it seems to me that Mr. McIntosh is debating the point rather than asking questions.

Mr. GREENE: Mr. Chairman, on a point of order I fail to see what relevancy this has with the alleged maligning of Mr. McIntosh's character which originally raised the point of privilege. We have the department on trial now and the department is not on trial.

The VICE CHAIRMAN: I am going to allow Mr. Riddell to complete his answer before we continue with our questions.

Mr. RIDDELL: Could I have the question again, please?

Mr. McINTOSH: We will skip that question now. I would like you to tell the committee, Mr. Riddell, where the money comes from to support the Prairie Farm Assistance Act?

Mr. RIDDELL: In respect of all grain deliveries as defined under the Prairie Farm Assistance Act, there is one per cent deducted at the elevators. That is collected and put into the fund and kept for the payment of awards under the act. When there is not sufficient money in that fund when we require it to make awards, then the federal government provides additional funds from the consolidated revenue fund.

Mr. McINTOSH: I have one more question, Mr. Riddell, in regard to the situation which developed as a result of the withholding of cheques payable to recipients of P.F.A.A. It has been determined that there were roughly 50,000 cheques that were withheld. What would be the average amount of these cheques?

Mr. OLSON: Mr. Chairman, it has not been determined that there were 50,000 cheques withheld nor has it been determined that the individuals were rightfully entitled to an award.

Mr. McINTOSH: I will put my question this way, Mr. Chairman, how many townships were involved, Mr. Riddell?

Mr. RIDDELL: I believe at times there were approximately 50 townships involved.

Mr. McINTOSH: Would 54 townships be a closer figure?

Mr. RIDDELL: That could be correct.

Mr. McINTOSH: You said there were roughly 20 or 25 farmers per township?

Mr. RIDDELL: Yes.

Mr. McINTOSH: We can then determine from your information that there were roughly 50,000 cheques withheld; is that right?

Mr. OLSON: No. There could be 1,250.

Mr. McINTOSH: For what period of time would they be withheld, Mr. Riddell?

Mr. RIDDELL: We cannot make any payments prior to the first of December in any year, and as fast as claims are processed after the first of December each year they are paid.

Mr. MCINTOSH: How long does it usually take to process them?

Mr. RIDDELL: Conditions vary from year to year, of course but in 1961 I think we paid out \$53 million or \$54 million and we had \$25 million worth of cheques out by Christmas time. This situation is affected by the harvest, of course. When the harvest is completed early we can get the investigations completed early. I cannot set down a hard and fast rule. As I say, they are paid as quickly after December 1 of any year, and that is all I can say.

Mr. MCINTOSH: Did you say yesterday in regard to the amount that was involved in this one investigation that you could get the information and would have it later? Is that what you told this committee yesterday, and have you the information now and prepared to produce it?

Mr. RIDDELL: I do not think I should produce that information, Mr. Chairman. I do not think it is within my jurisdiction to produce it at this time.

Mr. MCINTOSH: I do not think I have any further questions.

The VICE CHAIRMAN: Mr. Brewin spoke to me earlier and said that he would be leading off the debate in the house today for his party. So I indicated to him that I would let him question the witness first, and then we would hear Mr. Olson and Mr. Moreau.

Mr. BREWIN: I do not know if the minister is here yet.

The VICE CHAIRMAN: We intend to finish with this witness and then call the minister.

Mr. BREWIN: First of all I want to ask the witness whether this statement that the minister made is correct as far as he knows; that is, that the basis for the dismissal of Mr. Walker, was the report of the director of P.F.A.A. and so on? Do you know if that is correct? I am referring to page 5359 of the House of Commons debates for Tuesday, December 3, 1963, where it says:

The basis for the dismissal of Mr. Walker was a report received from the director of the prairie farm assistance administration to the effect that for some time the matter of continuing the services of Mr. George Walker as supervisor for the Swift Current area had been a problem to him—

My question is, as far as you know, is that a correct statement?

Mr. RIDDELL: As far as I know it is a correct statement.

Mr. BREWIN: I would like to ask, and this is only repeating, for the production of that report. I do not know if the minister is here, but if there is any privilege claimed, I would like to hear it claimed. Is the minister here now?

The VICE CHAIRMAN: Not right now.

Mr. NIELSEN: Before you rule on that I have a submission to make on the admissibility of the report and obligation to produce. I had intended to make that submission when the minister was before the committee, but I could do so now if it is your wish. But before you make any ruling on the matter I would like to have an opportunity to make a submission.

The VICE CHAIRMAN: You may.

Mr. NIELSEN: It may be the foundation for a motion in the house.

Mr. OLSON: Two members have already asked that this document be produced. I think it is quite in order for them to ask the minister, but not this witness.

Mr. GREENE: Might I ask Mr. Nielsen to wait until the minister gets here to make his motion; or if he is not here, in the event that the minister exercises his privilege, we could reserve an opportunity to Mr. Brewin to make his argument.

Mr. BREWIN: I think what Mr. Greene says is perfectly reasonable. In my view the examination of this witness without the production of the report is a waste of time, because the report goes to the crux of the matter.

I have one or two other questions to put to the witness. They may be subject to the same ruling.

Mr. Riddell, was there any connection between the reasons for Mr. Walker's dismissal as recommended by you, and Mr. McIntosh's alleged interference with the activities of the P.F.A.A. administration?

Mr. RIDDELL: None whatever, so far as I was concerned. Mr. McIntosh did not enter into it at all, as far as I was concerned.

Mr. BREWIN: Those are all the questions I wish to ask.

Mr. OLSON: Mr. Chairman, I would like to come back to the statement.

Mr. BREWIN: May I come back again if the report is produced?

The VICE CHAIRMAN: Yes, you may. Your objective is noted, that you want it to be produced.

Mr. RIDDELL: I would like to clarify the point. You want to know if the question you are asking me there now, Mr. Brewin—if there was anything between Mr. McIntosh and myself that made me make the decision recommending that Mr. Walker be dismissed.

Mr. BREWIN: You told the committee that there was some alleged interference on the part of Mr. McIntosh, and that you made a report which was the basis for the dismissal of Mr. Walker. I want to ask you if those two things were in any way connected.

Mr. RIDDELL: Not in my mind. They were two separate things. When I made the recommendation, they were separate and apart. They had nothing to do with it at all. I read that Mr. McIntosh had said that he was in dispute with me. I could not see that it had any connection with it at all.

Mr. BREWIN: You will appreciate it that I cannot continue this line of questioning until the report is produced to indicate whether the reasons put forward bear out what the witness has said.

Mr. FRANCIS: I have some supplementary questions directly on this point.

The VICE CHAIRMAN: We recognize Mr. Olson unless he wishes to defer to Mr. Nielsen.

Mr. OLSON: I think I would like first of all to ask the minister a question. The witness said that he and all the other employees of the P.F.A.A. office held office at the pleasure of the minister.

Mr. RIDDELL: That is correct.

Mr. OLSON: What is the normal way in which you hire a supervisor? Who sends his name to you?

Mr. RIDDELL: I do not hire a supervisor.

Mr. OLSON: Do you know the normal way in which a supervisor is hired?

Mr. RIDDELL: During my tenure of office there were two supervisors hired. In one case I was away on holidays when I got a phone call from the minister's office informing me that this man would be a supervisor for that particular area. On the second occasion I was on business at Red Deer when I got a phone call from the minister's office informing me that this man would be supervisor for the area.

Mr. OLSON: You have had nothing to do with submitting names or making recommendations?

Mr. RIDDELL: I was asked to submit names in connection with the appointment of a superintendent at Regina, and this I did to the minister. Knowing that the former superintendent would be coming to the point of being superannuated, and I refer to Mr. Alf. Brown, and knowing that his replacement had to be made, I discussed it with the minister ahead of time, and I asked him what the procedure was. The minister at that time said: you make a recommendation of who you feel should fill that position, and this I did. That was the only occasion. I am not talking about supervisors, but of superintendents.

But as far as anyone in the office is concerned, such as the office staff, clerk grade 4 or lower, in that category, that is left entirely up to me.

Mr. OLSON: We are particularly concerned with supervisors. Was Mr. Walker hired before you were associated with P.F.A.A.?

Mr. RIDDELL: He was a casual employee of P.F.A.A. He was an inspector in the field.

Mr. OLSON: Would you know the qualifications or the reason for which he was hired for the position of supervisor? Who recommended it?

Mr. RIDDELL: No, I was not informed about that. I was just told.

Mr. OLSON: You said you resented this method of hiring. Do you feel that you would have a more efficient staff under some other method of hiring?

Mr. CASHIN: Mr. Chairman, on a point of order, we have had a great degree of latitude in questioning people and right from the very beginning there have been a number of objections to this, because it was in a sense totally irrelevant to the matter before this committee. The only relevant matter is whether the dismissal of Mr. Walker was a result of association with Mr. McIntosh. Right now I think we have even wandered further from the point than we did before when we were discussing the hiring of personnel and the hiring of these persons. So I respectfully submit this has absolutely nothing to do with whether or not Mr. McIntosh's good name was sullied in the house by reference to him in association with Mr. Walker, as having had anything to do with that dismissal. The hiring of this personnel has nothing to do with whether or not Mr. McIntosh's good name was slighted in the house by reference to his association with Mr. Walker having anything to do with that dismissal. While a great deal of the questions asked here are relevant, we are reaching a unique peak of irrelevancy when we go into the whole principle of hiring.

The VICE CHAIRMAN: I must confess that I engaged in some talk with Dr. Ollivier and I missed Mr. Olson's last question. Would you mind repeating it?

Mr. OLSON: The whole line of my questioning has been to this point, to establish how Mr. Walker was hired, what were his qualifications, where did the recommendations come from, and so on. If we are going to establish the reasons for his hiring, we ought, first of all to know his qualifications when he was hired. These could be associated. In fact, I think it is the most relevant question that has been asked in this committee so far.

Mr. GREENE: I think the danger for those of us who opposed carrying on the hearing, once the withdrawal was made by the minister and apparently was accepted with qualifications by Mr. McIntosh and what we feared, is where are you going to stop this kind of an inquisition where there are no rules of court? We can see it is getting broader and broader until I do not know where you will stop. When it has been permitted that one witness be

asked questions in such a wide and pervasive field, there can be no end to it. Mr. Olson quite properly feels that Mr. McIntosh was allowed to roam all over the pasture so why should he be limited? I do not know where we are going to stop.

With respect, Mr. Chairman, I would urge upon the Chair to try to limit this inquiry to the question at issue; otherwise we are setting a very dangerous precedent on any dismissal of a public servant. There can be a *carte blanche* inquiry, and all that would have to be done is that a member would have to allege that he can connect this in some fashion and that he wants another of those courts "like we had back in 1963". I think it is a very dangerous precedent with regard to the basic confidence that our public service has, that they will not be pilloried on the running of their own departments in a courtroom such as this.

Mr. MOREAU: Surely the matter of Mr. Walker's qualifications is relevant to this hearing. It seems to me this is the crux of the issue. If Mr. Walker has been dismissed, and he feels he has been dismissed unfairly, surely we have a right to examine his qualifications. This is the line of questioning I see Mr. Olson taking. I do not see anything irrelevant about this.

The VICE CHAIRMAN: If I may be allowed to make this observation, in my opinion the committee is only concerned with Mr. Walker's activities and the relationship that they may have with Mr. McIntosh and Mr. Walker's dismissal. I do not intend to let it get away from that. We are not going into a review of the administration of the P.F.A.A. by the present or by the past government. We are only dealing with Mr. Walker, any relationship he may have had with Mr. McIntosh, and his dismissal. My difficulty arises in determining the relevancy of the question, which is not always obvious. This has to be expanded and I have to allow some leeway. If I fail to see a relevancy, I shall cut it off. At the moment this may have some relevancy, and I also shall permit Mr. Olson to continue with his questions.

Mr. MCINTOSH: May I say a word on what has been said?

Mr. LESSARD (*Saint Henri*): Let Mr. Olson finish.

Mr. MCINTOSH: I can see this is going to continue just the same way.

Mr. LESSARD (*Saint Henri*): On a point of order, Mr. Chairman. I think it is unfair to the member. We let Mr. McIntosh speak as much as he wanted to yesterday.

Mr. OLSON: Four and a half hours yesterday.

Mr. MCINTOSH: I am not trying to stop him. All I want to say is that if the minister were brought to the committee now, it would solve all these points.

Mr. OLSON: I reserved the privilege last night to examine this witness.

The VICE CHAIRMAN: Please proceed, Mr. Olson.

Mr. OLSON: I would like to ask Mr. Riddell when was Mr. Walker hired for the position of supervisor?

Mr. RIDDELL: I was notified on December 4, 1962, when I was at Red Deer, that Mr. Walker would be hired, I believe, it was December 5, the next day.

Mr. OLSON: Do you have any reason to believe that the hiring of Mr. Walker may have been on the recommendation of Mr. McIntosh?

Mr. FRANCIS: Mr. McIntosh should answer that.

Mr. OLSON: You do not have to answer.

The VICE CHAIRMAN: This would be expressing an opinion.

Mr. RIDDELL: It is just an opinion.

Mr. OLSON: I asked him if he knew and wished to express an opinion.

You said that one of the reasons that you made a report to the deputy minister was that you said Mr. Walker did not and would not learn to take orders from the central office in Regina. Is that correct?

Mr. RIDDELL: That is right.

Mr. OLSON: I think that is one of the main reasons that this matter came up because of some payments that were held up in another area. I think previous examinations have indicated that. Mr. Riddell, the reason that you held up payments in about 54 townships, was that the applications were not completely in order?

Mr. RIDDELL: In my opinion there was room for some investigation there. I thought they should be looked into before they were paid.

Mr. OLSON: Do you feel as director that you have an obligation to clear these things in accordance with the regulations?

The VICE CHAIRMAN: Mr. Riddell, would you wait until the question is completed before you answer?

Mr. RIDDELL: Excuse me, sir.

Mr. OLSON: Your motive for holding up these payments was that you felt that a good administration of P.F.A.A. required a further investigation?

Mr. RIDDELL: That is right.

Mr. OLSON: Mr. Chairman, the witness has stated yes to a question Mr. McIntosh posed that Mr. McIntosh was interfering with the operations of the Swift Current office. Mr. Riddell, I come from a constituency that is very interested in P.F.A.A. and on a number of occasions farmers in my constituency were unhappy with either delay or disapproval of their applications. They came to me and I wrote a letter either to your office or to the office in Edmonton. Do you think this is undue interference?

Mr. RIDDELL: Absolutely not, sir.

Mr. OLSON: Did Mr. McIntosh's activities go further than this?

Mr. RIDDELL: Yes.

Mr. OLSON: Would you tell the committee what else he did that interfered with the activities of the office?

Mr. RIDDELL: When I first took office Mr. McIntosh informed me that we have on our staff a man we call a special investigator, Mr. Doug Minor, an ex-sergeant of the R.C.M.P. on pension. Mr. McIntosh told me that he did not want him in his constituency. He also told me, when I went down to discuss a matter of wheat, that I could come in and direct the operation of the reinspections if it was necessary in my opinion, along with Mr. Walker, and use the inspectors in their area. However, I was not to bring anybody down from the Regina office to do any investigation in his constituency. That was a direct interference of the administration of the P.F.A.A. That is my opinion.

Mr. OLSON: If you had taken the advice or instruction of Mr. McIntosh, you would then have felt that you were not properly doing the job that you are charged to do?

Mr. RIDDELL: Absolutely. I could not tolerate a situation like that.

Mr. OLSON: Did you feel that Mr. Walker was in fact carrying out the instructions or the advice that he got from Mr. McIntosh over and above the orders that he got from you?

The VICE CHAIRMAN: What was that question?

Mr. OLSON: Do you feel that Mr. Walker in his position as supervisor in the Swift Current office actually was carrying out the instructions or advice he got from Mr. McIntosh in preference to the orders you gave him?

Mr. CASHIN: This witness' feelings hardly are in issue. I would suggest, with respect, that Mr. Olson ask whether there are any facts to indicate this action. Surely we are not concerned with his state of mind. He may have had feelings which are away off the facts.

Mr. OLSON: It is Mr. McIntosh's feelings which have been hurt and not the witness'.

Mr. CASHIN: May I suggest that we get the facts.

Mr. OLSON: Do you have any specific instance to which you can point that would indicate this?

Mr. RIDDELL: The only thing I could say in answer to that question would be I have no way of knowing that Mr. McIntosh gave instructions to Mr. Walker. Let me put it this way. I would say possibly Mr. McIntosh was assistant supervisor along with Mr. Walker in the area; that was the way it struck me.

Mr. OLSON: Let us return to the matter of holding up these payments. Did you instruct the Swift Current office to go back out into this area where you were allegedly holding up payments—and I am not suggesting you were; you could not do this until someone is approved in the Swift Current office—did you give Mr. Walker instructions to inspect this area?

Mr. RIDDELL: No. I wanted to go in with men from the Regina office under the superintendent Mr. Davies, and with the assistance of Mr. Walker; and we might bring in adjoining supervisors to assist him. It is a big project. We might bring in any number of inspectors. The situation was this: these men are just farmers in an area and there may be a first year inspector; maybe an inspector had done this work three years ago and then had not worked for three years. It takes a lot of schooling. However, it was there on paper and I would have to answer if the Auditor General came in to examine our documents. Once those inspectors had an opportunity to do this job, and if in my opinion it was not satisfactory, the only other thing we could do was go in and get men who were trained to supervise it, men who knew the act, the regulations, and all the detail—men from our office, such as Mr. Doug Minor, Mr. Walt Davies, Doug Stewart and Mr. McEwan.

Mr. OLSON: I would like to find out what prevented Mr. Riddell doing what he felt was necessary in the proper discharge of his duties. Would you like to tell us who gave you the order not to go in and do this job?

Mr. RIDDELL: I was instructed by the minister to do this job and I was to keep the members of parliament informed.

The VICE CHAIRMAN: Just a minute. If the answer is going to be a communication or anything passing between the witness and the minister, then I rule he has a privilege.

Mr. OLSON: I admit that, but I think finally we are getting to the crux of the problem. Here Mr. Riddell was prevented from doing something. The Minister of Agriculture in the house alleged that Mr. Walker was taking orders from the member, and this is the whole privilege. I would like to find out what stopped Mr. Riddell from doing what he thought his orders were.

The VICE CHAIRMAN: If it is something said to him by Mr. Hamilton or Mr. Hays, I rule those are privileged communications. I realize it may appear to hamstring to whole proceedings, but that has been the basis on which I am making my rulings. I ask the witness to ponder the question, and in answering determine whether he feels he has to divulge interdepartmental communications from the minister.

Mr. OLSON: I will accept that.

Mr. NIELSEN: Mr. Chairman, I would like to make a submission to you, because, with great respect, I do not agree with your ruling.

Mr. FRANCIS: I think Mr. Olson should be allowed to complete his line of questioning.

Mr. NIELSEN: Since the minister now is in the committee room, might we hear from him. We should have the report before us. The submission I have to make is wrapped up in this.

The VICE CHAIRMAN: I made a ruling that I was going to see Mr. Riddell through, and have his examination completed. The minister now is available and he will be called. However, I suggest we continue to hear this witness. Much of the evidence is fresh in the minds of the members who wish to examine or cross-examine him.

Mr. OLSON: Mr. Riddell, what action did you initiate and actually get underway to do these reinspections?

Mr. RIDDELL: What reinspections are you referring to?

Mr. OLSON: The ones respecting these 54 townships where the payments allegedly were held up.

Mr. RIDDELL: They were not reinspected.

Mr. OLSON: Did you initiate action?

Mr. RIDDELL: Yes; I initiated action. I went down to Swift Current. I telephoned the member for Swift Current, Mr. McIntosh, regarding the making of this investigation. I believe that was on February 26, 1963. Mr. McIntosh said they were not to be done at this time. He said this over the telephone.

Mr. OLSON: Did you cease any further action because Mr. McIntosh said they were not to be done?

Mr. RIDDELL: This was over the telephone.

Mr. OLSON: That does not matter. Did you at that point cease any further action?

Mr. RIDDELL: No.

Mr. OLSON: How much further did you get?

Mr. RIDDELL: Then I contacted the minister and the minister contacted me again and I went down to Swift Current to see Mr. McIntosh to discuss this matter with him. I discussed it with him in the P.F.A.A. office in Swift Current on the 27th day of February, 1963. Then Mr. McIntosh informed me that I was not coming into his area with anybody from Regina, out of the Regina office, to do any inspections. He informed me that I could come in and do the work under my supervision along with Mr. Walker and inspectors from that area. I said "Mr. McIntosh, I cannot accept that situation".

Mr. OLSON: Did you then proceed with the action to make these reinvestigations at that point.

Mr. RIDDELL: After discussing the matter with Mr. McIntosh, then I endeavoured to get in touch with the minister, and later on in the day Mr. Faibish telephoned me and gave me instructions I was to proceed to pay these claims in the usual manner, and later on Mr. McIntosh, Mr. Walker, myself and Mr. Faibish did meet in Regina to see what action would be done and how the administration of the P.F.A.A. was going to be carried on in the future in the Swift Current area. So, I left the area that day and went back to the office. Did I mention that Mr. Faibish instructed me to pay these townships? I went back to the office in Regina that night, the 27th, and on the morning of the 28th I instructed the staff to put these townships on pay and to send them through the treasury for expedition. The matter worried me considerably, knowing what was involved. I have a principle inside me; I did not think we were doing the right thing. That was on Friday, and Sunday morning I had an interview with the minister—

The VICE CHAIRMAN: Now, Mr. Riddell, I do not propose to let you say what you said to the minister or what the minister said to you, if it was in the course of your duties. I have so held and I am going to stick to that.

All you can say is that you got in touch with the minister. Subject to the committee overruling me I am not going to permit you to say what you said to the then minister.

Mr. OLSON: I do not think it would be necessary for the witness to say exactly what was said back and forth between the minister and him, but I think you should allow him to say from where he received his instructions.

Mr. RIDDELL: I have to say it in order—

The VICE CHAIRMAN: Now, I suggest you say you got in touch with the minister and later on you did certain things.

Mr. OLSON: I will accept that, Mr. Chairman.

Mr. RIDDELL: I got in touch with the minister and the payments then were not made because the minister—

The VICE CHAIRMAN: Now, that is all. I may be right or wrong in my ruling. I am going to hear arguments later on, but at the moment I would rather err on one side than on the other so I am going to err on this side at the moment.

Mr. OLSON: I would like to ask if, when he got instructions or orders from Mr. Fabish, as the minister's executive assistant, this would amount to the same thing. He put the same credence on this as if he had it from the minister himself.

The VICE CHAIRMAN: I will not permit that.

Mr. OLSON: The witness has said he, in fact, did take certain action or altered his course in taking certain action because of having received instructions from Mr. Fabish. I am not asking him to tell the committee what Mr. Fabish told him; I am trying to establish the credence of Mr. Fabish's instructions to him.

The VICE CHAIRMAN: It is not a proper thing for the Chairman to engage in debate with members of the committee, but if Mr. Fabish was one of his superiors it would be self evident he was dealing with one of his superiors, and when he got an order from a superior he would act, like anyone else. We are in the same position again, in asking for an opinion. We do not want opinion evidence; we are trying to get at the facts.

Mr. OLSON: Were you subordinate to Mr. Fabish? Was he one of your superiors and would you expect to take orders from him?

Mr. RIDDELL: Yes.

Mr. OLSON: And you were told to make the payments, getting your instructions from Mr. Fabish.

Mr. RIDDELL: That was by telephone, yes.

The VICE CHAIRMAN: Now, we are getting into it again. You see, you cannot go in the front door if you cannot get in the back door. I am ruling that way, right or wrong. After he had conversation he may have done certain things.

Mr. LEBOE: The witness already has given that information. You already have it.

Mr. OLSON: I would like to ask Mr. Riddell this question, and I think this could be deciphered from the evidence; however, I want to get it in capsule form that he had orders to do something which he thought was not in the proper administration of his office, in making these payments.

The VICE CHAIRMAN: No, I am not going to allow that.

Mr. RIDDELL: I do not want to answer that.

Mr. LEBOE: You already have.

The VICE CHAIRMAN: He has, in substance, said he did certain things and communicated with certain people and did other things after.

Have you a question, Mr. Moreau?

Mr. MOREAU: Mr. Riddell, one of the basis for the beginning of this was a question which was asked in the house by Mr. McIntosh. I quote from page 5105 of *Hansard* of November 26, 1963. Mr. McIntosh said:

It arises out of a statement the minister of agriculture apparently made to a Liberal audience in Red Deer, Alberta, as reported in the *Edmonton Journal* of Monday, November 25, in which he said in part "patronage, what is that? I select people according to merit." If it is government policy that personnel are selected on merit why was it, in view of this statement by the minister, that Mr. George Walker, the former P.F.A.A. supervisor for Swift Current, was discharged from the government service.

This is a quotation from Mr. McIntosh and I would like to ask you who initiated the dismissal of Mr. Walker?

Mr. RIDDELL: I initiated the dismissal of Mr. Walker.

Mr. MOREAU: On instructions from no one?

Mr. RIDDELL: On instructions from no one. And, when I made up my mind, as I mentioned, I carried it out. The decision came to me in respect of the matter in 109 because I felt that there was a certain amount of reflection coming back on me which should have been someone else's responsibility. They had failed in the past.

Mr. MOREAU: You would not construe this as patronage, would you?

Mr. RIDDELL: I am not interested in patronage.

Mr. NIELSEN: What is 109?

Mr. RIDDELL: R.M. 109.

Mr. MOREAU: I mean the dismissal, through patronage. I was not referring to the other reasons for you initiating the action.

Mr. McIntosh also stated he had a dispute with you and that Mr. Walker was the innocent victim as a result of this dispute between yourself and you as director of the Regina office. You have already indicated, I think, in your testimony that the dispute, if there was one, really was not relevant to the action you took in connection with Mr. Walker. Would you confirm that?

Mr. RIDDELL: All I can say in connection with any dispute Mr. Walker and I had is that when I read that in *Hansard* I really was at sea to know what it was all about. As far as Mr. Walker was concerned and Mr. McIntosh, at this date when I recommended to the minister that he be discharged, Mr. McIntosh was out of the P.F.A.A. picture altogether and I was concerned because I was working under a different administration.

Mr. MOREAU: There has been some mention of C.A.R.'s, with which you were dissatisfied in this particular area, the Swift Current-Maple Creek area. Can you tell us if a similar situation occurred in other parts of the prairie areas.

Mr. RIDDELL: There was a similar situation in McCraney municipality which is around Haywarden, in that neck of the woods, in that neighbourhood southeast of Saskatoon. Also there was one township in Vonda about which we were suspicious. We went into one farmer there and got sufficient wheat from that farmer to raise the category so the farmer instead of getting paid \$3 an acre received \$2 an acre.

Mr. FRANCIS: This is one of the 54 townships?

Mr. RIDDELL: No, the 54 townships were in Swift Current. We did make considerable investigation around Hafford where we reinspected the whole municipality. This commenced under the former administration and was completed under the present administration.

Mr. MOREAU: Thank you. I think we have established that there were other problems in other areas of the spring wheat area and that you did conduct investigations in those areas.

Mr. LEBOE: May I ask a supplementary that is tied in?

Mr. MOREAU: I will permit one question.

Mr. LEBOE: Did you send, in fact, to these other areas inspection staffs from the Regina office.

Mr. RIDDELL: Absolutely. We sent Mr. Davies, Mr. Minor, Mr. McKinnon, Mr. Stewart—they were all there—and the supervisor, Mr. Watson. That was in R.M. 435.

Mr. MOREAU: I think you indicated, Mr. Riddell, that the normal procedure was for you to initiate action. However, probably as a matter of good public relations, you were to inform the members of parliament in the area that this investigation was to be carried out.

Mr. RIDDELL: That is correct.

Mr. MOREAU: You have indicated that Mr. McIntosh was not agreeable to your going into the Swift Current area with inspectors from the Regina office or from adjoining municipalities, and so on. Did any other members of parliament in areas which you were investigating object to your going in with supervisors from other areas?

Mr. RIDDELL: No one. No. I received every co-operation from the members.

Mr. MOREAU: Did Mr. Walker object to investigations by your office with supervisors from outside his municipality.

Mr. CASHIN: On a point of order Mr. Chairman, I have not objected to every question I regarded as irrelevant. If I had done so I would have objected to nearly all the questions, Mr. Brewin's question, one or two by Mr. McIntosh, a couple by Mr. Moreau and a couple by Mr. Olson. It seems totally irrelevant whether or not Mr. Walker objected because we are only interested in Mr. Walker in as much as any association Mr. McIntosh had with him led to his dismissal or in fact cast any reflection on Mr. McIntosh's good name. It seems to me Mr. Walker's objection to this inspection is totally irrelevant. It is not Mr. Walker who has raised a question of privilege in the house; it is Mr. McIntosh. We are not here to conduct an investigation into the dismissal of Mr. Walker.

The VICE CHAIRMAN: I am going to permit Mr. Moreau to complete the question.

Mr. GREENE: On the same point of order, Mr. Chairman, I think again we are getting into this ambit of the enquiry and Mr. Walker also should have the protection of this tribunal, whether he has been dismissed or not. We are not here trying Mr. Walker.

The VICE CHAIRMAN: Quite right.

Mr. MOREAU: It has come out in the testimony so far—and certainly this is one of the charges that was made before his dismissal—that he did not take orders from the Regina office, and surely this is relevant information.

Mr. LEBOE: It is very relevant.

Mr. FRANCIS: Certainly it is relevant.

The CHAIRMAN: These are the unfortunate aspects of this type of case. So far I feel that your questions are germane to the purpose for which the committee was formed.

Mr. MOREAU: Did Mr. Walker object to investigations by your office with staff and supervisors from other than his office?

Mr. RIDDELL: I suggested to Mr. Walker at that time that we were intending to do these inspections and that we would bring up supervisors from the surrounding areas. He objected and said he felt a supervisor from the surrounding area should not come in to his area and he did not want them in his area. If I ruled that they would come in he would have to accept it, possibly, but he certainly did not want it. Of course, they were not carried out.

Mr. MOREAU: A point was made earlier in the questioning by Mr. McIntosh which I would like to raise now. He made considerable point of the fact that you refused to give reasons for the dismissal to Mr. Walker directly. I would like to ask you what the normal procedure is in cases of dismissal. Were there reasons given usually?

Mr. RIDDELL: I am not in a position to answer that question. I think Mr. Bird might be in a position to answer that if he is called. I do not know, but he had experience in that and I have not. That is all I can say.

Mr. MOREAU: I recall that you made reference to a second telephone call from Mr. Faibish after, I think a first telephone call in which you were instructed to issue these cheques and after a subsequent visit to the minister in Regina you had decided to withhold the cheques. I do not want to get into inadmissible areas here. I think the testimony was perhaps that you were not going to issue the cheques and then you received a second telephone call from Mr. Faibish at which time the cheques were issued.

The CHAIRMAN: It has almost reached the point of letting in some privileged conversation. You say he did not do it and then there was a telephone call and then they were issued. The inference then on the record is that he was directed to do that, and I have been striving—and I feel very unsuccessfully at times—to avoid this sort of thing. My ruling was that he may have made a telephone call and that it should not be pursued. However, we are almost getting in that evidence from inferences being drawn that should not be drawn.

Mr. MOREAU: I bow to your wish, but I think this testimony has already come out.

The VICE CHAIRMAN: If it has come out, we should not pursue it any further.

Mr. GREENE: I wonder if the Chair would make a ruling. Mr. Faibish, I understand, is an executive assistant to the minister.

The VICE CHAIRMAN: I do not know.

Mr. GREENE: I wonder whether an executive assistant should not be afforded the same protection by the Chair as we expect a civil servant to be given. Is he in the same area or is it a political appointment, and would he not be afforded the protection?

The VICE CHAIRMAN: At the moment I hear it I am going to afford him the protection, and anyone else who is connected with the office. Everyone will be treated equally.

Mr. MOREAU: I accept your ruling and I will abandon that line.

Mr. Riddell, you have indicated to the committee that you had grave reservations about issuing the cheques in these 54 disputed townships in this area.

You had done about as much as you could to prevent the issuing of these cheques. You did say, I believe, that the cheques were issued in spite of the fact that the investigations were never carried out; is that correct?

Mr. RIDDELL: Yes. The investigations had to be carried out before the cheques were issued.

Mr. MOREAU: The reinvestigations were never made but the cheques were issued?

Mr. RIDDELL: Yes.

Mr. MOREAU: Those are all the questions I have to ask.

The VICE CHAIRMAN: Before proceeding, I should like to mention that the house will be assembling in two or three minutes. Can we determine when the committee shall meet again?

Mr. NIELSEN: Is the minister available?

The VICE CHAIRMAN: I spoke to the minister and pressed upon him the fact that we have these witnesses standing by, and that the committee was anxious to hear him. He said he would not be ready today but he would be prepared to come on Monday at an hour convenient to the committee.

Mr. LESSARD (*Saint-Henri*): I should like to propose an amendment.

Mr. NIELSEN: Perhaps we could ask the minister to be here on Monday.

The VICE CHAIRMAN: He has said he would be available on Monday.

Hon. Harry W. HAYS (*Minister of Agriculture*): I will be available on Monday, yes.

Mr. CASHIN: I have continued to object to the proceedings as they have taken place here today, and it seems to me, as I have said before although I do not have the support of the majority of the members of this committee, that this matter could be settled much more quickly by having the minister appear. I feel there are only a few pertinent things that can be said about these things, and we have already spent a great deal of time in pursuing irrelevancies. I respectfully suggest that as the house is going to sit until six o'clock this evening, we meet again this afternoon and I think it would be at least consistent with the way in which we have proceeded in this committee to sit again this afternoon at 2.30. We have given up Saturday in any event to come back and sit in the House of Commons. Estimates are now before the house, and I feel this committee can easily meet again this afternoon at 2.30.

The VICE CHAIRMAN: I wish no disrespect at all, Mr. Cashin, but I must say that I feel you are placing too optimistic a view on the situation, if I judge the tone of the temper of our proceedings accurately, when you suggest we can speed up our determination of this matter.

Mr. CASHIN: We have opened the flood gates now, and unless we are going to exercise some restraint we could go on ad infinitum. I think if we had the minister before us we could at least deal with matters that are relevant to the particular subject we are discussing. Perhaps a motion to hear from the minister at 2.30 this afternoon would be in order. If such a motion was brought forward and defeated, then I for one will stop my interruptions and accept the decision of the majority.

The VICE CHAIRMAN: I say with respect that I intend to have Mr. Riddell's examination completed in order to continue these proceedings. We must have some kind of order. I propose we continue with our examination of Mr. Riddell and then hear the minister when it is convenient to him.

I will entertain a motion now in respect of our next meeting.

Mr. NIELSEN: Mr. Chairman, I move we adjourn now and reassemble at 2.30 this afternoon to hear the minister and then commence our next meeting at ten o'clock on Monday morning.

Mr. FRANCIS: We could perhaps hear the minister this afternoon if it is convenient to him.

Mr. NIELSEN: Yes.

The VICE CHAIRMAN: Would that time be suitable to you, Mr. Hays?

Mr. HAYS: Yes.

Mr. GREENE: I do not think we should entertain a motion at this time that we will hear the minister at a certain time. Surely we are here basically to look after public business, and it may be that the minister will be available this afternoon. I am sure if the minister was available this afternoon and we heard him we would be expediting these proceedings, and I do not think we should preclude ourselves from hearing him today.

The VICE CHAIRMAN: We have a motion by Mr. Nielsen that we reconvene at 2.30 this afternoon.

Mr. NIELSEN: I will amend my original motion, Mr. Chairman.

I move that we adjourn now and reassemble at 2.30 this afternoon, and if it is convenient to the committee and the minister we will hear him this afternoon; otherwise we will convene at 10 o'clock on Monday morning and hear him at that time.

Mr. FRANCIS: I second the motion.

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, I would move an amendment to that motion to the effect that we adjourn until four o'clock Monday afternoon, after the orders of the day.

Mr. ROCHON: I second the motion.

The VICE CHAIRMAN: I would suggest that you are proposing an alternative rather than an amendment.

I intend now to put Mr. Nielsen's motion to a vote.

Mr. NIELSEN: The suggested amendment is actually a motion.

The VICE CHAIRMAN: As I understand the proposed amendment, it is a motion. We now have a motion with which we must deal. If it is not carried we will come back to this second motion.

All those in favour of Mr. Nielsen's motion that we reassemble at 2.30 this afternoon to hear the minister, if possible and convenient to him, or to reconvene on Monday morning at ten o'clock and hear the minister if it is convenient, raise your hands.

All those against the motion raise your hands.

The CLERK: There are seven for and five against the motion.

Motion agreed to.

The VICE CHAIRMAN: We will reconvene at 2.30 this afternoon in this room.

#### AFTERNOON SESSION

SATURDAY, December 14, 1963.

The VICE CHAIRMAN: The committee will please come to order. When we recessed Mr. Faibish spoke to me about his appearance before the committee. Rather than try to restate what he said, perhaps it will be better if Mr. Faibish should speak to the committee himself.

Mr. ROY FAIBISH (*C.B.C.*): Mr. Chairman, might I say that next week it might be difficult for me to appear on Monday afternoon or evening, but I

shall be available on Monday morning and for the balance of the week except, as I have said, Monday afternoon and evening.

The VICE CHAIRMAN: You are asking to be excused?

Mr. FAIBISH: That is right, but only for Monday afternoon and evening.

The VICE CHAIRMAN: Mr. Faibish says he cannot be here on Monday afternoon or evening. Is that right?

Mr. FAIBISH: That is right.

The VICE CHAIRMAN: I take it that he would be available thereafter. Does the committee agree to his request? Very well then. Is it your wish now that we proceed with Mr. Riddell? That was my suggestion when we broke off for lunch. Very well, Mr. Riddell. I think Mr. Moreau had finished questioning the witness. Does any other member wish to direct questions to Mr. Riddell.

Mr. FRANCIS: I have two brief questions. Mr. Riddell, going back to something which I think is basic, I refer to your concern about whether adequate inspections had been made of the townships when Mr. Walker was the field supervisor in that area. Did you give specific instructions to Mr. Walker to do reinvestigations or to initiate any reinvestigations?

Mr. RIDDELL: In the particular area we are talking about?

Mr. FRANCIS: Yes.

Mr. RIDDELL: No, I did not, because I felt any investigation in that area would be done under the supervision of our superintendent.

Mr. FRANCIS: In other words, you did not give him orders to do this because you felt that someone from outside the district should do it, to avoid any suggestion of partiality, and to provide a fresh approach to the matter.

Mr. RIDDELL: Yes, I think I covered that this morning.

Mr. FRANCIS: Yes, I think you did. Now, another question: were any other employees removed from office or dismissed during the period since you held your present post?

The VICE CHAIRMAN: Order. I do not think that question is germane to the discussion before the committee.

Mr. FRANCIS: Very well.

The VICE CHAIRMAN: As I understand it, the question was whether what was said impugns the privileges of the hon. member for Swift Current-Maple Creek, and that was the only reason we got into the subject of the dismissal of Mr. Walker, to see if it in any way reflected upon Mr. McIntosh. It seems to me that your question is not germane.

Mr. FRANCIS: Most of what I wanted to ask has already been asked. You did give specific instructions to Mr. Walker not to correspond with some municipalities, and you feel that there was a direct contradiction of your orders in one instance.

Mr. RIDDELL: Mr. Walker, I am sure, was aware of that.

Mr. FRANCIS: All right.

Mr. LEBOE: That did not apply to conversations?

Mr. RIDDELL: Oh, no, no.

The VICE CHAIRMAN: Does any other member of the committee wish to ask questions?

Mr. NIELSEN: Mr. Riddell, you made a statement that the office of supervisor or superintendent was held at the pleasure of the minister. I think that under the section you will agree that these offices are held at the pleasure of the governor in council. Is that not so?

Mr. LESSARD (*Saint-Henri*): Mr. Chairman, on a point of order, I think Mr. Riddell made no statement in the matter. He only answered a question. There is a difference between making a statement and answering a question.

The VICE CHAIRMAN: This is a question which I do not think is particularly difficult. It might help to keep the record straight. If Mr. Riddell said that, he may be thankful to Mr. Nielsen for clearing it up.

Mr. RIDDELL: Section 9 of the Prairie Farm Assistance Act, chapter 213, "Revised Statutes of Canada 1952" reads as follows:

9. The governor in council may appoint such officers, clerks and employees as may be deemed necessary for the efficient administration of this act, and such officers, clerks and employees shall hold office during pleasure, and receive such salary or other remuneration as may be fixed by the governor in council. 1939, c.50, s.10.

Mr. NIELSEN: My question is answered. You said that Mr. Walker objected to reinvestigating the riding of Mr. McIntosh. In what manner did he object?

Mr. RIDDELL: When we were discussing this matter he was not in favour of any reinvestigation being made in that area.

Mr. NIELSEN: Was he expressing an opinion at that time? What I am trying to clear up is this: on the one hand, you say that he was given no instructions to reinvestigate, while on the other hand you say he objected to it.

Mr. RIDDELL: We discussed the matter in the Regina office and he was in there, and we discussed the matter at some length, about this problem. Mr. Walker's attitude in connection with the thing was that there should be no reinspections made.

Mr. NIELSEN: Would it be fair to put it this way, that he was expressing his opinion when he expressed the view that there should be no reinspections?

Mr. RIDDELL: I think in the light of his position as supervisor and of his experience with P.F.A.A., and knowing how careful we have to be in connection with this thing, and seeing the records there in front of him, he should have felt that some action should be taken. That is my view.

Mr. NIELSEN: That is your view. That is fine.

The VICE CHAIRMAN: You did not answer Mr. Nielsen's question which was this: Was Mr. Walker expressing an opinion that he did not believe that it was necessary?

Mr. NIELSEN: Yes. I would restate the question. You did not answer it. Perhaps it was because you misunderstood it. Would it not be fair to say that when Mr. Walker raised these views to you, he was expressing an opinion concerning reinspection?

Mr. LACHANCE: Mr. Chairman, I do not think the witness should be asked to give us an opinion, yet that is what he is being asked to do.

The VICE CHAIRMAN: I appreciate your experience in this matter but it seems to me that the witness was being asked if, in his opinion, was Mr. Walker expressing an opinion. In other words, it is not the witness' own opinion that he is being asked to express.

Mr. LACHANCE: Mr. Chairman, the witness is being asked to give an opinion. The witness should not be asked for an opinion.

The VICE CHAIRMAN: I think the question is in order, with great respect.

Mr. RIDDELL: You are asking me if Mr. Walker was expressing an opinion in connection with this matter.

Mr. NIELSEN: I will restate the question for a third time. You already said that in your opinion, Mr. Walker, knowing P.F.A.A. and the importance

of the matter, should have realized the importance of these reinspections, and in your view, should have taken an opposite approach, and he did not. What I am asking is whether it would not be fair to say that Mr. Walker, in this conversation with you, was expressing an opinion rather than refusing to carry out these reinspections?

Mr. RIDDELL: Yes. Possibly I would have to go along with that.

Mr. NIELSEN: Could you tell us how long Mr. Minor had been with the P.F.A.A. at the time of these reinspections?

Mr. RIDDELL: I have not got the record of Mr. Minor with me.

Mr. NIELSEN: Could you give us an approximation?

Mr. RIDDELL: He was there when I was the director. Possibly Mr. Bird could give you more information on that particular item.

Mr. NIELSEN: You cannot give us even an approximation of his time with P.F.A.A. at that time?

Mr. RIDDELL: I think it was a couple of years before I joined P.F.A.A.

Mr. NIELSEN: You say that Mr. McIntosh, in discussing the matter with you on February 27 in the office, said he did not want Mr. Minor in his—Mr. McIntosh'—riding?

Mr. RIDDELL: I did not say that.

Mr. NIELSEN: Please correct me.

Mr. RIDDELL: I do not recall saying that on February 27 this happened.

Mr. NIELSEN: Perhaps my date is wrong. At one stage in conversation Mr. McIntosh told you he did not want Mr. Minor in the Swift Current area. Is my recollection correct there?

Mr. RIDDELL: That is right.

Mr. NIELSEN: Did Mr. McIntosh on any other occasion tell you why he did not want Mr. Minor in the Swift Current area?

Mr. RIDDELL: He expressed an opinion at that time, I believe, that some investigation had been carried on before my time in the area. I did not know anything about it. It was apparently his reason for not wanting him in there. That was something that had happened before my time in that area. As far as I was concerned this was the case of Mr. McIntosh not wanting Mr. Walker in the area.

Mr. NIELSEN: In your experience with P.F.A.A. would you say that the Swift Current area was one of the best administered areas of all the areas which come under your jurisdiction?

Mr. RIDDELL: I could not say that.

Mr. NIELSEN: Would you say it was one of the worst?

Mr. RIDDELL: I would say that the relationship between the Regina office and Swift Current was not of the best.

Mr. NIELSEN: I am not asking about the relationship; I am asking about the over-all administration of various areas coming under P.F.A.A.

Mr. CASHIN: Again on a point of order, Mr. Chairman, I have continuously raised points of order because I am convinced we are away out in left field on this matter. Perhaps I could object on every question, but I have tried to confine my objections to those affecting the degree of irrelevancy. I respectfully submit that Mr. Nielsen's question has to do with the administration. Perhaps there will be those who may want us to conduct a thorough investigation into the administration, but we are here today with the question of privilege.

I suggest, as I have done before, that according to our terms of reference we should consider the statement which Mr. Hays made in the house which gave rise to a question of privilege. When Mr. McIntosh did not accept that,

it was for this committee to decide whether that statement of itself constituted a breach of privilege. It is on the basis of that statement alone that we are properly discussing this matter. If we decide that the statement made by Mr. Hays was not a breach of privilege of itself, we can then report back to the Speaker that the statement which Mr. Hays made, and which he subsequently withdrew, did not constitute a breach of privilege. It is as simple as that.

We are not here to put anybody on trial, and to discuss the rightness or wrongness of a dismissal, or to discuss the administration of this program. That might be a very interesting discussion for another body to conduct. This committee might recommend—although we might not be in order in doing so—that an investigation be conducted by another body on this subject. I am not objecting to an investigation of this subject, because as an easterner the more I hear of western Canada the more I am concerned about how we can get those programs for our fishermen in the east. Concerning what we are supposed to be doing here, I will continue to object because I am quite convinced, I respectfully submit, that we are away out in left field.

Mr. GREENE: On a point of order, Mr. Chairman, I do not agree with my hon. friend that we are away out in left field; I do not believe we have even been in the ball park since yesterday afternoon. We have now got to the very dangerous point which I have raised, along with my friend here. Mr. Nielsen's question is not even on the dismissal, it is on how well the department is being run. We are now investigating the whole department, which is exactly what we raised here and has been raised continuously. Although Mr. Brewin did not like the words "McCarthyism" or "witch hunt" which I used yesterday, I say that a deliberation such as this can very easily lead to just that, and it can be a precedent for the kind of thing which can lead to that kind of unwanted and unconstitutional type of investigation into the public service.

We are here to determine a question of privilege, not whether or not P.F.A.A. was well run or badly run, nor whether Mr. Walker was dismissed improperly. If he was, I think we are all champions of the individual here and I would be the first person to vote that there be some proper method whereby Mr. Walker's wrong might be redressed. I suggested many times that he had a very simple and facile method of doing it, that is to bring an action for wrong dismissal to the exchequer court, which the government of Canada provided many years ago for men who find themselves in Mr. Walker's shoes. Of course, if he goes there, he has got to abide by the rules of the court; he has got to pay for court fees if he is wrong; whereas here it is entirely wrong for us to go into the entire ambit of his dismissal and, even worse, to investigate their department.

I respectfully submit, Mr. Chairman, that I know you are bending backwards to be fair. I do not want to quarrel with you on it, but with respect, Mr. Chairman, I suggest that you are bending over so far backwards that you are going to fall on your head unless you call these irrelevant things to the point at issue, which is the matter of privilege having to do with a word spoken in the house and its withdrawal.

The VICE CHAIRMAN: The argument is back to the nub somewhere.

Mr. NIELSEN: I am starting to make a point, and it requires proper background, as I am sure you will appreciate.

The VICE CHAIRMAN: Do you wish to make some submission? I am prepared to entertain it.

Mr. NIELSEN: Yes. The relevancy lies in this. On pages 5359 and 5360 of *Hansard* Mr. Hays has listed certain deficiencies which he has charged existed in so far as Mr. Walker is concerned and implicated thereby Mr. McIntosh, from which arises the question of privilege, and the motion put on page 5360 of *Hansard*. I draw your attention again to the last words of the motion:

And was not satisfactorily fulfilling his job.

The administration of the various areas by P.F.A.A., I understand, come directly under the various supervisors, so that if it can be shown, Mr. Chairman, that the Swift Current area was one of the worst administered areas under P.F.A.A., then that evidence would tend to show that there would be some justification for the remarks that were made.

If, on the other hand, it can be shown it was one of the best areas in comparison with others under the P.F.A.A., then it would tend to show there would be little justification for levelling this charge.

The VICE CHAIRMAN: I will hear you, Mr. Cashin, after Mr. Nielsen has finished his submission.

Mr. NIELSEN: I was merely endeavouring to inquire about this, because I do not know, any more than any other member of the committee knows, whether in relation to other areas being administered under the P.F.A.A. Swift Current is one of the best, one of the worst, above average, or below average. I think it has a connection so far as it concerns Mr. Walker's responsibility in that particular area.

Mr. CASHIN: Mr. Chairman, I could not better cite the reason why we are out of order than to repeat what Mr. Nielsen said himself just now. It comes back to the point of Mr. Walker's dismissal. The question of privilege has to do with Mr. McIntosh and is confined to the words used in the house.

We are not here to ascertain how efficient the Swift Current office was or how poor it was, or anything to do with the administration. It is simply a question of whether or not there was a breach of privilege. That has nothing to do with Mr. Walker; it has to do with Mr. McIntosh. Yesterday Mr. McIntosh seemed to imply we are here to sort of see whether any wrong was done to Mr. Walker. It may well be the wish of some hon. members that a committee of the House of Commons be constituted as a sort of court of last appeal, or a court of appeal for wrongfully dismissed persons—and I would be prepared to debate that at the appropriate time—but this is on a question of privilege and we are dealing with a question here which is totally irrelevant.

Mr. LEBOE: I have no observation to make. I think Mr. Cashin has missed something which is very important here; that is the fact that the only door which is open through which to bring anything in here is the door of the House of Commons, that is the door through which business comes in and goes out. We accepted this earlier in our deliberations, and I object to having the same argument repeated over and over again. Anybody who reads this record will find the same arguments appearing over and over again. The same member says he is going to continue to object. The committee decided to go ahead with the proceedings, and certainly it must be relevant to what we are trying to get at, because a relationship does exist, as has been shown, between the witness and what happened to Mr. Walker—

Mr. NIELSEN: Mr. Chairman—

Mr. LEBOE: —and the member for Swift Current-Maple Creek. That already has been established by evidence. Any cross-examination which might bear on the efficiency of Mr. Walker, which might exonerate the member from having been involved in any interference which would cause any reflection on the member, surely is relevant to this hearing. I object to this continual interference, because we are seized of this through the House of Commons and should deal with it.

Mr. FRANCIS: It seems to me the house refers more than matters of privilege to this committee; for example, the Rodgers case is not a matter of privilege. In my opinion there is no evidence whatsoever of privilege in anything which has been brought before us before. Nevertheless a specific subject has been referred to this committee, which, in my opinion, is not a subject of

privilege, but since this matter has been referred to us, we are under some obligation to investigate it. There is certainly no evidence of privilege. However, that does not mean we should discontinue our investigation.

Mr. NIELSEN: In my second swing—

Mr. GREENE: I wish to speak on a point of order.

Mr. NIELSEN: —I would like to refer you to the closing words of the motion at page 5360 “and was not satisfactorily fulfilling his job”.

Mr. GREENE: I take it that Mr. Nielsen now alleges we can go into wrongful dismissals. We are here on a point of privilege. It is as simple as this. If an hon. member in the house had been called a son of a b. in the house and then the minister had said “Well, I sort of withdraw that”, or said words to that effect, then we would have to determine whether or not the term “son of a b.” was an insult and, secondly, whether the withdrawal remedied the breach of privilege; we would not be entitled to go into the past life of the member from the day he was born to find out whether, in fact, he was a son of a b. That is exactly what we are doing here.

We are trying to prove the truth or falsity of allegations made by the minister. We are here to determine whether these words did constitute a breach of privilege and whether in fact the withdrawal of the minister was sufficient to rectify any breach of privilege which has been committed. We actually should not look beyond the words themselves. In my analogy, I certainly think we could not go back into the members's life to try to justify this breach of privilege. It is only the words themselves which constitute either a breach of privilege or do not; and if they do constitute a breach of privilege, our next question is, was the withdrawal satisfactory rectification of that breach of privilege. We are not here to try Mr. Walker.

Mr. NIELSEN: Mr. Chairman—

The VICE CHAIRMAN: I recognize Mr. Olson.

Mr. OLSON: The points of order which tend to be raised are, I submit, interpretations in respect of whether or not this is a proper procedure for our committee. I think the committee decided to conduct the investigation on the basis on which we have proceeded. If there is any question about this, let us have a vote on it so that we can get rid of the continual interruptions.

Mr. NIELSEN: I do not know what is the objective of Mr. Cashin and Mr. Greene. Surely all members of the committee wish to expedite the work as much as possible; but there are these continual remarks.

Mr. GREENE: Mr. Chairman—

Mr. NIELSEN: Would the hon. member allow me the same courtesy which was extended to him? Perhaps it might help to settle the question once and for all for all members, Mr. Chairman, if you would refer to Beauchesne's fourth edition at page 244, citation 304, subparagraph (2) where it is set forth that:

A committee is bound by, and is not at liberty to depart from, the order of reference.

I do not think I need read the rest of the citation. It seems to me that Beauchesne is quite clear. The reference in the motion is quite clear. I would like to put on the record once again the motion made by Mr. McIntosh at page 5360 of *Hansard*:

That the question of privilege I raised respecting the statement by the Minister of Agriculture that:

“Apparently he does not understand that the problem arose out of the fact Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek instead of the director. This was one of the problems, and was not satisfactorily fulfilling his job.”—be referred to the standing committee on privileges and elections.

The closing words of the motion were "and was not satisfactorily fulfilling his job" be referred to the standing committee on privileges and elections." I say that requires and binds us, by the citation I have quoted, to inquire into matters which may tend to show whether or not Mr. Walker was satisfactorily fulfilling his job.

Mr. LACHANCE: On the same point of order, Mr. Chairman, I agree with Mr. Nielsen to the point that the motion, in effect, says "and was not satisfactorily fulfilling his job". But, he may very well have fulfilled his job up until that time. We are investigating whether at that time Mr. Walker was fulfilling his job properly or not, not two years before or one year before. We are not investigating whether the administration was properly carrying out its duties. I think we should stick to that area of time.

Mr. GREENE: Mr. Chairman, on a point of order, Mr. Nielsen is now switching horses because yesterday this came up and at that time Mr. Nielsen agreed it was a point of privilege but that the privilege had not answered to the satisfaction of Mr. McIntosh, because the ten points that he has alleged were a qualification of that withdrawal Mr. McIntosh was not prepared to accept; you will recall, Mr. Chairman, we deliberated that at some length.

So, Mr. Nielsen gets on his other horse and says that we can now discuss the question of the dismissal, which is not the position he took yesterday. This is exactly why it is obvious to all members that this is not what we are here to do and that if one day one horse fits we ride it and if on another day another horse fits we ride it. In doing that we will soon use up the whole stable, and we will be here for a long, long time.

Mr. NIELSEN: Mr. Chairman, I would like to have the privilege of replying to Mr. Greene. Perhaps he is a better horseman than I am, but at no time yesterday did I suggest the committee should depart at all from its order of reference contained in a motion which was agreed to unanimously in the house.

I think Mr. Greene may have been confused in respect of remarks made in the committee. I was absent a good portion of the time yesterday when certain remarks were made by others. I never suggested that in respect of Mr. Hays' list of alleged deficiencies of Mr. Walker there was not an implication that Mr. McIntosh was involved. I believe that is the purpose of the inquiry.

Mr. Greene is quite wrong when he asserts that I have followed two different courses.

Mr. FRANCIS: Mr. Chairman, this can go on all day; it has to stop at some time.

The VICE CHAIRMAN: I think this should be resolved here and now.

First of all, Mr. Francis raised the point that this did not concern a matter of privilege; with great respect and deference to Mr. Francis, the reference is that the question of privilege raised by the hon. member for Swift Current-Maple Creek respecting the statement made by the Minister of Agriculture be referred to the standing committee on privileges and elections; so, in my humble opinion, we are dealing with a question of privilege. The question is this: do these words—the privilege being, as I understand it, words used by Mr. Hays—reflect upon the honour and privileges of the hon. member for Swift Current-Maple Creek? Then, you have the following words:

Apparently he does not understand that the problem arose out of the fact Mr. Walker was taking orders from the hon. member for Swift Current-Maple Creek instead of the director.

Prima facie, I think there is a reflection upon the hon. member from Swift Current-Maple Creek and that there is properly a question of privilege.

Then, I go on:

This was one of the problems—

Followed by:

—and was not satisfactorily fulfilling his job.

It seems to me, with respect, these words could be construed as being a reflection on the privileges of the hon. member for Swift Current-Maple Creek only in connection with Mr. McIntosh's interference that led to the dismissal.

I do not think we can be involved in the rightness or wrongness of the dismissal of Mr. Walker; we are not here to decide that. First of all, if we decide he was wrongfully dismissed we are not in a position to give him adequate compensation. It is not for us to decide that.

Now, I have allowed considerable leeway, realizing the problem involved. In my humble opinion, we are not here to decide the reason for his dismissal. That is not our function and it was never intended to be. Everytime a person is dismissed it is not going to be referred to a committee. But, the question is: Did his dismissal reflect upon the hon. member? If my ruling is challenged I will welcome it. I do want to clear the air once and for all.

It seems to me, with great deference to Mr. Nielsen, the question whether or not this particular area was administered better or less effectively than other areas does not reflect in itself upon Mr. McIntosh. Again we are getting into this question of the rightful or wrongful dismissal and again I say, we are not here for that purpose. As I said, I have leaned over backwards, and I do not apologize for doing that. I am striving to do the right thing. But, I feel we are getting somewhat far afield and, with great respect to the hon. member, I feel the question he has posed to the witness is not pertinent to the scope of our inquiry.

Mr. NIELSEN: Thank you, Mr. Chairman; I will accept your ruling. However, the use of your words leads me to believe you do not recollect exactly what the question was. A moment ago you referred to whether or not the department was administered in this area efficiently. I put three questions and, perhaps, I could paraphrase them: would the witness say whether or not the area of Swift Current-Maple Creek was being administered in a good, poor or an average fashion?

The VICE CHAIRMAN: Of course, you see we are getting away from the point at issue. Whether it was or was not is not going to reflect upon Mr. McIntosh. As I see it, the point is whether or not it is going to reflect upon Mr. McIntosh. It is true that you can go on, you can say that if it is run well there would not be anything in the way of interference and so forth and so on. You can draw that type of inference. I feel we may be going beyond that point, perhaps. Suggestions have been thrown out here. I do not want to make further comment except to say that it may be that the committee might want to refer this to some other body, to some other forum of the house. My recommendation is that it should go to an independent body rather for us to try to decide the rightness or wrongness of this dismissal.

Mr. NIELSEN: The only point to be decided is whether or not that particular question is quite relevant.

The VICE CHAIRMAN: You are quite right; I bow to your suggestion.

Mr. NIELSEN: May I suggest that the relevancy consists in this, that the words used by Mr. Hays in the house on the question which was subsequently referred to this committee—and the words of the motion which I have read more than once—suggest that we should allow a line of questioning that would tend to show that Mr. McIntosh is not implicated in the dismissal of Mr. Walker, for the reasons stated by Mr. Hays in the house, and the line of questioning I was following was precisely that.

Mr. Hays had said that in fact—to paraphrase—Mr. Walker's area was not being administered properly or efficiently. If this witness can testify it was being administered well, then that throws some light on the words used by Mr. Hays, which words, I suggest, implicate Mr. McIntosh. We are here to decide whether or not they do implicate Mr. McIntosh. Therein lies the particular question. While I have not sat throughout all the hearings of this committee, I have sat here for several hours and I have listened to a wide range of questions by all hon. members questioning this witness. I believe I had reached my fifth or sixth question and out of these five or six questions an objection has been raised to three. I do not know whether I naturally attract that sort of opposition, but I would suggest the question be allowed.

Mr. GREENE: On a point of order—

The VICE CHAIRMAN: I have made my rulings. I think we are prolonging this unnecessarily. I have heard Mr. Nielsen and I thought that I had shown him the courtesy of listening with an open mind. However, I made that decision. It has been said that I have allowed leeway, and I have tried to do so. I think I have allowed Mr. McIntosh much leeway because of his peculiar position in the matter at issue. And I thought that was the least I could do. I have made my ruling, Mr. Nielsen, and if the committee takes exception to it, then they express their exception and I will take no exception to the committee doing so.

Mr. NIELSEN: Since my question was involved, I would like to extend you the same courtesy, Mr. Chairman, by not challenging your ruling.

The CHAIRMAN: Mr. Nielsen, will you continue.

Mr. NIELSEN: There is one question I overlooked, and which I should ask Mr. Riddell, with regard to Mr. Minor. Mr. McIntosh told him why he did not wish to have Mr. Minor in his riding. Can you not recall Mr. McIntosh saying to you that one of the reasons was that Mr. Minor was a known ex-R.C.M.P. officer and this was one of the objections he had to having him appear in the Swift Current area?

Mr. RIDDELL: Do I remember him saying that?

Mr. NIELSEN: Yes.

Mr. RIDDELL: Possibly that was mentioned.

Mr. NIELSEN: Do you remember him saying it or do you not?

Mr. RIDDELL: I would say possibly it was mentioned. It was mentioned.

Mr. NIELSEN: That was not my question. I am asking you if you remembered Mr. McIntosh saying it. If you remember say so and if you do not remember say no.

Mr. RIDDELL: I do not remember whether he mentioned it, or whether I mentioned it. I do not recall that detail. I believe it was mentioned. That is all I can say.

Mr. NIELSEN: You believe it was mentioned.

Mr. RIDDELL: Yes.

Mr. NIELSEN: There has been a certain amount of evidence adduced, Mr. Riddell, that certain cheques were held up and that they were then paid. Were any cheques other than cheques for Swift Current area held up for P.F.A.A. ridings?

Mr. RIDDELL: Yes.

Mr. NIELSEN: Were they held up for all areas?

Mr. RIDDELL: You say other than Swift Current? Do you mean the whole Swift Current area?

Mr. NIELSEN: Just Mr. Walker's area.

Mr. RIDDELL: Do you mean all of Mr. Walker's area?

Mr. NIELSEN: Let me rephrase the question. Was the hold up of these cheques only from Mr. Walker's area?

Mr. RIDDELL: The cheques were not held up in all of Mr. Walker's area.

Mr. NIELSEN: Were cheques held up for areas other than Mr. Walker's area?

Mr. RIDDELL: Yes, there were areas other than Mr. Walker's area where cheques were held up, pending further investigation.

Mr. NIELSEN: Can you tell us whether the cheques were held up for areas coming under the supervision of all the supervisors?

Mr. FRANCIS: Is there any relevance in this question?

Mr. RIDDELL: In all the supervisors' areas? Cheques were held up in three other supervisors' areas at that particular time.

Mr. NIELSEN: Did Mr. Walker ask you to give the reasons for his dismissal?

Mr. FRANCIS: That is repetition.

Mr. NIELSEN: I was not here and I apologize if it has been asked before. I will not pursue it.

In your experience with P.F.A.A., can you recall any occasion when these cheques have been held up?

Mr. RIDDELL: We delay cheques all the time if we feel we should. The situation is, Mr. Nielsen, if I may elaborate, Mr. Chairman, that—

The VICE CHAIRMAN: I will allow you that latitude on this occasion.

Mr. RIDDELL: The situation is that the supervisors in any given area supervise the inspection reports taken in their area. Their responsibility is to see that the reports are collected and that every section in every township is accounted for. The reports are all checked in their offices. During the course of their checking in the offices, if the supervisors see any irregularities they should immediately implement some sort of investigation. It was said that Mr. Walker refused. Mr. Walker did not—let us put it in this way—make investigations which he should have made. He should have contacted our office and said that this does not look right and carry on an investigation from there. That is our situation. We have to depend on those men in the field to co-operate with us whenever that sort of thing happens. Those reports are filed in our office. If it gets by them and it comes to our office we refer it back to them. That is the way in which the operation works.

Mr. NIELSEN: Is it the normal course to rely on the recommendations of your supervisors, Mr. Riddell?

Mr. RIDDELL: In what respect are you referring?

Mr. OLSON: I do not like to raise a point of order because it seems to be only a waste of time, but if Mr. Nielsen had been here yesterday and listened to the evidence given by Mr. Riddell, he would realize that all these questions have been asked and answered earlier.

Mr. FRANCIS: Mr. Chairman, it is hardly fair to the members of this committee and the witnesses to have all this evidence repeated.

Mr. NIELSEN: I am advised that the point I am trying to bring out at the moment by Mr. McIntosh who is right beside me—

Mr. FRANCIS: Perhaps Mr. McIntosh could ask the question.

Mr. NIELSEN: Perhaps you will allow me to finish what I want to say?

The VICE CHAIRMAN: I gather Mr. Nielsen is nearing the end of his questions. He intimated that he only had one or two more questions.

Mr. NIELSEN: I am nearing the end of my questions, Mr. Chairman.

Mr. McIntosh who has attended all of these hearings tells me the point I am leading up to now has not been covered. Perhaps time would be saved if the committee would allow me to proceed with the very few questions I have left.

The VICE CHAIRMAN: Proceed Mr. Nielsen.

The reporter tells me it is difficult to hear you, Mr. Nielsen. Perhaps the microphone is not working up here.

Mr. NIELSEN: Mr. Chairman, I can speak louder.

Mr. Riddell, the question was, your normal course is to rely on the recommendations of your supervisor; is that right?

Mr. RIDDELL: I do not know what you mean by "recommendations", sir.

Mr. NIELSEN: Let me put it this way. Is it your normal course to recheck every recommendation made to you by one of your supervisors in the field? Do you personally recheck every one of those recommendations which are made by the supervisors?

Mr. RIDDELL: I do not follow your word "recommendation". I do not know what you mean by that word.

Mr. NIELSEN: Do you normally accept the reports of your supervisors?

Mr. RIDDELL: To what reports are you referring?

Mr. NIELSEN: I am referring to any reports.

Mr. RIDDELL: Are you referring to the cultivated acreage reports now, or weekly reports turned in or crop reports?

Mr. NIELSEN: I am referring to any report.

Mr. OLSON: Mr. Chairman, that is a question to which there is no answer.

Mr. NIELSEN: I believe there is an answer to that question.

Mr. OLSON: You should have been here yesterday to follow this course of administration.

Mr. NIELSEN: Mr. Chairman, in spite of the objection I suggest with respect that these are questions the witness can answer.

An hon. MEMBER: Mr. Chairman, if the witness does not understand the question he cannot answer it.

Mr. NIELSEN: Is it your proper course to accept the report of your supervisor in respect of investigations?

The VICE CHAIRMAN: Do you understand the question or not?

Mr. RIDDELL: I do not understand the question.

Mr. OLSON: Of course not.

Mr. RIDDELL: I do not understand the question when the hon. member refers to "reports". The word "reports" is very general as far as we are concerned.

Perhaps I can answer in this way. Some reports we accept and some we do not and that is the only way I can answer your question.

Mr. NIELSEN: Thank you very much, Mr. Riddell.

Mr. RIDDELL: I am not trying to be evasive. I do not understand your question. I hope you will not feel that I am being hostile.

Mr. NIELSEN: Your answer is that you accept some reports and reject others.

I should like to ask a question in respect of the cheques because I am not clear on this matter. Mr. Walker, I take it, recommended that these cheques be paid; is that right?

Mr. RIDDELL: Mr. Walker does not recommend that the cheques be paid.

Mr. NIELSEN: Were you instructed to send out the cheques?

Mr. RIDDELL: Was I instructed to send out the cheques; is that your question?

Mr. NIELSEN: That was my question, Mr. Riddell.

Mr. RIDDELL: Yes, I was instructed to send the cheques out.

Mr. NIELSEN: How long after you were instructed to send the cheques out did you follow those instructions?

Mr. RIDDELL: Let me answer in this way. We do not send the cheques out. The treasury sends the cheques out. I received instructions approximately noon on one day; I instructed our administration to put the cheques through treasury so that they would be paid that afternoon. I was referring to final instructions.

Mr. OLSON: Mr. Chairman, all these questions have been asked and answered.

Mr. NIELSEN: Prior to your final instructions, as you termed them, did you receive any formal instructions to send the cheques out?

Mr. RIDDELL: I did, and those instructions were overruled by the minister.

Mr. NIELSEN: I did not ask for that answer, Mr. Chairman.

The VICE CHAIRMAN: I did not anticipate that answer.

Mr. GREENE: Mr. Chairman, on a point of order, perhaps we should afford the previous minister the same privilege.

The VICE CHAIRMAN: The answer was out before I could cut it off. I did warn the witness not to say anything in respect of communications passing between him and any official of the department.

Mr. RIDDELL: I am sorry, sir.

Mr. NIELSEN: I did not ask him who had instructed him. I was very careful not to do that.

The VICE CHAIRMAN: This is the sort of difficulty we get into by proceeding in this way and this bothers me considerably.

Mr. NIELSEN: I should like to ask one further question. Were the final instructions to have the cheques sent out followed to your knowledge?

Mr. RIDDELL: Yes, they went out to the treasury office. They took action to process the cheques. Another element entered the picture. I do not know whether I should mention this or not.

Mr. NIELSEN: If you are in doubt do not mention it.

Mr. OLSON: Have you the dates on which the cheques were issued?

Mr. RIDDELL: The dates the cheques were issued and payable, or the date appearing on the cheques were March 25, and 26.

Mr. OLSON: Are you referring to the year 1963?

Mr. RIDDELL: I am referring to 1963, yes.

Mr. LEOE: What month were the cheques issued in 1963?

Mr. RIDDELL: They were issued in March.

Mr. GREENE: Mr. Chairman, I did not hear the answer.

Mr. RIDDELL: The cheques were issued on March 25, and 26, 1963.

Mr. NIELSEN: Mr. Chairman, I should like to ask a question in respect of another date. Can you give us the date that you received your instructions to send out the cheques?

Mr. RIDDELL: I received that instruction on February 28, sir.

Mr. NIELSEN: To your knowledge, has a similar situation ever arisen where cheques have been held up or instructions have been received to hold up the

cheques, and those instructions were subsequently changed, during your administration of the P.F.A.A. Act.

Mr. RIDDELL: Not to my knowledge, no, sir.

Mr. NIELSEN: Mr. Chairman, I am just checking my notes to make sure I have no further questions to ask.

The VICE CHAIRMAN: I think we are now approaching the windup of Mr. Riddell's examination. If the members of this committee will bear with me I think we will save time.

Mr. NIELSEN: I have no further questions, Mr. Chairman.

Mr. BREWIN: Mr. Chairman, in view of what has taken place thus far I think it is perhaps timely to raise a question of procedure, bearing in mind what has taken place in this committee to date. If we follow the procedure that has been followed the meetings of this committee may well be interminable and we will perhaps never arrive at any conclusion. We are dealing with a question of privilege arising from an alleged maligning of an hon. member's character. That is the only question that has been referred to in this committee.

The hon. member has suggested that for some reason the minister asked for the dismissal of Mr. Walker, indirectly or directly implicating that hon. member. This witness has asserted quite clearly that the reasons for the dismissal of this individual were not connected with observations which have been made rightly or wrongly about Mr. McIntosh. The suggestion has been made that the reason for the dismissal of this individual, presumably was based upon a report made by this witness to the minister through the deputy minister. It appears to me that if the minister will come forward and say that the normal privilege afforded to a crown department or executive to refuse to produce this evidence prevents the production of this report, then this committee should report back to the House of Commons that it is unable to make any proper inquiry because of this privilege.

If, on the other hand, the Minister of Agriculture should come in and say that public interest is not affected, and that indeed public interest would be served under all the circumstances by production of this report, then we could see the report. If the report, again, says what Mr. Hays says, so far as it concerns the reasons for the dismissal and that it did not reflect upon the hon. member for Swift Current-Maple Creek, I think there would be no point of privilege left, and we would not be required to go on with these proceedings, which it seems to me have no prospective end, if we are going on with a whole series of witnesses.

Therefore I ask the question: would it not be possible at some fairly early stage before we go too far to have the minister come and let us see if we can see that report or not. If the report indicates some connection with the hon. member whose privilege we are investigating, we could continue to examine these witnesses about it, because his evidence would tend to indicate to the contrary.

But if it shows no connection, and if the minister says there is no connection, I would be receptive to a motion to report that there is no point of privilege of the member involved. And as far as I am concerned, I do not accept the view of this reference that we are here to determine the rights and privileges of Mr. Walker. We are not here to do that. They were only referred to us because they were part of the material discussed in the house, or if it was not discussed in the house, would it give us authority to decide on the rightness or the wrongness of Mr. Walker's dismissal?

I think we could shorten some of these proceedings if we adopted some sort of procedure as I have suggested.

Mr. LEBOE: I agree very heartily with the objection expressed by Mr. Brewin, but unfortunately, along with the statement that there was no connection, we have a statement of the witness who says Mr. McIntosh turned out to be an assistant supervisor to Mr. Walker. That is one statement, as I recall it, and I have it written down. And also that Mr. Walker would not co-operate. I am taking the two things together. He said that Mr. Walker would not co-operate with the Regina office. That was said in answer to a question of Mr. Olson; did he co-operate with Mr. McIntosh? I would like to get rid of this lion that we have got by the tail as well as anybody, but surely we are seized of something here, and it is difficult to divest ourselves of it, as I see it. I do not know how we are going to do it. I am not capable of seeing how we are going to do it. But these things are matters of record now.

The VICE CHAIRMAN: As I understood his evidence—and it is not for me to cast judgment on his evidence at this stage—his evidence was, generally speaking, that there had been, he felt, indicated interference by Mr. McIntosh, so that eventually he discharged Mr. Walker. Whether the immediate dismissal of Mr. Walker was related to anything that Mr. McIntosh did at that time, I think he indicated that he felt there had been interference by Mr. McIntosh earlier. That is my opinion.

Mr. LEBOE: It is pretty hard for me, in my mind, to separate things.

Mr. GREENE: On Mr. Brewin's point, I suggest a very salutary solution which may be a compromise between those of us who take the view that with reference to our having been occupied for quite a while on this, and those who feel that they would like to wash all the linen. I have some questions to ask but I would be prepared to reserve my right so that we could carry out Mr. Brewin's motion, if it could be settled peremptorily in that way.

The VICE CHAIRMAN: I think Mr. Brewin's point is well taken. It is not our intention to go into the whole administration of the P.F.A.A. under this or under a prior government. I think there are narrower limits that we have attempted to keep within. That was our purpose.

Mr. LESSARD (*Saint-Henri*): This committee has been sitting every day this week and we have had long hours of sitting, two or three times a day. I feel that some of us must take the train to go to our ridings. So I move the adjournment until Monday at four o'clock.

The VICE CHAIRMAN: Before I put your motion—

Mr. LESSARD (*Saint-Henri*): I think a motion for adjournment is not debatable.

Mr. NIELSEN: There is this aspect of it.

The VICE CHAIRMAN: May I have your indulgence for a moment to deal with Mr. Brewin's motion?

Mr. LESSARD (*Saint-Henri*): He did not make a motion.

The VICE CHAIRMAN: No. I will deal with your motion in a moment, if you will bear with me.

Mr. BREWIN: What I said was in the nature of a recommendation to the steering committee. I do not know if Mr. Hays is available. If he is available, I would like to have him come and deal with what I think is a simple matter.

The VICE CHAIRMAN: He is not making a motion. Are you making a motion? Are you insisting on a motion?

Mr. NIELSEN: On a point of order, the committee did pass a motion this morning respecting Monday's hours of sitting. I believe under the rules we cannot go back on that order, if the committee has passed it.

Mr. LACHANCÉ: A committee is master of its rules.

Mr. GREENE: I suggest that an adjournment, if it is in order, might help

Mr. Brewin's suggestion, and that the Chair and the steering committee could consider between now and Monday, whether it would not be a good suggestion to have the minister here right at the outset.

Mr. NIELSEN: May I cite Beauchesne, the fourth edition, page 167, citation 200, subparagraph one as follows:

200. (1) An old rule of parliament reads: "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the house." Unless such a rule were in existence, the time of the house might be used in the discussion of motions of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session. B. 328-9.

And I also cite citation 288 on page 237 of Beauchesne, fourth edition, which reads as follows:

288. Committees are regarded as portions of the house and are governed for the most part in their proceedings by the same rules which prevail in the house.

Every question is determined in a committee in the same manner as in the house to which it belongs. M. 478.

Until the quorum is present, the committee cannot proceed to business. It is the duty of the clerk attending the committee to call the attention of the Chairman to the fact when the number of members present falls below the quorum, whereupon the Chairman must suspend the proceedings until a quorum be present or adjourn the committee to some future day. See May, 461. Red. 2,189.

What is the effect of the absence of a quorum upon the validity of a committee's proceedings? The Speaker of the British House of Commons, speaking of a bill which was in committee when the latter rose for want of a quorum said: "On the assumption that the committee met and proceeded without a quorum, I should be of opinion that the committee, properly speaking, was never constituted and did not meet, and that none of the work done could be accepted as being the work of that particular committee. If there is a quorum when a committee begins to work and that quorum melts away, it will be for the house, I think, in each case, to determine whether it would be necessary to recommit the bill. Parl. Deb. 177, 4s, 716.

If several members persist in not attending a committee to which they have been appointed, in order to prevent it from dealing with a question to which they are opposed, they can be adjudged guilty of contempt. Every member of a legislative body is bound to serve on a committee to which he has been duly appointed, unless he can show the house that there are conclusive reasons for his non-attendance. If a member is not excused and nevertheless persists in refusing to obey the order of the house, he can be adjudged guilty of contempt. (B.462.) It is the duty of standing committees, as of all committees, to give to the matters referred to them due and sufficient consideration. (M. 464).

I would ask you, Mr. Chairman, to rule that the motion is out of order on the basis of the citations which I have read.

Mr. LEBOE: The question of the motion not being debatable does not arise because this is a motion to adjourn with an attached debatable rider?

The VICE CHAIRMAN: We did not set a time when we would rise this afternoon. The motion that we rise now is a new motion; it is not contradictory to the prior motion.

Mr. LEBOE: But there was a rider to it, that we meet at four o'clock on Monday; therefore that part of it would be debatable.

The VICE CHAIRMAN: If it is the wish of the committee that we rise now, the only question that remains is whether we should come back on Monday at ten o'clock or four o'clock. I hoped the committee would be unanimous on it and not put me in the position of having to rule at what time we should meet on Monday.

Mr. NIELSEN: If the committee wishes to act unanimously on the suggestion raised by Mr. Lessard, certainly I will be amenable as long as it does not set any precedent.

Mr. LESSARD (*Saint-Henri*): The reason why I suggested four o'clock on Monday is that members from Montreal come up on a train which does not get here before half past ten and sometimes a quarter to eleven in the morning.

Mr. OLSON: If Mr. Hays is available this afternoon, I suggest we defeat the motion.

Mr. LEBOE: Let us have Mr. Hays.

Mr. OLSON: He said he was available this afternoon; let us call him first.

Mr. CASHIN: Let us have the motion first.

The VICE CHAIRMAN: I will speak to the point of order. The motion to adjourn, as I see it, in standing order 25 in Beauchesne's fourth edition reads:

A motion to adjourn (except when made for the purpose of discussing a definite matter of urgent public importance), shall always be in order, but no second motion to the same effect shall be made until after some intermediate proceeding has been had.

Mr. LEBOE: I agree with that, but the time limit added to it does make it a debatable motion. It is not just a motion to adjourn; it is a motion to adjourn and meet again at a certain time.

The VICE CHAIRMAN: I agree.

Mr. NIELSEN: I am not questioning the motion to adjourn. Might I suggest—as it might meet Mr. Lessard's problem and other members like him, as well as Mr. Olson's and Mr. Brewin's suggestions—that we adjourn for fifteen minutes to see if we can get Mr. Hays. If Mr. Hays cannot be with us, then we can reassemble and deal with the motion to adjourn for the rest of the afternoon.

Mr. CASHIN: Let us have the question.

Mr. LESSARD (*Saint-Henri*): Yes.

The VICE CHAIRMAN: It is moved by Mr. Lessard and seconded by Mr. Rochon that the committee adjourn until four o'clock on Monday. All in favour? Ten. Contrary? Seven.

Motion agreed to.

The committee adjourned.

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MONDAY, December 16, 1963.  
4.00 p.m.

The VICE CHAIRMAN: Gentlemen, I see a quorum and would ask you to come to order.

When we adjourned Mr. Riddell was on the stand. As was announced, the Minister of Agriculture is here this afternoon and ready to proceed. I understand that the minister has suggested that he will defer his statement until Mr. Woolliams has had the opportunity of asking one or two questions of Mr.

Riddell, at which time I understand Mr. Riddell will step down and the minister will then come forward. Does this suggestion meet with the approval of this committee?

Mr. McINTOSH: Mr. Chairman, I take it Mr. Riddell is not finished as yet, and we will be able to recall him after the minister has made his statement?

The VICE CHAIRMAN: I think it is agreed that Mr. Riddell will be subject to recall if it is the wish of the committee.

Some hon. MEMBERS: Agreed.

The VICE CHAIRMAN: Mr. Riddell, will you come to the head table, please? Are you ready?

Mr. HOWARD W. RIDDELL (*Director, Prairie Farmers Assistance Act, Regina*): Yes, Mr. Chairman.

Mr. WOOLLIAMS: Mr. Chairman, I only have three short questions to ask Mr. Riddell.

In reference to the evidence and the facts I should like to ask you this question, and I am not concerned with the amount involved at the moment. Four hundred thousand dollars, more or less was paid to the farmers in question in reference to what we have been discussing, after investigators had made reports of the various claims, and paid after the board of review had approved the paying of these sums?

Mr. RIDDELL: Yes, that is right.

Mr. WOOLLIAMS: My second question is asked for clarification for the benefit of those individuals who are not familiar with the Prairie Farm Assistance Act, and may believe that this money is paid out of treasury. Farmers receive payments under the prairie assistance act in accordance with the law and regulations, and they contribute one per cent of their deliveries to that fund. It is from that fund, in accordance with the law and regulations, that the farmers receive payments under the Prairie Farm Assistance Act; is that right?

Mr. RIDDELL: Yes, that is correct.

Mr. WOOLLIAMS: The act in its operation is very much like an insurance plan or safeguard to the farmer. If the farmer lives in a certain eligible block he receives, along with others in that block, a certain amount per acre of grain, and if it is below a certain amount he qualifies; is that right?

Mr. RIDDELL: If an individual qualifies as a farmer under the act he is paid, yes.

Mr. WOOLLIAMS: If the individual qualifies as a farmer under the act and he lives and resides in what we call an eligible block, provided he qualifies under the law and regulations, he receives the money?

Mr. RIDDELL: That is right.

Mr. WOOLLIAMS: In other words, the fund has been built up over a number of years under the act, and it is from that fund that farmers receive payments for which they qualify?

Mr. RIDDELL: Yes. That fund is not always large enough to meet the required payments, but payments are made from that fund.

Mr. WOOLLIAMS: Sometimes there is a joint effort made in respect of the fund and treasury, yes.

Those are all the questions I have. Thank you very much Mr. Chairman.

The VICE CHAIRMAN: As I understand the situation, we have agreed that Mr. Riddell will now stand down and the minister will make a statement?

Mr. FRANCIS: Mr. Chairman, I have a supplementary question. How much money was contributed from the consolidated revenue fund in the years 1962 and 1963; can you give us any indication?

Mr. RIDDELL: Are you referring to moneys put into the prairie farmers assistance fund?

Mr. FRANCIS: Yes. You have indicated that something over \$50 million was paid in 1962, if I recall correctly.

Mr. RIDDELL: For the year 1961-62 there was \$54 million paid out.

Mr. FRANCIS: Of that amount how much would come from the one per cent levy approximately?

Mr. RIDDELL: If my memory serves me correctly there would be approximately \$6 million from the one per cent levy and the balance from the consolidated revenue fund.

Mr. FRANCIS: Thank you very much.

Mr. RIDDELL: That statement is from memory, Mr. Chairman.

The VICE CHAIRMAN: We will now hear from Mr. Hays.

Mr. GREENE: Mr. Chairman, I take it that those of us who have not yet questioned Mr. Riddell may do so later if necessary?

The VICE CHAIRMAN: Yes.

Mr. GREENE: Our rights in this regard are reserved, as I understand it, I think your procedure was that we should all have one bite, but some of us yet have not had one bite.

Hon. HARRY W. HAYS (*Minister of Agriculture*): Mr. Chairman, I should like to be permitted to make a brief statement.

Mr. MCINTOSH: Mr. Chairman, I do not know what that statement is to be, but in view of the fact I am involved in this subject matter I hope I will be given the same opportunity and privilege.

Mr. NIELSEN: Mr. Chairman, I think as a member of the committee any member is entitled to contribute to the discussions of the committee.

Mr. FRANCIS: I think Mr. McIntosh should go on the stand as a witness, if he desires.

Mr. OLSON: If Mr. McIntosh desires to go on the stand we can call him.

Mr. NIELSEN: I do not think it is necessary for Mr. McIntosh to go on the stand and make a statement as a member of this committee.

Mr. WOOLLIAMS: Perhaps I could interrupt at this stage. We did agree to hear the minister's statement and I think we should do so now and then come back to this discussion and iron it out at that time.

The VICE CHAIRMAN: Very well, I will ask Mr. Hays to proceed.

Mr. HAYS: Mr. Chairman, I should like to be permitted to make a brief statement about the matter which has been referred to the committee. The reference was made because of a statement I made about the conduct of Mr. McIntosh, the member for Swift Current-Maple Creek in relation to the termination of Mr. Walker's appointment.

When it was pointed out to me that my reference to Mr. McIntosh was contrary to the rules of the house I withdrew it and I understood the question of privilege had then been disposed of. The withdrawal I made in the house stands because I have no personal knowledge of any connection Mr. McIntosh may have had with this affair.

As I explained to the house, I agreed to the termination of Mr. Walker's services on the recommendation of the Director of P.F.A.A., supported by my deputy minister. I did so without attempting to make any independent investigation because I had, and I continue to have, confidence in both these officials and I was satisfied, from the report made by the director, that he had proper grounds for his recommendation.

I personally cannot throw any additional light on this matter.

It is a rule that a minister must take responsibility for the conduct of his department and that the advice he receives from his officials is not made public, in order to avoid having these officials dragged into politics. In this case I am perfectly ready to take my responsibility.

I would hope, in this case, that the committee would follow the usual course and accept my statements and the statements of the director.

I may add, that, in the light of certain evidence already given to the committee, the government would be prepared to have an independent judicial inquiry made into the circumstances of the termination of Mr. Walker's employment, if the committee agreed that such an inquiry might be warranted.

MR. GREENE: Mr. Chairman, in light of this evidence and in light of the fact that the minister has apparently made a statement with regard to an inquiry to be initiated by the government, I should like to move that this committee now report to the house, and that we should report that in view of the fact that a withdrawal is reiterated the point of privilege has been satisfactorily answered, and we, therefore, include in our report a recommendation that the offer by the government in respect of an independent inquiry be accepted by this committee.

I think what has happened in this committee is exactly what some of us foresaw. We were overruled in respect of our suggestions. There has been evidence presented which is very injurious to certain people. This is not the proper forum for this type of judicial inquiry when people are accused and there might be serious harm done if some of the evidence that is brought out here cannot be substantiated and turns out to be wrong. This is not a proper body to determine this type of case. Now that hon. members have seen and understand the damage that a hearing of this kind can do in a court room case, and that is really what this is; before a tribunal such as this, I would think they will support my motion particularly in view of the type of evidence we have heard which could have very, very serious consequences not only to the individuals but to the public. This committee should report back to the house stating that the point of privilege has been satisfactorily answered and that the minister has withdrawn his statement which implicated Mr. McIntosh, but that in view of the evidence which has come out this committee also recommends that an independent inquiry be carried out by a body, which will undoubtedly be set up in a judicial manner, to investigate the very serious matters that have been brought out before this committee.

THE VICE CHAIRMAN: I think you should put your motion in writing.

MR. MCINTOSH: Mr. Chairman, while the hon. member is putting his motion in writing may I have a look at the minister's statement?

THE VICE CHAIRMAN: Yes. The minister has already read it and I see no reason at all for your not looking at it.

MR. DROUIN (*Interpretation*): I suggest, Mr. Chairman, that the statement of the minister be shown to us for examination before the end of the discussion of this matter so that we can refer to it more easily and more intelligently.

THE VICE CHAIRMAN: I think your suggestion is acceptable.

MR. MOREAU: I second that motion.

THE VICE CHAIRMAN: It has been moved by Mr. Drouin, seconded by Mr. Moreau, that the ministers statement be passed among the members.

Some hon. MEMBERS: Agreed.

Motion agreed to.

THE VICE CHAIRMAN: Would you let Mr. Drouin have the statement, please.

As soon as I have the other motion I will read it.

Mr. NIELSEN: Before the motion is put, and I personally am going to support it, in view of Mr. Hays' statement in regard to the government initiating a judicial inquiry, I feel this will require a further motion, and perhaps it should be dealt with before the motion to report back to the house.

Mr. LESSARD (*Saint-Henri*): I think we should deal with one motion at a time.

The VICE CHAIRMAN: Mr. Nielsen, you are prepared to make a motion to that effect?

Mr. NIELSEN: May I suggest that it could be incorporated in the other motion.

Mr. GREENE: I think that will be included in my motion.

Mr. FRANCIS: I think the original motion is satisfactory.

Mr. WOOLLIAMS: I think the original motion covers the whole picture.

The VICE CHAIRMAN: That is what I expected, and I should like to determine what the motion covers before making any further comment.

Mr. GREENE: I am prepared to read the motion and then listen to suggestions. It is moved by myself, seconded by Mr. Francis, that this committee report back that the point of privilege of the hon. member for Swift Current-Maple Creek has been satisfactorily answered by the withdrawal of the Minister of Agriculture, and that in view of some of the evidence which has been brought out before this committee, this committee recommend the appointment of an independent committee of a judicial nature to investigate the dismissal of Mr. Walker and the other evidence which has been adduced before this committee.

The VICE CHAIRMAN: I will recognize you now, Mr. Woolliams.

Mr. WOOLLIAMS: Mr. Chairman, I personally feel this is an excellent suggestion. I do not put my following remarks as a question to the minister because, after all, we are from a mutual home city and I believe there is a mutual warmth and friendship between us. I do not want to be technical, but I understand the withdrawal you made in the House of Commons covered your statement itself and, if there is any infringement in respect of the motives of the member, it covered that as well?

On those grounds I would then like to support the motion, because I think it goes to the very root of our problem.

Mr. OLSON: I am prepared to support this motion but I would also like to move the following amendment, at the end of the motion to add:

and also specifically the circumstances pertaining to the payment out of P.F.A.A. funds prior to the re-examination of irregularities which the director of P.F.A.A. found in the crop reports of the 1962 crop.

Mr. WOOLLIAMS: I think this changes the tenor of the amendment.

The CHAIRMAN: Is there a seconder for Mr. Olson's amendment?

Mr. GREENE: Mr. Chairman, with respect, I wonder if the amendment is in order. My motion specifically includes a review of all the evidence.

Mr. WOOLLIAMS: That is right.

Mr. GREENE: It includes all the evidence that came out before the committee, and I specifically, if I may say so, refrained from impugning either the minister in regard to payments or Mr. McIntosh or anyone else because of the fact—as has been raised in this committee so often—that I do not think this committee is the proper body to judge anyone's conduct or to impugn either the government for making early payments or the minister or anyone else. I thought if we left any alleged charge out of the motion it would be fair to all concerned, leaving it to the judicial body to determine whether anyone should be guillotined or not; that is not for us.

Once we include Mr. Olson's amendment, there is an implication of wrong doing, and it is much the same as a morals charge in that even though the accused is acquitted, stigma still remains.

With the greatest respect, I submit the facts that Mr. Olson wants to get are surely assumed within my motion, which calls for all the evidence to be reviewed by a judicial tribunal without implying any wrong doing, because I do not think this was our purpose in being here.

Mr. OLSON: If I may speak to the amendment, I agree that there is the possibility that what is contained in the original motion does cover all the evidence, but I want you, sir, and the members of this committee, to know that in answer to some questions that I posed to the director of P.F.A.A. there was evidence that came before this committee that indicated there was in fact improper disbursement of public funds. My responsibility as a member of parliament, after I have heard this evidence given to this committee, puts me in the position of being derelict in my duty if I do not point directly to these things. My amendment does not in fact hurt anyone; it is a recommendation that the House of Commons in their administration of public funds investigate this matter, because it is completely clear to me that, if we are to accept the evidence that was taken under oath in this committee, there was in fact some \$400,000 or \$500,000 of public funds paid out, as the witness said, and knowing of this he could not live with his conscience.

Mr. Chairman, this is serious; and I think it is so serious that this committee would be derelict in its duty if it did not specifically point this out to the House of Commons in the recommendations it makes. If there are past ministers, past civil servants or past government employees—

Mr. WOOLLIAMS: Or just pastors!

Mr. OLSON:—who, if they were implicated in it, would feel it was to their benefit that they were exonerated, I think the only way to do it would be to appoint this judicial or quasi-judicial inquiry or tribunal with the responsibility of looking into it. In fact, if the evidence is substantiated, further action needs to be taken. On the other hand, if they find out this was not so, then those who have been involved will be exonerated.

Mr. WOOLLIAMS: I think the point Mr. Olson has put forward in regard to people being exonerated is something with which we all go along, but I think Mr. Greene's motion encompasses all the evidence, including the evidence my good friend Mr. Olson from Medicine Hat has referred to. It naturally covers all the evidence. Therefore I would like to give my support to the motion moved and seconded because I do say that the amendment might narrow the scope of it. Let us not make our terms of reference for a judicial inquiry so narrow as envisaged by the amendment, because if something is put in a general way and it is then specified and spelled out, the general is limited by the particular.

Miss JEWETT: May we hear Mr. Greene's motion again?

The CHAIRMAN: I will read the motion first and then the amendment so you will hear it all.

Moved that the committee report back that the point of privilege of the hon. member from Swift Current has been satisfactorily answered by the withdrawal of the Minister of Agriculture and that in view of some of the evidence which has been brought out before this committee, this committee recommend the appointment of an independent committee of a judicial nature to investigate the dismissal of Mr. Walker and the other evidence which has been adduced before this committee.

Then Mr. Olson's amendment is; and I presume it follows right on:  
and also specifically the circumstances pertaining to the payment of P.F.A.A. funds prior to the examination of irregularities which the director of P.F.A.A. found in the crop reports in the 1962 report.

Mr. MOREAU: Mr. Chairman, on the amendment, I think a judicial body looking at the evidence before the committee would certainly take Mr. Olson's comments into consideration when they were dealing with this whole matter, and I do not feel that perhaps a formal amendment is necessary.

Mr. Olson's statement would also be on the record, and I feel certain this is the "other evidence" to which Mr. Greene referred in the original motion. I personally would feel that the original motion would be sufficiently encompassing and certainly sufficiently specific for me.

Mr. LEBOE: I would like to call your attention to the name of Mr. Walker in the motion. If we are going to be consistent, I think the name of Mr. Walker should be dropped from the motion so that the whole thing can be dealt with on a general basis. What we are doing here now is singling out Mr. Walker in the motion and then denying special attention to something else. If we are to be consistent, I think the name of Mr. Walker ought to be dropped from the motion to make this a motion of a general nature.

Miss JEWETT: Mr. Chairman, my point was rather comparable to Mr. Leboe's. As I understood Mr. Greene's motion it would imply that all the other evidence adduced before the committee would be all the other evidence relating to Mr. Walker. That is the implication I read into it, and I am sure others would as well. Therefore, I too would suggest that either Mr. Olson's amendment pass or that the original motion simply mention the reference of all the evidence that came before this committee to the special judicial group being set up.

Mr. CASHIN: I agree, to a point, with Mr. Greene and Mr. Woolliams. I think Mr. Greene's motion was intended to include Mr. Olson's amendment, but on the other hand I see no objection to including the words of Mr. Olson's amendment in our final motion. It is a very technical thing to say whether this is covered or it is not covered, so to be sure it is covered I would suggest that Mr. Olson's motion be carried in order to remove any possibility of any reasonable doubt.

Mr. BREWIN: Mr. Chairman, I too would like to support Mr. Olson's motion. The reason I would like to do so is that I cannot see what harm it does. In the first part of the original motion we have directed attention to one aspect that we think should be inquired into. This says specifically another matter. Mr. Olson has put it very well. This is a matter of great importance. I cannot see what harm has been done. It has directed the attention of the house to the seriousness of the allegations, and therefore it might induce them to act on it more readily than if we did not put a title on the subject matter involved, so to speak. I would support the amendment.

Mr. NIELSEN: I have two observations to make, Mr. Chairman. The first is that in the minister's statement in the last paragraph on page three he says:

I may add that in the light of certain evidence already given to the committee, the government would be prepared to have an independent judicial inquiry made into the circumstances of the termination of Mr. Walker's employment, if the committee agrees that such an inquiry might be warranted.

I think therefore Mr. Greene's motion as originally put should stand on that point.

The other observation I have to make is with regard to the "alleged irregularities" to which Mr. Olson referred. It may be that the judicial inquiry, if Mr. Greene's motion is passed, will find there was no irregularity, because it is my understanding that there is a conflict in that evidence, at least to the extent that such procedure which was adopted in this instance of paying out the P.F.A.A. cheques occurred also in 1953. I will go along with the amendment if you want to make it broad enough to go into the past history of P.F.A.A. in order to determine whether or not this is an irregular procedure.

Mr. MOREAU: There is no evidence whatsoever before this committee that there was a precedent in this matter.

Mr. NIELSEN: I must disagree because Mr. Riddell, as I understood the evidence, made such a statement.

Mr. GREENE: Mr. Chairman, on the amendment I would like to say that I have only one fear in passing this amendment. I think we were all shocked by the evidence that came out. We were worried that something like this would happen, and that is why we did not want this type of tribunal to hear this matter except on the specific words that were used in the house. Those who argued in that way were afraid of something like this. I think we are all just as shocked as Mr. Olson is by the evidence—

Mr. OLSON: I am not shocked; I am just confirmed.

Mr. GREENE: You have been at the game longer than I have, Mr. Olson.

I do believe that this is the evidence of one witness, and if in fact payments were made two weeks before the election on some improper basis we are in a very serious position. It would be a matter of misuse of public funds. I do not think any one of us wants to implement anything within the breadth of the wording of the motion which might accuse anyone at this time, and my only fear of the wording of Mr. Olson is that this is more in the light of an indictment. I do not think we are in any position to make an indictment here. We were not sent here as a grand jury; we were sent here to hear the question of privilege; that is all. If Mr. Olson's motion is included in my motion it does have the danger of attaching stigma, which I do not think we should do. I think this should be left to a judicial enquiry. Perhaps the only difference between us may be a difference of semantics. I want these things aired and tried in a proper forum where everyone has the protection he is able to get before a judicial tribunal where persons cannot be heard unfairly, as they might have been heard here because we had no specific rules of procedure. Again, I think we are together in intent, and it is only a matter of method on which possibly we differ, Mr. Chairman.

Mr. HAMILTON (*Qu'Appelle*): I have some words to say that might be helpful in clarifying the situation.

First of all, I would like to thank you as chairman for trying to protect me in my capacity as ex-minister of agriculture in reserving the privilege that should exist between a minister and employees. I think you would agree that in spite of your efforts certain conversations and instructions I gave are in evidence. Therefore I speak with some feeling. I think any word such as "irregularities" is highly improper and is designed for obvious purposes, and is incorrect on the basis of the evidence. As Mr. Greene has stated, there has been only one witness heard, and his evidence has not been completed. Secondly, there is a misunderstanding on certain fundamental points that have been brought out that a judicial committee would clear up. These fundamental points I think have to be made clear before we vote on this amendment.

The first is that under the statutes of this country passed in 1939 the farmer has to pay into a fund under P.F.A.A. so that under that same statute if his crop is below a certain figure he can receive certain benefits, and these payments

are not to carry on his whole operations but simply to allow that farmer to get through the winter and pay his ordinary expenses of living, pay his taxes and so on.

The maximum amount a farmer can get under this legislation is \$800. I think the committee will understand that when inspection has taken place on a farm, say in the month of October, and this inspection has been cleared through the inspectors and supervisors and passed by the board of review, the legal right to pay that money is in existence. When a letter comes in to the director, a member of parliament or the minister, even though all the legal formalities have been gone through approving of the expenditure of this money and this money is the right of the farmer in that area, if a director or anyone else gets one of these letters, you have to take the action the director took. This action was taken as the evidence shows. But I am pointing out that, as has not been made clear in the evidence, there is a responsibility on the representatives of the people in the area to point out that if there is one single farmer who has made a mistake in his declaration, then the whole district under review, or the whole block, cannot receive their cheques. Here you have a situation where hundreds of farmers in a district may have a legal right, a moral right, and they have done nothing wrong, and yet they are barred from getting their cheques. These cheques are not handbills; they are the cheques that are the right of that farmer under a statute when all due processes of law have been followed.

The whole issue here is whether in protecting the rights of the innocent individuals you should hold up the cheques in that area because a report comes in from one farmer saying he thinks there is something wrong. I think the director followed his duty, even after all the legal requirements were gone through and they had gone to the board of review, in okaying the payments. He also followed his duty when he received that complaint—and it is one single payment—and did authorize an investigation with my support. But to come here and suggest in an amendment that these are irregularities is to deny the fundamental principles of ordinary justice to these people who have a right to the money by law. There obviously can be differences between two able and good men, one protecting the people in his riding and the other protecting the act. There are these differences, honest differences, and that is why I support a reference of this matter to a judicial inquiry.

The minister, as he said in his statement, cannot be aware of all the details, nor can I. One must rely on the honesty of the people who work under one. It would be a travesty of justice to suggest an amendment that used the word "irregularities"; I am convinced from my knowledge of the facts and evidence here before us that there have been no irregularities. However, I am prepared to leave it to a judicial committee rather than having a stigma left attached to anyone, whether it be myself or employees.

Mr. McINTOSH: Or to myself.

Mr. HAMILTON (*Qu'Appelle*): Yes, or to the hon. member.

I know all the facts that are relevant in this case. It is a case of two very fine people, each doing his duty, and it is a case of their duties clashing. These clashes have occurred in the past and will occur in the future when men are doing their duty.

I have certainly borne a certain amount of slights in the last few days in the evidence. If I did not invoke the principle of privilege and not have the information brought forward, it was because I could not think of any reason against public interest why the evidence could not come out, and in return for acquiescence, letting evidence of confidential conversations between myself and others come out, I would hope this committee would do me the honour of saying there are no further slights put on the minister or his staff before this has been to a judicial committee.

Mr. MOREAU: On a point of order, I think Mr. Hamilton did stray from the motion—and I have no objection to that—but I think in view of the circumstances we were all quite willing to hear his statement. However, there was one question—I do not dispute whether this was the case or not—and I would like to put it on the record. The director, I believe, did testify that he wanted to reinvestigate these areas, and not on the result of a single complaint from a farmer. This, I think, is the evidence we heard. He indicated that he felt there was something wrong in the report.

I wish to make that clear on the record because we did hear evidence—which perhaps was not too clear—on just exactly why. If he had any views, I do not think they came out in the evidence. I got a somewhat different impression from what would be the concept of a single farmer.

Mr. WOOLLAMS: I wish to back up what Mr. Hamilton said. I would like to put on record section four of the Prairie Farm Assistance Act, R.S.C. 1952, chapter 213 as follows:

4. (1) A board of review shall be established to consist of three persons, to be appointed by the governor in council on the recommendation of the minister, one of whom shall be named chairman.

(2) the board shall examine all information and data regarding the average yield of wheat in any township for which an application for assistance has been received and shall determine the eligibility of such township for an award under this act.

(3) The board shall decide, under the act and regulations, any question concerning the eligibility of any farmer or class of farmers for an award under this act.

(4) The decision of the majority of the members of the board constitutes the decision of the board.

(5) Any decision or determination of the board is final. 1940, c. 38, s. 5.

I asked the witness a question this afternoon when he said it was approved by the board of review. That is the appeal board under the Prairie Farm Assistance Act. The minister pointed out that the director—who is a very responsible person; I know him, and he has done a good job—if he finds a complaint after the board of review has sat, he can take a second look at it. But the law says that any decision or determination of the board is final.

Surely a judicial committee looking into this will weigh the evidence, as Mr. Olson says—and he naturally says it for certain reasons—and the evidence of others, and it will have regard to all the evidence that we have heard. Surely we have enough respect in the decision of a judicial body to believe that it will come to a conclusion which is just, and clearcut. Surely they will call it as they see it.

Mr. BREWIN: I think if the amendment should be accepted it should indicate “alleged” irregularity, to indicate that we are not prejudiced in the matter. I have no intention to reflect on the former minister or on any member by suggesting support of this amendment.

The director said in giving his evidence that in his judgment payments were made that should not have been made, and were not proper payments, and that that was his view. He may be wrong about it, and there may be explanations. No doubt a judicial inquiry would find them, if there were. I do not wish to imply anything against any individual by asking that his statement should be investigated. This committee should amend the motion to have the words “alleged irregularity” put in the motion. I do not think anybody has any right to pass on any implication whatsoever that anybody has been guilty of misconduct at all. I would not like the former minister to think that by supporting the amendment we intend to reflect on him in any way, shape or form.

Mr. OLSON: I am perfectly willing and happy to have the word "alleged" go ahead of the word "irregularity".

Mr. McINTOSH: May I be permitted to speak?

The VICE CHAIRMAN: Mr. Olson indicated that he wished to be the last person to speak.

Mr. McINTOSH: I did not hear him say that.

The VICE CHAIRMAN: If you did not hear him, I am sorry. If you wish to speak, you may, because after Mr. Olson has spoken, I intend to put the motion as amended.

Mr. McINTOSH: I may object to something that Mr. Olson may say. May I not have the right to comment on it?

Mr. OLSON: You can say anything you want to now, but the rules are that the mover has the right to close the debate.

The VICE CHAIRMAN: Somebody has to close it off.

Mr. OLSON: Well, if the committee wishes to hear Mr. McIntosh I am willing that he speak later. I am perfectly willing to have the word "alleged" put in before the word "irregularity". All it does is to focus attention on a very serious matter that has been brought to the attention of this committee. It has been said that there was not anything asked about the law being applied in making these payments, and if certain consequences and things had taken place. I would draw to your attention that the director stated that he was not satisfied with the reports, and he further stated that a re-examination of any reports with which he was not satisfied was a normal procedure. He also stated that he wanted reinvestigation of 54 townships but was ordered to make payments before he made that reinvestigation. Therefore the fact is that he got orders to do something quite apart from the normal way, and the way in which re-examinations are made.

The director was prevented—I do not quote him, but rather paraphrase what he said—from doing what his conscience told him to do in making these re-examinations. Therefore this amendment simply focuses attention on a very serious matter. I do not see why anyone needs to take exception to it. It is possible that the motion itself would be enough for a judicial inquiry to inquire into anyway. But the fact is that there are other matters, specifically, such as Mr. Walker's dismissal, and it is possible that an inquiry should consider this as being other evidence surrounding Mr. Walker's dismissal, and no more. Therefore, I think we would serve the public interest by drawing or focusing specific attention of the judicial committee to this very serious matter that has been brought to our attention.

Mr. McINTOSH: Might I say at first that I would like to support Mr. Olson's motion, but to me it is too specific. He said it is a serious matter. That is his opinion. I do not think it is a serious matter.

I think I can support the first motion, because if they go through all the evidence, there is, it seems to me, one year, 1953, that was mentioned or referred to, but in fact that is a matter of opinion, because we have not got Mr. Riddell's evidence in print before us. However the first motion covered everything as far as I can see.

I would like to say at this time that the point of privilege that I have raised is attributed to a remark, or remarks, made by the Minister of Agriculture, in the House of Commons on November 28, 1963. In brief, the minister stated, that Mr. George Walker was dismissed from his job as a supervisor under the Prairie Farm Assistance Act, and the cause of that dismissal was that I, as a member of the House of Commons, interfered with Mr. Walker in reference to P.F.A.A.

I deny categorically that any time since my election to the House of Commons have I, directly or indirectly, interfered with Mr. Walker, or any other employee in the capacity of P.F.A.A.

Like other members of parliament, I have endeavoured to place individuals', or groups of individuals' problems before the proper officials of the P.F.A.A. The implementation of the Prairie Farm Assistance Act has always been difficult—no matter in what manner the act is administered there are always just cases that should be reviewed.

Mr. Walker, when he was a supervisor, received many inquiries and several letters from me and by this method I was able to bring to his and others attention, farmers' problems in reference to the act.

I thank the minister for his fairness in undertaking to cause a judicial inquiry into the circumstances surrounding Mr. Walker's dismissal. I am satisfied that such an inquiry will not only exonerate Mr. Walker but myself as well.

The VICE CHAIRMAN: I shall now read the motion as amended.

Mr. OLSON: Shall we not vote first on whether we are going to add the amendment or not?

Mr. NIELSEN: Vote on the amendment and if it is carried, then the motion is carried.

The VICE CHAIRMAN: Are you ready to vote on the amendment? Do you want me to read the amendment? I will read the motion as amended. It reads as follows:

And also specifically the circumstances pertaining to the payment out of P.F.A.A. funds prior to the re-examination of alleged irregularities the director of P.F.A.A. found in the crop reports of the 1962 crop.

All those in favour of the amendment?

The CLERK OF THE COMMITTEE: Sixteen.

The VICE CHAIRMAN: Contrary minded.

The CLERK OF THE COMMITTEE: Eight against.

The VICE CHAIRMAN: I declare the amendment carried. Shall I put the motion now as amended? It reads as follows:

Moved that the committee report back that the point of privilege of the hon. member for Swift Current-Maple Creek has been satisfactorily answered by the withdrawal of the Minister of Agriculture and that in view of some of the evidence which has been brought out before this committee that this committee recommend the appointment of an independent committee of a judicial nature to investigate the dismissal of Mr. Walker and the other evidence which has been adduced before this committee.

All those in favour of the motion as amended?

The CLERK OF THE COMMITTEE: Seventeen.

The VICE CHAIRMAN: Contrary minded if any?

I declare the motion as amended carried. Now, I am in your hands. I understand the steering committee will meet formally to prepare their report for the house. Am I right?

Mr. BREWIN: I raised a point last week, you may remember, you said that I should raise it again.

The VICE CHAIRMAN: You mean in connection with the Canada Elections Act?

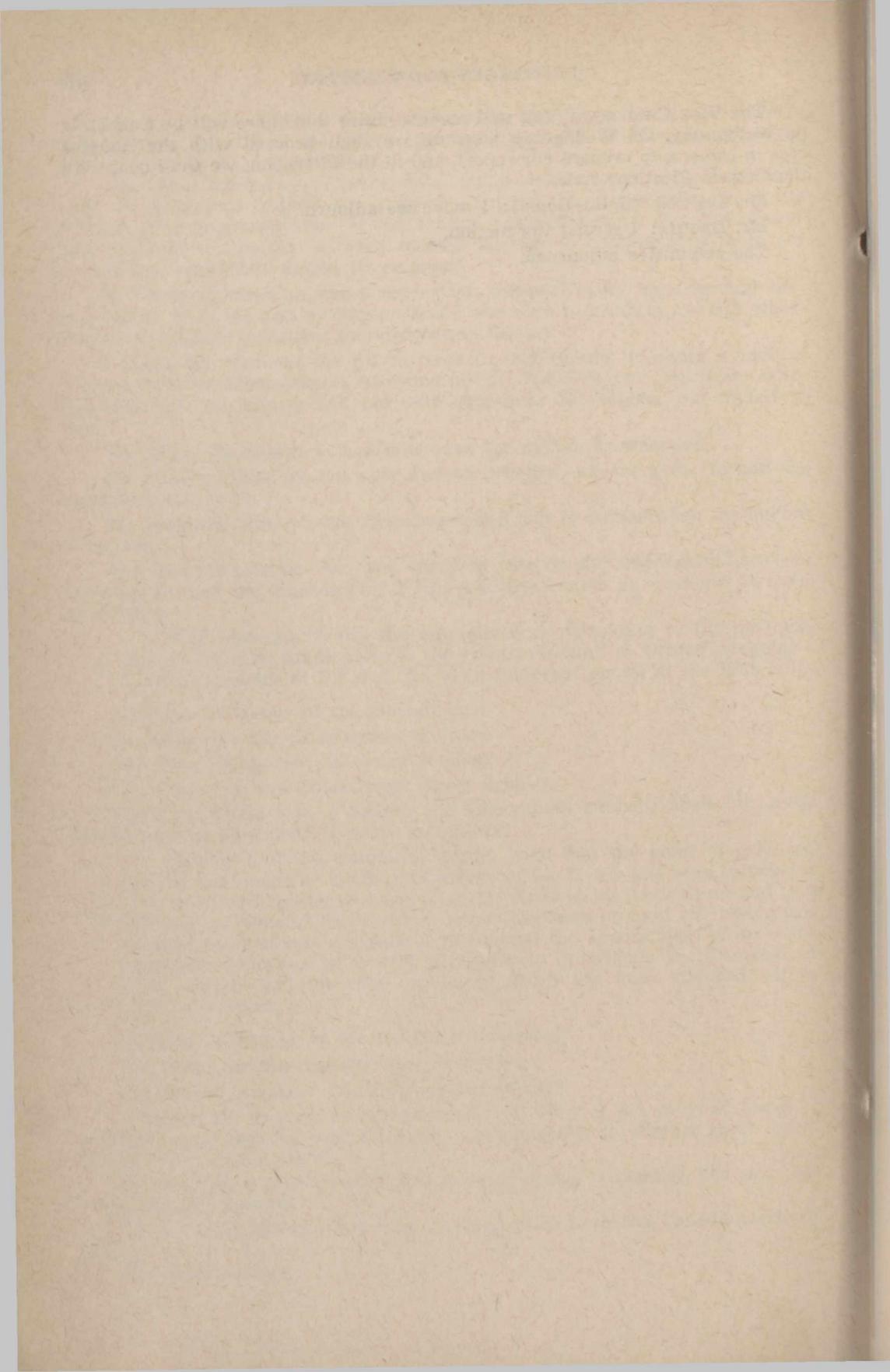
Mr. BREWIN: Yes.

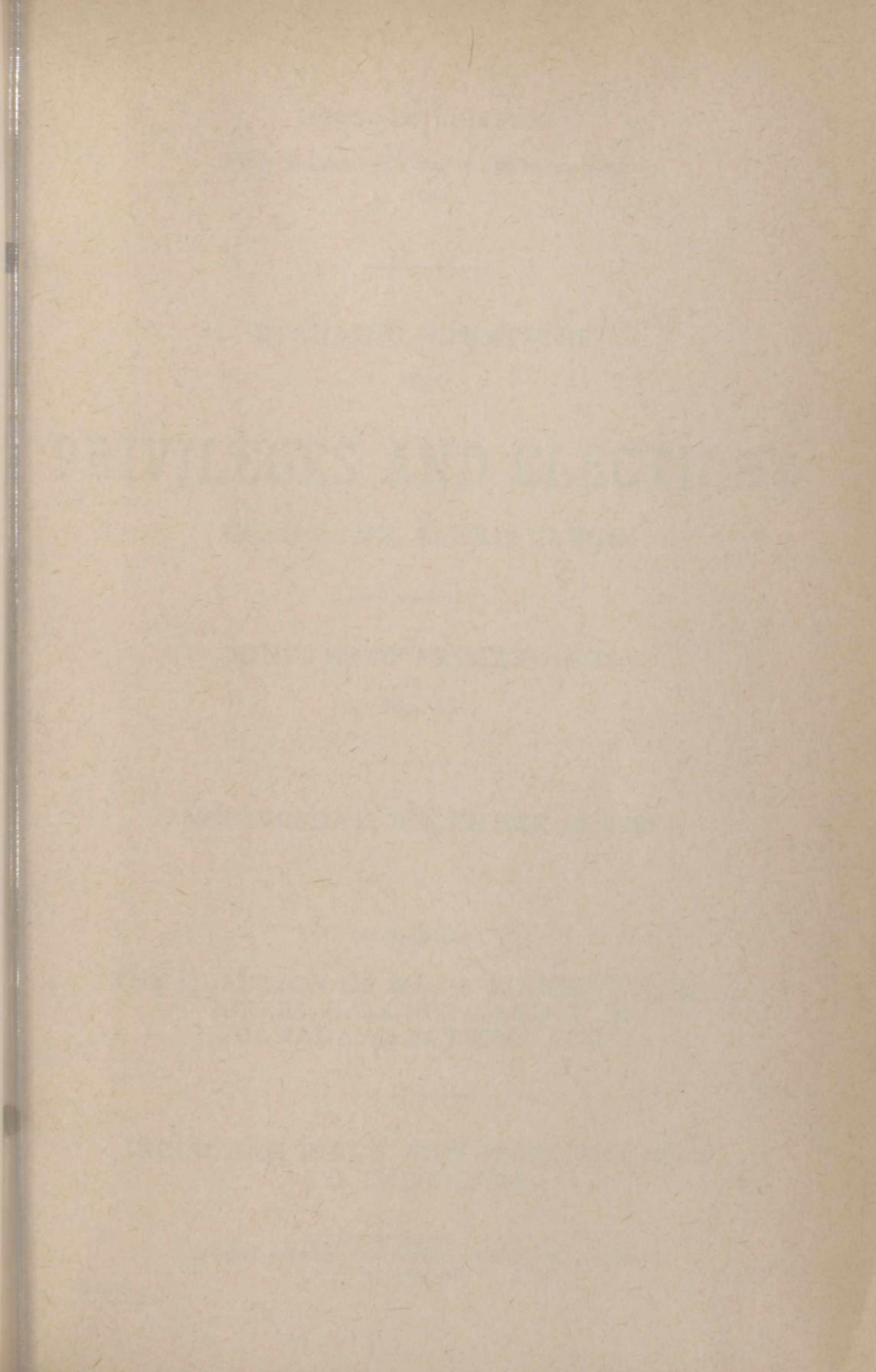
The VICE CHAIRMAN: You will receive notice that there will be a meeting on Wednesday. On Wednesday morning we shall proceed with the Rodgers case in camera, to prepare our report, and in the afternoon, we shall deal with the Canada Elections Act.

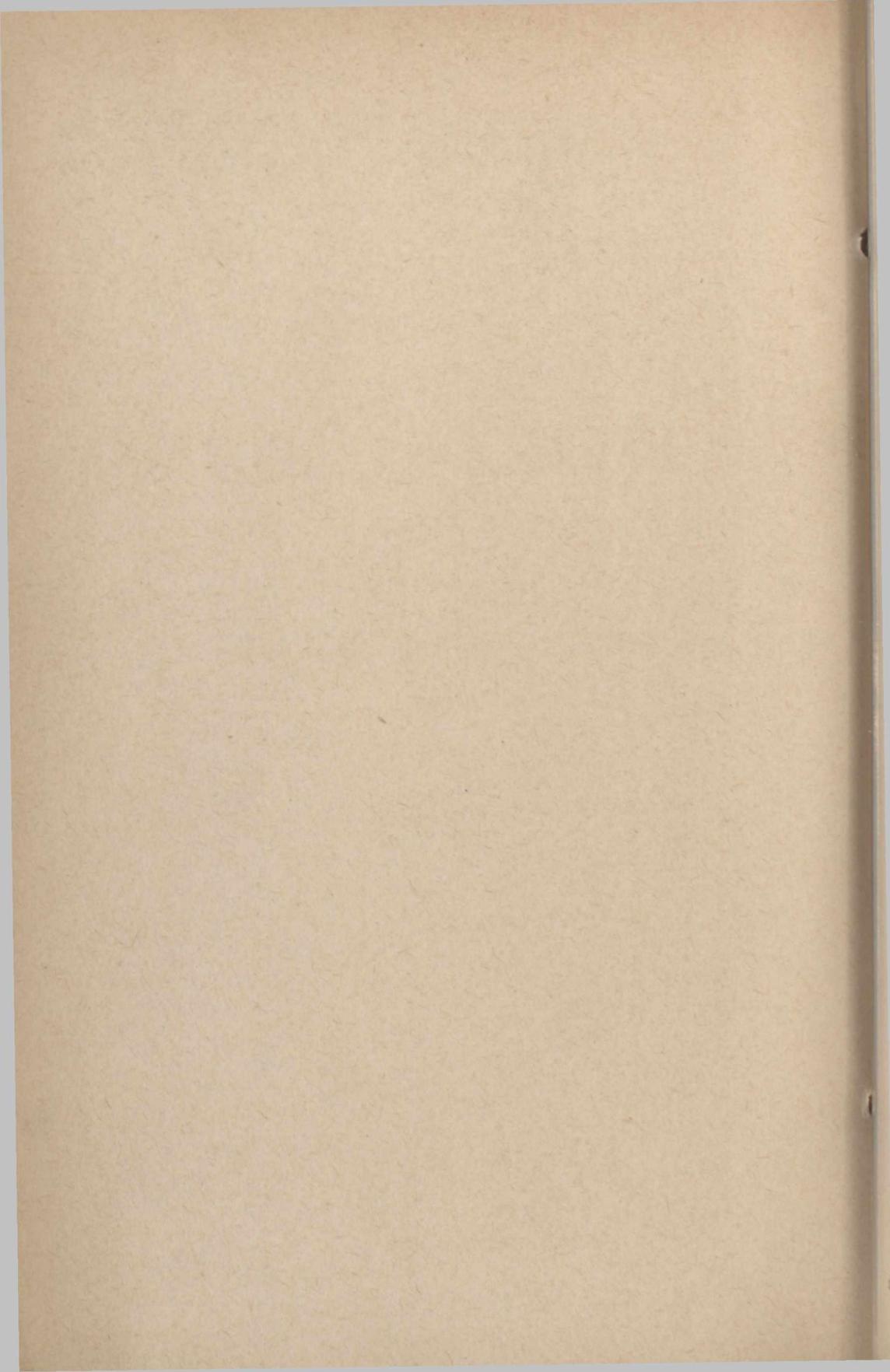
Mr. LESSARD (*Saint-Henri*): I move we adjourn.

Mr. DROUIN: I second the motion.

The committee adjourned.







HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. ALEXIS CARON

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MINUTES OF PROCEEDINGS

No. 18

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WEDNESDAY, DECEMBER 18, 1963

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Respecting

THE QUESTION OF MR. R. RODGERS' RIGHT  
(PRESS GALLERY) AND THE  
CANADA ELECTIONS ACT

---

INCLUDING FIFTH AND SIXTH REPORTS  
TO THE HOUSE

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1964

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Vice-Chairman: Mr. Larry T. Pennell

and Messrs.

Armstrong,	Gelber,	O'Keefe,
Brewin,	Greene,	Olson,
Cashin,	Hamilton,	Paul,
Coates,	Jewett (Miss),	Rondeau,
Crossman,	Leboe,	Roxburgh,
Doucett,	Lessard ( <i>Saint-Henri</i> ),	Smallwood,
Drouin,	McIntosh,	Webb,
Dubé,	Millar,	Woolliams—29.
Fisher,	Moreau,	
Francis,	Nielsen,	

(Quorum 10)

M. Roussin,  
Clerk of the Committee.

Mr. Klein replaced Mr. Caron on December 12, 1963.  
Mr. O'Keefe replaced Miss Jewett on December 12, 1963.  
Mr. Cowan replaced Mr. Cameron (*High Park*) on December 12, 1963.  
Mr. Regan replaced Mr. Klein on December 13, 1963.  
Mr. Crossman replaced Mr. Chrétien on December 13, 1963.  
Mr. Armstrong replaced Mr. Drouin on December 13, 1963.  
Mr. Lachance replaced Mr. Turner on December 13, 1963.  
Mr. Drouin replaced Mr. Lachance on December 16, 1963.  
Mr. Gelber replaced Mr. Rochon on December 16, 1963.  
Mr. Smallwood replaced Mr. Rhéaume on December 16, 1963.  
Mr. Woolliams replaced Mr. Monteith on December 16, 1963.  
Mr. Roxburgh replaced Mr. Regan on December 16, 1963.  
Miss Jewett replaced Mr. Cowan on December 16, 1963.

## REPORTS TO THE HOUSE

FRIDAY, December 20, 1963

The Standing Committee on Privileges and Elections has the honour to present the following as its

### FIFTH REPORT

On Wednesday, November 6, 1963, the House of Commons adopted the following order:

That the question of Raymond Spencer Rodgers' right to use the facilities of the Press Gallery be referred for quick study and a report back to the House on its merits by the Standing Committee on Privileges and Elections.

Pursuant to this order the Committee held four meetings and heard the following witnesses:

Mr. Raymond Rodgers,  
Mr. G. J. Connolley,  
Mr. Arthur Blakely, and  
Mr. Clément Brown.

The evidence given by Dr. Ollivier before the Standing Committee on Privileges and Elections on December 11, 1962 was also tabled before the Committee and reproduced as an Appendix to the Minutes of Proceedings and Evidence, Issue No. 16.

The Committee has considered Mr. Rodgers' right to use the facilities of the Canadian Parliamentary Press Gallery and has agreed to recommend:

That while this Committee recognizes that parliament has jurisdiction over the public facilities granted the members of the Press, we feel that this jurisdiction over the public facilities must be exercised through the Speaker or his delegated representative. Therefore, the case of Mr. Rodgers is referred to Mr. Speaker for decision.

The Committee further recommends:

That the Special Committee on Procedure and Organization, at the next session of parliament, consider the expediency of reviewing the relations now existing between the Speaker and the Parliamentary Press Gallery on the one hand and the relations now existing between the House of Commons itself and the Canadian Parliamentary Press Gallery on the other hand.

A copy of the Minutes of Proceedings and Evidence in relation to this Order of Reference (Issues Nos. 3, 4, 5 and 16) is appended.

Respectfully submitted,

LARRY PENNELL,  
*Vice-Chairman.*

FRIDAY, December 20, 1963

The Standing Committee on Privileges and Elections has the honour to present its

#### SIXTH REPORT

On Friday, July 26, 1963, the House of Commons ordered as follows:

That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, and the several amendments thereto suggested by the Chief Electoral Officer; and to report to the House such proposals relating to the said Act as the Committee may deem advisable.

Since that time, and in connection with the Canada Elections Act, the Committee has held 22 regular sittings. As well, a number of meetings of the Subcommittee on Agenda and Procedure have been held.

Your Committee notes that during the present session Parliament has adopted certain measures respecting the office of Representation Commissioner and its duties, in addition to those assigned to him under the Canada Elections Act and under a measure to provide for the establishment of electoral boundaries commissions.

Your Committee has considered carefully the following practices and principles with a view to improving Canada's electoral procedure:

1. The establishment of a permanent list of electors.
2. Method of absentee voting.
3. Method of proxy voting.
4. Advance polls.
5. Lowering of the age of voting from twenty-one to eighteen.
6. The Canadian Forces voting rules.
7. The distribution during a general election or by elections to official candidates of lists containing the names of electors of their own electoral districts serving with the Canadian Armed Forces.

Your Committee also recommends investigating the possibility of amending the Queen's Regulations for the Navy, Army and Air Force to permit candidates and their agents to visit, during an election, the residences of armed forces personnel on property under the control of the Department of National Defence without in any way prejudicing existing security regulations in force with respect to National Defence establishments.

During the course of its meetings, Mr. Nelson J. Castonguay, Chief Electoral Officer was heard and examined. Present also at those meetings were Colonel E. A. Anglin, Assistant Chief Electoral Officer, Brigadier W. J. Lawson and Captain J. P. Dewis, R.C.N.

Considerable information relating to the Canada Elections Act was tabled before the Committee at the meetings either on the initiative of the Chief Electoral Officer or at the request of the Committee in the form of prepared statements, memoranda and answers to questions.

A great number of communications received during the years 1960 to 1963 by the Chief Electoral Officer's Office and/or the Secretary of State Department from individuals, organizations and others were tabulated and printed in the Evidence.

Your Committee believes that this material which was either ordered printed or filed with the Committee will be of major assistance to the Committee when reconstituted at the Second Session of this Parliament.

Your Committee proceeded to consider certain amendments to the Act suggested by members of the Committee and the Chief Electoral Officer, which amendments the Committee accepted.

The recommendations of your Committee, prepared in the form of draft amendments, are appended to this Report. Other draft amendments which your Committee has considered but not adopted will be published as an Appendix to the final Minutes of Proceedings and Evidence of the Committee to be used as reference by a future Committee if it so desires.

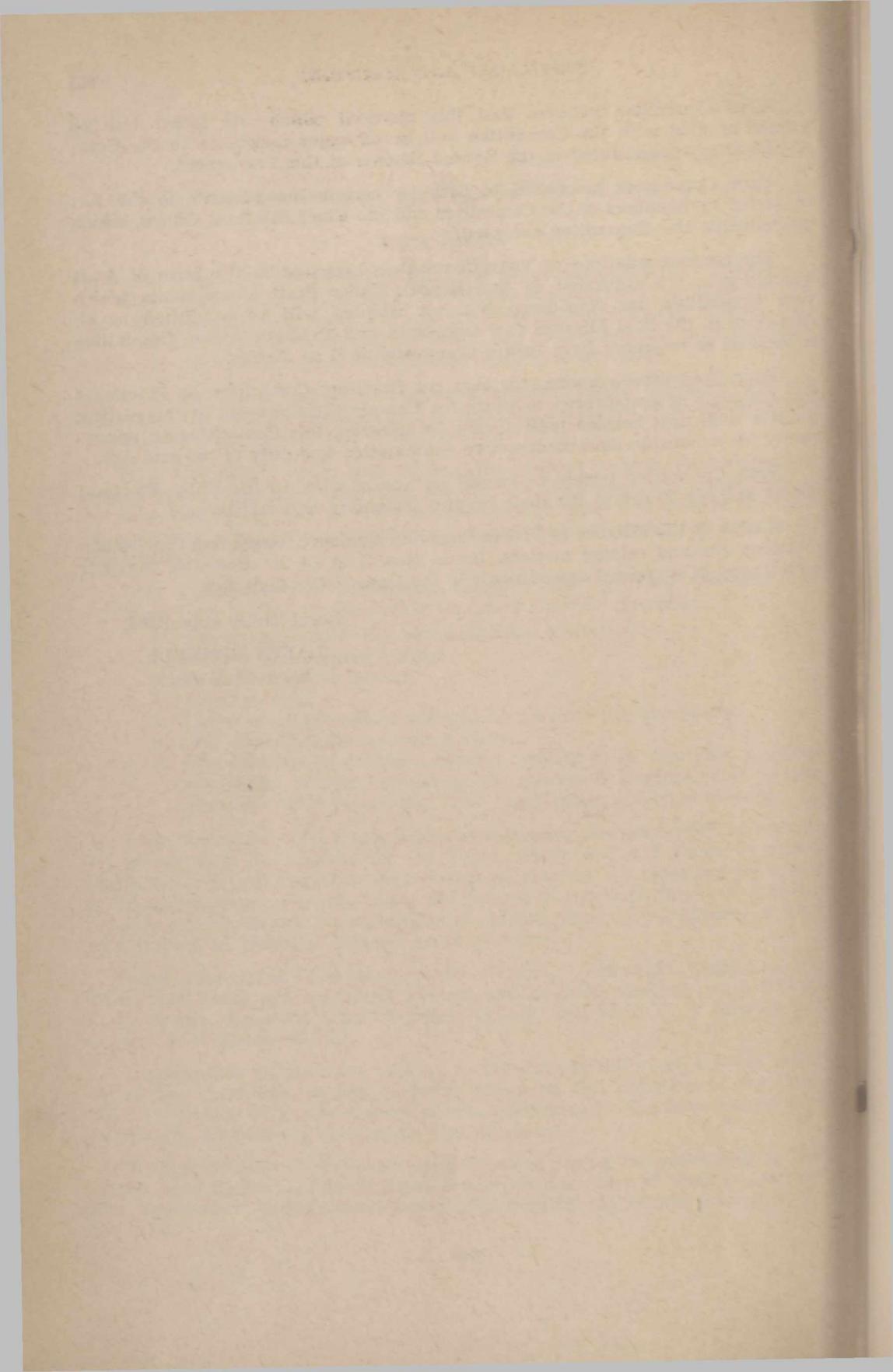
Your Committee recommends that the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act at the earliest possible date next Session with a view to affording this Committee an opportunity for exhaustive and constructive examination and duty of the said Act.

Your Committee wishes to record its appreciation to the Chief Electoral Officer and his Assistant for their helpful testimony and assistance.

A copy of the Minutes of Proceedings and Evidence, respecting the Canada Elections Act and related matters, Issues Nos. 3 to 15, is appended, together with a copy of suggested amendments to the Canada Elections Act.

Respectfully submitted,

LARRY PENNELL,  
*Vice-Chairman.*





**DRAFT BILL CONTAINING  
SUGGESTED AMENDMENTS  
TO THE CANADA ELECTIONS ACT**

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*(As adopted by the Standing Committee  
on Privileges and Elections)*

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ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1964

## An Act to amend the Canada Elections Act.

1960, c. 39.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Subparagraph (a) of paragraph (13) of section 2 of the *Canada Elections Act* is repealed and the following substituted therefor: 5

“(a) in relation to any place or territory within the judicial districts of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Associate Chief Justice, as the case may be, each acting for the district in which he resides, or such other judge as may be assigned by the said Chief Justice or Associate Chief Justice to perform the duties in this Act required to be performed by the judge;” 15

(2) Subparagraph (d) of paragraph (13) of section 2 of the said Act is repealed and the following substituted therefor: 20

“(d) in relation to the electoral district of Yukon, the person exercising from time to time the jurisdiction of the judge of the Territorial court of the Yukon Territory and in relation to the electoral district of Northwest Territories, the person exercising from time to time the jurisdiction of the judge of the Territorial court of the Northwest Territories;” 25

2. Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor:

5 “(2) If during the course of any election it transpires that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers, including revising officers, who shall, however, be appointed by the appropriate *ex officio* revising officer, who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent; but in the exercise of this discretion no nomination paper shall be received by a returning officer after two o'clock in the afternoon on nomination day and no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll on the ordinary polling day or on the days on which the advance poll is held.”

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Miscalculation, mistake or emergency.

25 3. Subsection (3) of section 7 of the said Act is repealed and the following substituted therefor:

30 “(3) Every returning officer to whom a writ is directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, cause to be promptly taken such of the proceedings directed by this Act as are necessary in order that the election may be regularly held, and any returning officer who wilfully neglects so to do is guilty of an offence against this Act.”

Returning officers to act under penalty.

35 4. (1) Subsections (1) and (2) of section 8 of the said Act are repealed and the following substituted therefor:

40 “8. (1) The Governor in Council shall appoint a returning officer for any new electoral district and a new returning officer for any electoral district in which the office of returning officer is vacant within the meaning of subsection (2).

Appointment of returning officers.

45 (2) The office of returning officer in an electoral district is vacant if he dies, or, with prior permission of the Chief Electoral Officer, resigns, or if he is removed from office, as for cause, within the meaning of subsection (3).”

Vacation of office.

(2) Subsection (3) of section 8 of the said Act is amended by deleting the word "or" at the end of paragraph (d), by adding the word "or" at the end of paragraph (e) and by adding thereto the following paragraph:

"(f) has failed to comply with the provisions of subsection (1) of section 11 for the completion of the reallocation and definition of the polling divisions on the date fixed by the Chief Electoral Officer."

(3) Subsection (4) of section 8 of the said Act is repealed and the following substituted therefor:

"(4) The name, address and occupation of every person who is appointed as a returning officer, and the name of the electoral district for which he is appointed shall be communicated to the Chief Electoral Officer forthwith after the appointment, and the Chief Electoral Officer shall cause the name, address and occupation of the returning officer appointed and the name of the electoral district for which that returning officer is appointed to be published in the Canada Gazette within thirty days after the appointment.

(5) The Chief Electoral Officer shall cause a list showing

- (a) the name,
- (b) the address,
- (c) the occupation, and
- (d) the electoral district,

of the returning officer for every electoral district to be published in the Canada Gazette between the first and twentieth days of January in each year.

(6) In the event of a vacancy in the office of returning officer for an electoral district, due to any cause whatsoever, the appointment of a returning officer for that electoral district pursuant to subsection (1) shall be made within thirty days after the day in which such vacancy occurred."

5. The said Act is further amended by adding thereto, immediately after section 8 thereof, the following section:

"S.A. (1) Where an investigation has been instituted by the Chief Electoral Officer in respect of a returning officer for an electoral district the Governor in Council may, on the recommendation of the Chief Electoral Officer

- (a) suspend the returning officer for a period not exceeding six months; and
- (b) appoint another person as acting returning officer for that district during the period of such suspension.

Appointments to be gazetted.

List to be gazetted.

Appointment within limited period.

Suspension of returning officer.

(2) A person appointed as acting returning officer for an electoral district pursuant to subsection (1) shall, during the period of his appointment, exercise and perform all the powers and functions of a returning officer and during such period shall for all purposes be deemed to have been appointed as returning officer for that district under subsection (1) of section 8.

Acting returning officer.

(3) The Governor in Council may, at any time, on the recommendation of the Chief Electoral Officer

Revocation or extension of suspension.

(a) revoke the suspension of any person suspended under subsection (1); or

(b) extend the suspension, but not for more than six additional months at any one time."

6. Section 9 of the said Act is amended by adding thereto the following subsections:

"(8) In any electoral district mentioned in Schedule III the returning officer, with the written authorization of the Chief Electoral Officer, may

Additional powers of returning officer.

(a) appoint more than one election clerk;

(b) establish an office in each locality designated by the Chief Electoral Officer; and

(c) delegate in writing to any election clerk appointed pursuant to paragraph (a) a returning officer's power of selecting and appointing enumerators and deputy returning officers and of selecting polling places.

(9) Subsections (5), (6) and (7) of section 9, subsection (2) of section 10, subsection (13) of section 21 and subsections (1) and (2) of section 51 do not apply in the case of any election clerk appointed pursuant to subsection (8)."

Application.

7. Section 11 of the said Act is repealed and the following substituted therefor:

"11. (1) The polling divisions of an electoral district shall be those established for the last general election, unless the Chief Electoral Officer at any time considers that a revision of the boundaries thereof is necessary, in which case he shall instruct the returning officer for the electoral district to carry out such a revision.

Revision of boundaries of polling divisions.

(2) The returning officer in carrying out a revision pursuant to the instructions under subsection (1) shall give due consideration to the polling divisions

Polling divisions with 250 electors.

established by municipal and provincial authorities and to geographical and all other factors that may affect the convenience of the electors in casting their

votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6), (7) or (8) of section 31; and subject to these provisions it is the duty of the returning officer to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately two hundred and fifty electors. 5

Polling divisions with more than 250 electors.

(3) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than two hundred and fifty electors and to divide the list of electors for such polling division between adjacent polling stations, as provided in section 33, the returning officer may with the approval of the Chief Electoral Officer and notwithstanding anything in this section, constitute a polling division including as nearly as possible some multiple of two hundred and fifty electors." 10 15 20

8. Subsection (2) of section 12 of the said Act is repealed and the following substituted therefor:

Exceptions in certain cases.

"(2) Whenever it has been represented to the Chief Electoral Officer that

(a) the population of any other place is of a transient or floating character, or 25

(b) that any rural polling divisions situated near an incorporated city or town of five thousand population or more has acquired the urban characteristics of the polling divisions comprised in such city or town, 30

he has power, when requested not later than the date of the issue of the writ ordering an election in an electoral district, to declare, and he shall so declare if he deems it expedient, any or all the polling divisions comprised in such places to be or to be treated as urban polling divisions." 35

9. (1) Paragraphs (a) and (b) of subsection (1) of section 14 of the said Act are repealed and the following substituted therefor: 40

"(a) is of the full age of eighteen years or will attain such age on or before polling day at such election;

(b) is a Canadian citizen or has received his or her certificate of Canadian citizenship on or before polling day at such election or is a British subject other than a Canadian citizen;"

5 (2) Subsection (3) of section 14 of the said Act is repealed and the following substituted therefor:

10 "(3) Notwithstanding anything in this Act, any person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of eighteen years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector."

Qualification of veteran under eighteen years of age.

15 (3) Subsection (5) of section 14 of the Act is repealed and the following substituted therefor:

20 "(5) A Canadian Forces elector, as defined in paragraph 21 of the Canadian Forces Voting Rules, is entitled to vote

Voting by members of the Canadian Forces.

25 (a) at a by-election only if he is actually residing in the electoral district in which the election is being held and in which is located his place of ordinary residence as shown on the statement made by him under paragraph 25 of those Rules, and

(b) at a general election only under the procedure set forth in those Rules."

30 **10.** Section 16 of the said Act is amended by adding thereto, immediately after subsection (11), the following subsection:

35 "(11A) A person whose temporary place of residence is on any ship, boat or vessel, shall be deemed to be ordinarily resident in the polling division in which is situated the port or landing place that such ship, boat or vessel is using as its base ashore on the date of the issue of the writs ordering a general election and is entitled to have his name included in the list of electors prepared for such polling division and is qualified to vote therein at the said general election; but such person is not entitled to vote in such polling division unless on polling day the ship, boat or vessel is still using as its base ashore the port or landing place that it was using on the date of the issue of the writs and such person is still temporarily resident thereon; this subsection is not applicable at a by-election."

Temporary residence on a ship, boat or vessel.

**11.** (1) Subsection (4) of section 17 of the said Act is repealed and the following substituted therefor:

Receipt and disposal of copies of preliminary list received from enumerators.

“(4) The returning officer shall, upon receipt of the two copies of the preliminary list of electors from each pair of urban enumerators, pursuant to Rule (15) of Schedule A to this section, and of the preliminary list of electors from every rural enumerator, pursuant to Rule (11) of Schedule B to this section, 5

(a) use one copy of each, respectively, for the printing of the preliminary lists, and 10

(b) correct any errors of a clerical nature in the name and particulars of any elector appearing on the copy of the list that he furnishes to the printer and initial the same;

the second copy of each such list shall be retained by the returning officer and shall be kept available for public inspection at all reasonable hours until the close of the poll on polling day.” 15

(2) Subsection (12) of section 17 of the said Act is repealed and the following substituted therefor: 20

Issue of certificate in case of omission from list.

“(12) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators’ record books in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 20 entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate; no such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary list of electors by the revising officer during his sittings for revision. 25 30 35 40

(12A) If, after the date of the issue of the writ ordering an election, an elector changes his place of ordinary residence from an urban polling division to another urban polling division in the same electoral district, and his name has been included in the list of electors prepared for the polling division in which his new place of ordinary residence is situated instead of the list prepared for the polling division where he resided on the date of the issue of the said writ, the returning officer shall,

Issue of certificate in case of change in ordinary residence.

(a) on an application made in person by the elector concerned, and upon ascertaining from the carbon copy of the notice in Form No. 7 contained in the enumerators' record books in his possession that such a notice in Form No. 7 had been issued to him, issue a certificate in Form No. 20A authorizing the elector to vote at the polling station established for the polling division where he ordinarily resided on the date of the issue of the said writ and for which his name should have appeared on the official list; and

(b) forthwith after issuing the certificate, send a copy of the certificate to both deputy returning officers concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with the certificate."

(3) Subsection (14) of section 17 of the said Act is repealed and the following substituted therefor:

"(14) Everyone is guilty of an offence against this Act who

(a) requests, demands, accepts or agrees to accept monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act, or

(b) pays, agrees or promises to pay or gives or agrees or promises to give any monetary or other reward of any kind as consideration for the granting of a contract or an order of any kind for the printing of the lists of electors or other election documents required to be printed pursuant to the provisions of this Act."

Illegal arrangements with regard to election printing an offence.

(4) Subsections (17), (18) and (19) of section 17 of the said Act are repealed and the following substituted therefor:

Liability of enumerators.

“(17) Any enumerator is guilty of an offence against this Act who wilfully and without reasonable excuse, 5

(a) includes in any list of electors prepared by him the name of any person whom he has not good reason to believe has the right to have his name included,

(b) omits to include in any list prepared by him the name of any person whom he has good reason to believe has the right to have his name included, or

(c) gives, delivers or issues a notice in Form No. 7, duly signed by two enumerators, in the name of a person whom he has good reason to believe is not qualified or competent to vote at the election. 15

Obstructing enumerator or revising agent an offence.

(18) Everyone is guilty of an offence against this Act who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this Act. 20

Amalgamation of polling divisions.

(19) After the completion of the enumeration or of the revision of the lists of electors, as the case may be, a returning officer may, upon the prior approval of the Chief Electoral Officer, where there appears on the list of electors of a polling division in his electoral district less than two hundred names whether by reason of a mistake or miscalculation in the number of electors estimated by him when establishing the polling division or for any other reason whatsoever, amalgamate the polling division with one or more adjacent polling divisions in the electoral district. 25 30

Official list.

(20) The lists of electors for the two or more amalgamated polling divisions referred to in subsection (19) shall be deemed to be the official list for the new polling division created by the amalgamation.” 35

(5) All that portion of Rule (3) of Schedule A to section 17 of the said Act preceding clause (a) thereof and clause (a) are repealed and the following substituted therefor: 40

“Rule (3). When instructed by the Chief Electoral Officer at any time prior to the issue of the writ ordering an election in his electoral district or if not so instructed prior to the issue of such writ, then on the date of the issue of such writ, the returning officer shall 45

(a) in an electoral district the urban areas of which have not been altered since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number 50

of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator for every urban polling division comprised in the electoral district, whereupon such candidates or the designated representatives shall not later than twelve o'clock noon on the fifty-fourth day before polling day furnish a list of the names of the persons so nominated for all urban polling divisions to the returning officer, and, except as provided in Rule (4), the returning officer shall appoint such persons to be enumerators for the polling divisions for which they have been nominated; and"

(6) Rule (5) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (5). If either of the candidates or persons entitled to nominate enumerators fail by twelve o'clock noon on the fifty-fourth day before polling day to nominate a fit and proper person for appointment as enumerator for any urban polling division comprised in the electoral district the returning officer shall, subject to the provisions of Rule (2), himself select and appoint enumerators to any necessary extent."

(7) Rule (9) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (9). Each pair of enumerators shall visit every dwelling place in their polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, alternately on each day one of the pair of enumerators to select the most convenient time for the visit (unless as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered); if, on the above mentioned visits to any dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the Chief Electoral Officer, on which it shall be stated the day and hour that the enumerators shall

make another visit to such dwelling place; the enumerators shall also state on such notification card their names, addresses, and telephone number, if any, of one or both of them."

(8) Rule (12) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor: 5

"Rule (12). Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if, in his judgment, the said list is incomplete or contains the name of any person whose name should not be included in the list, he shall not certify to the enumerators' account, and shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts." 10 15

(9) Rule (18) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor: 20

"Rule (18). Forthwith upon being advised by the returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the *ex officio* revising officer shall, not later than the forty-fifth day before polling day, appoint in writing, in Form No. 12, a substitute revising officer for every revisal district, as hereafter established by the returning officer, for which the *ex officio* revising officer is not prepared to himself revise the lists of electors for the pending election; every substitute revising officer thus appointed shall be a person qualified as an elector in the electoral district within which he is to act; every such substitute revising officer shall, immediately after his appointment, be sworn to the faithful and impartial performance of his duties; the substitute revising officer's oath shall be in Form No. 13, and it shall be subscribed before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province; the *ex officio* revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every substitute revising officer as soon as it has been completed; the *ex officio* revising officer shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him." 25 30 35 40 45

(10) Rule (23) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 stating the following:

- (a) the numbers of the polling divisions contained in every revisal district established by him,
- (b) the name of the revising officer appointed for each revisal district,
- (c) the revisal office at which the revising officer will attend for the revision of the lists of electors, and
- (d) the days and hours therein during which the revisal office will be open,

and at least four days before the first day fixed for the sittings for revision the returning officer shall mail to each postmaster of the post offices situated in the urban areas of his electoral district a copy of the notice of revision in Form No. 14; and the returning officer shall also transmit or deliver five copies of the notice of revision in Form No. 14 to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.”

(11) Rule (25) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (25). Every postmaster shall, forthwith after receipt of a copy of the notice of revision in Form No. 14, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the revision of the lists of electors has passed, and for the purposes of this provision such postmaster shall be deemed to be an election officer.”

(12) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (28) thereof, the following Rule:

“Rule (28A). Whenever it has been established that a pair of enumerators have included in their preliminary list of electors the name of an elector whose place of ordinary residence is situated in a polling division that is adjacent to the polling division for which they have been appointed as enumerators, the returning officer shall request the appropriate revising officer during the sittings of revision to remove such elector’s name from the list of electors in which it appears and to include it in the list of electors for the polling division in which the elector resides.”

(13) Rule (29) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (29). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) any application made, by a personal appearance before the revising officer, by an elector whose name was omitted from the preliminary list;
- (b) sworn applications made by agents on Forms Nos. 17 and 18, or by revising agents on Forms Nos. 70 and 71, on behalf of persons claiming the right to have their names included in the official list of electors, pursuant to Rule (35) or Rule (36);
- (c) any verbal application for the correction of the name or particulars of an elector appearing on the preliminary list;
- (d) any application made, by a personal appearance before the revising officer, by a person to have his name struck off the preliminary list; and
- (e) any request made by the returning officer to correct an error in the name, occupation or address appearing on the printed preliminary list of electors in accordance with the correction made by the returning officer on the list and certified by him.”

(14) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (29) thereof, the following Rule:

“Rule (29A). At the sittings for revision referred to in Rule (29) the revising officer may

- (a) comply with any request made by a returning officer pursuant to Rule (28A), and
- (b) correct any typographical errors of which he has knowledge appearing in the printed list of electors.”

(15) Rule (30) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (30). During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending

election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than noon of Saturday, the sixteenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

(16) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"*Rule (36)*. In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration, a sworn application made by two revising agents, in Form No. 70,

(a) together with an application in Form No. 71, signed by the person who desires to be registered as an elector; or

(b) if such person is then temporarily absent from the place of his ordinary residence, an application in the alternative Form No. 71 signed by a relative by blood or marriage of such person;

whereupon the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

(17) Rules (44) and (45) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (44)*. The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, three copies of the statement of changes and additions for each candidate officially

nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect. 5 10

*Rule (45).* Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the three copies, and to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (44); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and by revising agents in Forms Nos. 70 and 71, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district." 15 20 25

(18) Rule (52) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor: 30

*"Rule (52).* Each pair of revising agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day before polling day, and up to and including Saturday, the sixteenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division the returning officer may make known to them; if at such place it is found that there is any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election, 35 40

- (a) such person may complete Form No. 71, or
- (b) if such person is then temporarily absent from the place of his ordinary residence an application may be completed in the alternative Form No. 71 by a relative by blood or marriage of such person, 45

and the revising agents shall then jointly complete Form No. 70 and present such completed forms to the 50

appropriate revising officer during such times as he may be sitting as provided in Rule (28)."

(19) Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (53) thereof, the following Rule:

"Rule (53A). Every revising agent is guilty of an offence against this Act who wilfully and without reasonable excuse fails to comply with any of the provisions of Rule (52) or (53)."

(20) Schedule A to section 17 of the said Act is further amended by adding thereto the following Rule:

"Rule (55). A revising officer may upon receipt from a pair of revising agents of a completed application in Forms Nos. 70 and 71 relating to a polling division not contained in his revisal district cause such forms to be transferred to the appropriate revising officer within whose district the polling division is contained, and where an application is so transferred to a revising officer before ten o'clock in the forenoon of Monday the fourteenth day before polling day, the revising officer shall hold sittings for revision on that Monday the fourteenth day before polling day and shall determine and dispose of the application; however, where the revising officer does not accept the application no notice of objection in Form No. 69 shall be transmitted to the applicant."

**12.** (1) Subsection (2) of section 18 of the said Act is repealed and the following substituted therefor:

"(2) In the electoral districts of Yukon and Northwest Territories it is sufficient compliance with subsection (1), if, at least six days before the day fixed for the nomination of candidates, the returning officer causes such proclamation to be inserted in at least one newspaper published in the Yukon Territory, and in at least one newspaper published in the Northwest Territories and mails one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day."

Electoral districts of Yukon and Northwest Territories.

(2) Subsection (5) of section 18 of the said Act is repealed and the following substituted therefor:

"(5) Every postmaster shall, forthwith after receipt of the proclamation, post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the nomination of the candidates has passed and for the purposes of this provision such postmaster shall be deemed to be an election officer."

Postmaster to post up proclamation.

**13.** Section 20 of the said Act is amended by adding thereto the following subsection:

Offence.

“(4) Everyone is guilty of an offence against this Act who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election.” 5

**14.** (1) The heading immediately preceding section 21 of the said Act is repealed and the following substituted therefor:

“*Polling Day and Nomination Day.*”

(2) Subsections (5) to (17) of section 21 of 10 the said Act are repealed.

(3) The said Act is further amended by adding thereto, immediately after section 21 thereof, the following heading and section:

“*Nomination of Candidates.*”

“**21A.** (1) Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held, whether their names are or are not on any list of electors, may nominate a candidate for that electoral district in the manner provided in this section. 15

(2) A candidate shall be nominated as follows: 20

- (a) a nomination paper in Form No. 27 shall be prepared containing a statement of
- (i) the name, address and occupation of the candidate, 25
  - (ii) the address designated by the candidate for service of process and papers under this Act and under the *Dominion Controverted Elections Act*, and
  - (iii) the name, address and occupation of the official agent appointed by the candidate pursuant to section 62; 30
- (b) the nomination paper shall be signed by each of the twenty-five or more persons referred to in subsection (1), in the presence of a witness, and each of the persons so signing shall state in the nomination paper his address and occupation; 35
- (c) the nomination paper shall be signed by a witness to the signature of each of the persons who sign the nomination paper pursuant to para- 40

Twenty-five or more electors may nominate.

Manner of nomination.

graph (b), and each of the witnesses so signing shall state in the nomination paper his address and occupation;

5 (d) except where the candidate is absent from the electoral district at the time the nomination paper is filed pursuant to paragraph (e), a statement in the nomination paper indicating that he consents to the nomination shall be signed by the candidate in the presence of a witness and the nomination paper shall be signed by that witness;

10 (e) the nomination paper shall be filed with the returning officer for the electoral district by the witness or witnesses who signed the nomination paper pursuant to paragraph (c);

15 (f) an oath in writing, in Form No. 28, sworn before the returning officer, of each of the witnesses who signed the nomination paper as witness to the signature of one or more of the persons who signed the nomination paper pursuant to paragraph (b), stating that

20 (i) he knows the person or persons to whose signature he is a witness, and

25 (ii) that person or those persons signed the nomination paper in his presence, shall be filed with the returning officer at the time the nomination paper is filed;

(g) an oath in writing, sworn before the returning officer

30 (i) in Form No. 28A, of the person who signed the nomination paper as a witness to the consent to nomination of the candidate, stating that

35 (A) he knows the candidate, and

(B) the candidate signed the consent to nomination in his presence, or

40 (ii) in Form No. 28B, of the person who filed the nomination paper with the returning officer, stating that the candidate is absent from the electoral district for which the candidate is nominated,

shall be filed with the returning officer at the time the nomination paper is filed; and

45 (h) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada shall be handed to the returning officer at the time the nomination paper is filed.

50

Particulars of candidates.

(3) For the purpose of subparagraph (i) of paragraph (a) of subsection (2),

- (a) the name of the candidate may not include any title, degree or other prefix or suffix but may include a nickname; and 5
- (b) the occupation of the candidate shall be stated briefly and shall correspond to the occupation by which the candidate is known in the place of his ordinary residence.

Each candidate separate.

(4) Each candidate shall be nominated by a 10 separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected for the same electoral district.

Where twenty-five qualified electors sign, nomination paper is not invalid if a person not qualified also signed.

(5) Where a nomination paper is signed by 15 more than twenty-five persons the nomination paper is not invalid by reason only of the fact that one or more of the said persons are not qualified electors as provided in subsection (1), if at least twenty-five of the persons who so signed are duly qualified electors as provided 20 in subsection (1).

Not rejected for ineligibility.

(6) The returning officer shall not refuse to accept any nomination paper for filing by reason of the ineligibility of the candidate nominated, unless the ineligibility appears on the nomination paper. 25

Correction or replacement.

(7) A nomination paper that the returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, and the new or corrected nomination paper may be filed with the returning officer not later than the time for 30 the close of nominations.

Receipt for deposit.

(8) The returning officer shall not accept any deposit, until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall 35 give to the person by whom it is paid to him a receipt therefor, which is conclusive evidence that the candidate has been duly and regularly nominated.

Deposit to Comptroller of the Treasury.

(9) The full amount of every deposit shall forthwith after its receipt be transmitted by the 40 returning officer to the Comptroller of the Treasury.

Disposition of deposit.

(10) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury in the event of his being elected or of his obtaining a number of votes at least equal to one-half 45 the number of votes polled in favour of the candidate elected; otherwise, except in the case provided in subsection (11), it shall belong to Her Majesty for the public uses of Canada.

(11) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board.

Idem.

(12) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been officially nominated; after two o'clock on nomination day no further nominations shall be receivable or be received.

Time and place for receiving nominations.

(13) Any votes given at the election for any other candidates than those officially nominated in the manner provided by this Act are null and void."

Votes for persons not officially nominated to be void.

**15.** Subsection (4) of section 22 of the said Act is repealed and the following substituted therefor:

False statement of withdrawal of candidate.

"(4) Everyone is guilty of an illegal practice and of an offence against this Act who, before or during an election, for the purpose of procuring the election of another candidate, publishes a false statement of the withdrawal of a candidate at the election."

**16.** Section 25 of the said Act is repealed and the following substituted therefor:

"**25.** (1) If more candidates than the number required to be elected for the electoral district are officially nominated in the manner required by this Act the returning officer shall, forthwith after the close of nominations, grant a poll for taking the votes of the electors.

Granting of a poll.

(2) Where a poll is granted the returning officer shall, on the day following nomination day, send by registered mail to each candidate officially nominated in his electoral district one copy and to the Chief Electoral Officer two copies of the following:

Returning officer to mail copies of lists to candidates and Chief Electoral Officer.

(a) a typewritten list, certified by the returning officer to be accurate and complete, of the name, address and occupation of each officially nominated candidate in that electoral district, as stated in the nomination papers,

- (b) a typewritten list, certified by the returning officer to be accurate and complete, of the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers, and 5
- (c) a typewritten list, certified by the returning officer to be accurate and complete, of the name, if any, the boundaries and the number of each of the polling divisions, and the address of each of the polling stations in that electoral district. 10

Returning officer to mail copies of notice to postmasters and Chief Electoral Officer.

(3) Where a poll is granted the returning officer shall, on the day following nomination day, send by registered mail to the postmaster of each post office situated in a rural area of the returning officer's electoral district one copy and to the Chief Electoral Officer two copies of a printed notice in the form prescribed by the Chief Electoral Officer containing the following: 15

- (a) the name, if any, and the number of each of the rural polling divisions in that electoral district and the address of each of the polling stations established in such rural polling divisions, 20
- (b) the name, address and occupation of each officially nominated candidate in that electoral district, as stated in the nomination papers, and 25
- (c) the name, address and occupation of the official agent of each officially nominated candidate in that electoral district, as stated in the nomination papers. 30

Notice to be in English and French languages.

(4) The notice referred to in subsection (3) shall be in the English and French languages in every electoral district in the Provinces of Quebec, Manitoba and New Brunswick and in every electoral district where it should be in the English and French languages in the opinion of the Chief Electoral Officer, and in all the other electoral districts it shall be in the English language only. 40

Postmasters to post notice.

(5) Every postmaster shall, forthwith after receipt of the notice referred to in subsection (3), post up the notice in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the closing of the poll has passed and for the purpose of this provision such postmaster shall be deemed to be an election officer." 45

17. Section 29 of the said Act is repealed.

**18.** Subsections (6) and (7) of section 31 of the said Act are repealed and the following substituted therefor:

5       “(6) The returning officer may, where he deems  
 such necessary, establish a central polling place where  
 the polling stations of all or any of the polling divisions  
 of any locality may be centralized, but no central  
 polling place so established shall comprise more than  
 ten polling divisions unless it is the usual practice in a  
 locality to establish a central polling place for civic,  
 10       municipal or provincial elections and the Chief Electoral  
 Officer has given his prior permission, and upon the  
 establishment of a central polling place under this  
 subsection all provisions of this Act apply as if  
 every polling station at such central polling place were  
 15       within the polling division of the electoral district to  
 which it appertains.

Central  
polling place.

20       (7) Whenever the returning officer is unable to  
 secure suitable premises to be used as a polling station  
 within a polling division he may establish such polling  
 station in an adjacent polling division, and upon the  
 establishment of such polling station all provisions of  
 this Act apply as if such polling station were within the  
 polling division to which it appertains.

Polling  
station in  
adjacent  
polling  
division.

25       (8) Whenever possible a returning officer shall  
 locate a polling station in a school or other suitable  
 public building.”

Polling  
station in  
school.

**19.** Subsections (3) and (4) of section 34 of the said Act are repealed and the following substituted therefor:

30       “(3) Any agent bearing a written authorization  
 from the candidate in the form prescribed by the  
Chief Electoral Officer shall be deemed an agent of such  
 candidate within the meaning of this Act, and shall  
 always be entitled to represent such candidate in  
 35       preference to, and to the exclusion of, any elector who  
 might otherwise claim the right of representing such  
 candidate.

Agent  
authorized  
in writing.

40       (4) A candidate may appoint as many agents  
 as he deems necessary for a polling station provided  
 only two of such agents are present in the polling  
 station at any given time.

Appointment  
of agents.

45       (5) Agents of candidates or electors representing  
 candidates may absent themselves from and return  
 to the polling station at any time before the close of  
 the poll and after any such absence an agent is not  
required to produce a new written appointment from  
the candidate to re-enter the polling station nor is  
he required to take another oath in Form No. 39.

Agents may  
absent  
themselves  
from poll.

Examination of poll book and conveying information.

- (6) An agent of a candidate may
  - (a) during the hours of polling, examine the poll book and take any information therefrom except in the case where an elector is delayed in casting his vote thereby; and
  - (b) convey, during the hours of polling, any information obtained by the examination referred to in paragraph (a) to any agent of the candidate who is on duty outside the polling station."

20. Section 38 of the said Act is repealed. 10

21. Subsection (3) of section 44 of the said Act is repealed and the following substituted therefor:

Offence.

"(3) Everyone is guilty of an illegal practice and of an offence against this Act who contravenes or fails to observe any provision of this section." 15

22. (1) Section 45 of the said Act is amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Recording of printed serial number an offence.

"(3a) Every person who makes any written record of the printed serial number appearing on the back of the counterfoil of a ballot paper is guilty of an offence against this Act." 20

(2) Subsections (7), (8) and (9) of section 45 of the said Act are repealed and the following substituted therefor: 25

Voting procedure when elector unable to mark ballot paper.

"(7) The deputy returning officer on the application of any elector who is blind, unable to read, or incapacitated, from any physical cause, from voting in the manner prescribed by this Act, shall require the elector making such application to make oath in Form No. 47 of his incapacity to vote without assistance, and shall thereafter 30

(a) assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot paper in the ballot box; or 35

(b) where such elector is accompanied by a friend and the elector so requests, permit the friend to accompany such elector into the voting compartment and mark the elector's ballot paper. 40

Entry in poll book of friend's name.

(8) Where a friend has marked the ballot paper of an elector as provided in paragraph (b) of subsection (7), the poll clerk shall, in addition to the other requirements prescribed in this Act, enter the name of the 45

friend of the elector in the remarks column of the poll book, opposite the entry relating to such elector, and no person shall at any election be allowed to act as the friend of more than one such elector.

5 (9) Any friend who is permitted to mark the ballot of an elector as provided in paragraph (b) of subsection (7) shall first be required to take an oath in Form No. 48 that he will keep secret the name or names of the candidate or candidates for whom the ballot of such  
10 elector is marked by him, and that he has not already acted as the friend of an elector for the purpose of marking his ballot paper at the pending election."

Oath of friend.

**23.** Subsection (4) of section 46 of the said Act is repealed and the following substituted therefor:

15 "(4) Every elector is guilty of an illegal practice and of an offence against this Act who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election."

Illegal vouching an offence.

20 **24.** Subsection (2) of section 50 of the said Act is amended by deleting the word "or" at the end of paragraph (c) thereof, by adding the word "or" at the end of paragraph (d) thereof and by adding thereto the following paragraph:

25 | "(e) that are not marked with a cross in black lead pencil."

**25.** Subsection (7) of section 52 of the said Act is repealed and the following substituted therefor:

30 "(7) Any person is guilty of an offence against this Act who refuses or neglects to attend on the summons of a returning officer issued under this Act, in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at the several polling stations."

Not obeying summons of returning officer an offence.

35 **26.** (1) Subsection (5) of section 54 of the said Act is repealed and the following substituted therefor:

40 "(5) Such judge shall also summon and command the returning officer to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, with respect to or in consequence of which such recount is to take place, which summons and  
45 command the returning officer shall obey, and shall

Order of judge to returning officer.

attend throughout the proceedings, at which proceedings each candidate is entitled to be present and to be represented by not more than three agents appointed to attend."

(2) Subsection (7) of section 54 of the said Act is repealed and the following substituted therefor: 5

Making recount.

"(7) At the time and place appointed, and in the presence of such of the said persons as shall attend, the judge shall proceed to make such recount from the statements contained in the several ballot boxes returned by the several deputy returning officers, or to recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and the judge, in the latter case

- (a) shall open the sealed envelopes containing the used and counted, the unused, the rejected, and the spoiled ballot papers; 15
- (b) shall not open any other envelopes containing other documents; and
- (c) shall not take cognizance of any election documents other than the documents referred to in paragraph (a)." 20

(3) Section 54 of the said Act is further amended by adding thereto, immediately after subsection (8) thereof, the following subsection: 25

Additional powers of judge.

"(8a) In the case of a recount, the judge shall recount votes as provided in subsection (8) and for such purpose the judge, in addition to the powers referred to in subsection (8), has the power of summoning before him any deputy returning officer or poll clerk as a witness and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and in respect thereof the judge has the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of record in civil cases." 30 35

(4) Section 54 of the said Act is further amended by adding thereto, immediately after subsection (10) thereof, the following subsection:

Judge may terminate recount.

"(10a) Notwithstanding any other provisions of this section a judge may, at any time after an application for a recount has been made to him, terminate such recount, upon a request by the applicant to him in writing for such termination." 40

27. Section 57 of the said Act is repealed and the following substituted therefor:

Delay, neglect or refusal of returning officer to return elected candidate an offence.

"57. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it has been determined on the 50

5 hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election is guilty of an offence against this Act."

28. (1) Subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

10 "(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:

Mode of payment of fees and expenses.

(a) with regard to

By special warrants in certain cases.

15 (i) polling stations other than advance polling stations the fees or allowances, fixed by the tariff of fees, established pursuant to subsection (1), for deputy returning officers and poll clerks, and for the rental of polling stations, and

20 (ii) revising agents, the fees as fixed by the tariff of fees established pursuant to subsection (1),

25 shall be paid directly to each claimant by special warrants drawn on the Comptroller of the Treasury and finally issued by the returning officer for each electoral district; the necessary forms of warrants shall be furnished to each returning officer by the Chief Electoral Officer; such warrants shall bear the printed signature of the Chief Electoral Officer, and when counter-

30 signed by the appropriate returning officer, are negotiable without charge at any chartered bank in Canada; immediately after the official addition of the votes has been held, every

35 returning officer shall fill in the necessary spaces in the warrants, affix his signature thereon, and despatch the warrants by mail to the deputy returning officers, poll clerks, landlords of polling stations, and revising agents entitled to

40 receive them; and

(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa and sent direct to each person entitled to payment.

By separate cheques in other cases.

Accountable  
advance.

(3a) Notwithstanding anything in this section, an  
accountable advance may be made to an election officer,  
limited to an amount deemed necessary to defray such  
office and other incidental expenses as may be approved  
under the tariff of fees established pursuant to subsection 5  
(1).”

Responsi-  
bility of  
returning  
officer.

(2) Subsection (5) of section 60 of the said  
Act is repealed and the following substituted therefor:

“(5) The returning officer shall exercise special care  
in the certification of enumerators’ accounts; any 10  
enumerator who wilfully and without reasonable excuse  
omits from the list of electors prepared by him (or by  
him jointly with another enumerator) the name of any  
person entitled to have his name entered thereon, or  
enters on the said list the name of any person who is not 15  
qualified as an elector in his polling division, shall forfeit  
his right to payment for his services and expenses; in all  
such cases, the returning officer shall not certify the  
account of the enumerator concerned, but shall send it  
uncertified to the Chief Electoral Officer with a special 20  
report attached thereto stating the relevant facts;  
moreover, the Comptroller of the Treasury shall not  
pay any enumerator’s account until after the revision  
of the lists of electors has been completed.”

Payment of  
additional  
sums.

(3) Section 60 of the said Act is further 25  
amended by adding thereto, immediately after subsection  
(6) thereof, the following subsection:

“(6a) The Chief Electoral Officer may, in accord-  
ance with regulations made by the Governor in Council,  
in any case in which the fees and allowances provided 30  
for by the tariff are not sufficient remuneration for the  
services required to be performed at any election, or for  
any necessary service performed, authorize the pay-  
ment of such sum or additional sum for such services as  
is considered just and reasonable.” 35

Forfeiture of  
right to  
payment.

(4) Section 60 of the said Act is further  
amended by adding thereto the following subsection:

“(8) Any election officer who fails to carry out any  
of the services required to be performed by him or  
engages in any political activity during the period of 40  
his employment at an election pursuant to this Act  
may forfeit his right to payment for his services and  
expenses, and the Comptroller of the Treasury, upon  
the receipt of a certificate from the Chief Electoral  
Officer to the effect that an election officer named in 45  
the certificate has failed to carry out the services  
required to be performed by him at the election under  
this Act, shall not pay that election officer’s account.”

**29.** The heading preceding section 65 and sections 65 to 78 of the said Act are repealed and the following heading and sections substituted therefor:

*“Other Offences.*

- 5 Act who **65.** Everyone is guilty of an offence against this Offences.
- (a) forges, counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning officer signed thereon;
- 10 (b) without authority supplies a ballot paper to any person;
- (c) not being a person entitled under this Act to be in possession of an official ballot paper or of any ballot paper, has without authority any such official ballot paper or any ballot paper in his possession;
- 15 (d) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;
- (e) fraudulently takes a ballot paper out of the polling station;
- 20 (f) without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers then in use for the purposes of the election;
- 25 (g) being a deputy returning officer fraudulently puts, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
- (h) without authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- 30 (i) being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;
- 35 (j) being a deputy returning officer, places upon any ballot paper, any writing, number or mark with intent that the elector to whom such ballot paper is to be, or has been, given may be identified thereby;
- 40 (k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes of any election, any ballot box containing or including any compartment,
- 45

appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

- (l) attempts to commit any offence specified in this section.

Treating of any person.

**66.** (1) Everyone is guilty of an offence against this Act who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

(2) Subsection (1) does not apply to

- (a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or
- (b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election.

Official agent may furnish refreshment.

Furnishing of refreshment by other persons.

Liquor not to be sold on polling day.

**67.** Everyone is guilty of an offence against this Act who at any time during the hours the polls are open on ordinary polling day sells, gives, offers or provides any fermented or spirituous liquor at any hotel, tavern, shop or other public place within an electoral district where a poll is being held.

**69.** Everyone is guilty of an offence against this Act who, by intimidation, duress or any pretence or contrivance

Undue influence.

- (a) compels, induces or prevails upon any person to vote or refrain from voting at an election; or
- (b) represents to any person that the ballot paper to be used or the mode of voting at an election is not secret.

**70.** Everyone is guilty of an offence against this Act who

Illegal payments to electors.

- (a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or
- (b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by an elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof.

**71.** (1) Every election officer is guilty of an offence against this Act who fails or refuses to comply with any provision of this Act unless such election officer establishes that in failing or refusing to so comply he was acting in good faith, that his failure or refusal was reasonable and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

Liability of election officers.

(2) It shall be deemed to be a failure to comply with the provisions of this Act to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote which should have been cast.

Non-compliance defined.

(3) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it is his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

Inquiry into offences and power to take proceedings.

Further powers.

(4) The Chief Electoral Officer has the power described in subsection (3) in the case of any offence that it is made to appear to him to have been committed by any person under section 17, subsection (4) of section 20, section 22, subsection (2) of section 49, subsection (12) of section 50, subsection (7) of section 52, section 65 or section 77. 5

Powers as commissioner under *Inquiries Act*.

(5) For the purpose of any inquiry held under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, has the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Comptroller of the Treasury, on the certificate of the Chief Electoral Officer, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. 10 15 20

Public meetings.

**72.** Everyone is guilty of an offence against this Act who, between the date of the issue of the writ for an election and the day after polling at the election, acts, incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purposes of the election. 25

Printed documents to bear name, etc., of printer.

**73.** Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear the name and address of its printer or publisher, and anyone printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this Act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice. 30 35

Inducing persons to make false oath an offence.

**74.** (1) Everyone who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, compels or attempts to compel, or induces or attempts to induce, any other person to take such oath falsely, is guilty of an illegal practice and of an offence against this Act. 40

Taking oath falsely an offence.

(2) Everyone who, knowingly, in any case wherein an oath is by this Act authorized or directed to be taken, takes such oath falsely is guilty of an illegal practice and of an offence against this Act. 45

5 **75.** Anyone who, before or during any election, knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of any candidate is guilty of an illegal practice and of an offence against this Act.

Publishing false statements to affect return of any candidate an offence.

**76.** Deleted.

10 **77.** (1) Anyone unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors or other document authorized or required by this Act to be posted up is guilty of an offence against this Act and liable on summary conviction to

Removing notices forbidden.

- 15 (a) a fine not exceeding one thousand dollars,  
 (b) imprisonment for a term not exceeding two years, or  
 (c) both such fine and imprisonment.

20 (2) A copy of subsection (1) shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document or printed and written as a separate notice and posted up near such documents and so that such notice can be easily read.

Copy of subsection (1) to be printed on documents posted up.

25 **78.** (1) Everyone who is guilty of an offence against this Act is liable on summary conviction to

Fines and penalties.

- 30 (a) a fine not exceeding two thousand dollars,  
 (b) imprisonment for a term not exceeding two years, or  
 (c) both such fine and imprisonment.

(2) Any candidate at an election or official agent of such a candidate who commits a breach of any of the provisions of section 66, 68, 69, 70 or 72 is guilty of a corrupt practice."

Corrupt practice.

35 **30.** Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor:

"**82.** (1) No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in section 22, 40, 44, 73 or 75 unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

Election not voided unless illegal practices by candidate or agent.

- 40 (a) the elected candidate in person;  
 (b) his official agent; or  
 (c) some other agent of such candidate with such candidate's actual knowledge and consent."

45 **31.** Section 91 of the said Act is repealed.

**32.** (1) All that portion of subsection (8) of section 92 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Notice in  
Form No. 65.

“(8) The returning officer shall, on Saturday, the thirtieth day before the ordinary polling day,” 5

(2) Subsection (9) of section 92 of the said Act is repealed and the following substituted therefor:

To be posted  
up.

“(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access 10 and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed and for the purpose of this provision the postmaster shall be deemed to be an election officer.”

**33.** Section 104 of the said Act is repealed. 15

34. Form No. 15 of Schedule 1 to the said Act is repealed and the following substituted therefor:

“FORM NO. 15.

AFFIDAVIT OF OBJECTION.

(Sec. 17, Sched. A, Rule 30.)

Electoral district of .....

Revisal district No. ....

I, the undersigned, ..... whose address is ....., and whose occupation is ....., do swear (or solemnly affirm):

1. That I am the person described on the preliminary list of electors prepared for use at the pending election, for urban polling division No. ...., comprised in the above mentioned revisal district, and that my address and occupation, as given in the said preliminary list, are as set out above.

2. That there has been included in the preliminary list of electors prepared for use at the pending election, for urban polling division No. ...., comprised in the said revisal district, the name of (name as on preliminary list), whose address is given as (address as on preliminary list), and whose occupation is given as (occupation as on preliminary list).

3. That I know of no other address at which the said person is more likely to be reached than that so stated on the said preliminary list, except (give alternative or better address, if one is known).

4. And that I have good reason to believe and do verily believe that the name, address, and occupation mentioned in paragraph 2 of this affidavit should not appear on the said preliminary list because the person described by the said entry (insert the ground of disqualification as hereinafter directed).

Sworn (or affirmed) before me }
at ..... }
this ..... day of ..... }
19.... } (Signature of deponent)
..... }
Revising Officer.

*Ground of disqualification which may be set out in paragraph 4 of the  
Affidavit of Objection in Form No. 15 of the  
Canada Elections Act.*

- (1) "Is dead."
- (2) "Is not known to exist."
- (3) "Is not qualified to vote because he is not of the full age of eighteen years or will not attain such age on or before polling day at the pending election."
- (4) "Is not qualified to vote because he is not a Canadian citizen or other British subject."
- (5) "Is not qualified to vote because he is a British subject other than a Canadian citizen and has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."
- (6) "Is not qualified to vote because he was not ordinarily resident in this electoral district on the ..... day of ....., 19..... (*naming the date of the issue of the writ ordering the pending election*)."
- (7) "Is not qualified to vote because he is (*naming any other class of disqualified persons to which the person objected to belongs, as prescribed in section 14, 15 or 16 of the Canada Elections Act*)."
- (8) "Has, to my knowledge, been included in the preliminary list of electors prepared for use at the pending election for polling division No..... of this electoral district in which he ordinarily resides."

35. Form No. 18 of Schedule 1 to the said Act is repealed and the following substituted therefor:

“FORM NO. 18.

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 35.)

(To be presented to the revising officer by the agent of an elector.)

Electoral district of.....

Urban polling division No.....

Name of applicant.....

(in capital letters with family name first)

.....  
(address)

.....  
(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of eighteen years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen.  
(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19 .....  
(naming the date of the issue of the writ ordering the pending election);  
(and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*.

Dated at ....., this .....  
day of ....., 19.....

.....  
(Signature of witness)

.....  
(Signature of applicant)

ALTERNATIVE APPLICATION TO BE SWORN BY A RELATIVE OR EMPLOYER  
WHEN ELECTOR IS TEMPORARILY ABSENT FROM THE  
PLACE OF HIS ORDINARY RESIDENCE.

(To be presented to the revising officer by the agent of an elector.)

Electoral district of.....

Urban polling division No.....

I, the undersigned,....., of.....,  
(insert name of relative or employer) (address)

....., do swear (or solemnly affirm):  
(occupation)

1. That I am hereby applying for the registration of the name of  
....., of.....,  
(in capital letters with family name first) (address)  
..... on the list of electors for the above mentioned  
(occupation)  
urban polling division at the now proceeding revision of lists of electors.

- 2. That the said person on whose behalf this application is made
  - (a) is of the full age of eighteen years, or will attain such age on or before polling day at the pending election;
  - (b) is a Canadian citizen;  
(or)  
is a British subject other than a Canadian citizen and has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and
  - (c) was ordinarily resident in the above mentioned urban polling division on the..... day of....., 19..... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, has continued to be ordinarily resident in this electoral district until this day).

3. That the said person on whose behalf this application is made is at this time temporarily absent from the place of his ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*.

4. And that I am a relative by blood or marriage or the employer of the said person on whose behalf this application is made.

Sworn (or affirmed) before me at )  
 ..... )  
 this..... day of..... )  
 19..... ) (Signature of relative or  
 ..... ) employer)"  
 ..... )  
 Revising Officer (or as the case  
 may be)

**36.** Forms Nos. 41 and 42 of Schedule I to the said Act are repealed and the following substituted therefor:

“FORM NO. 41.

OATH OF QUALIFICATION. (Sec. 39 (1).)

You swear (*or* solemnly affirm)

(1) That you are (*name, address and occupation*) as given on the list of electors now shown you;

(2) That you are a Canadian citizen of the full age of eighteen years;

(or)

That you are a British subject other than a Canadian citizen of the full age of eighteen years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(3) That you were ordinarily resident in this polling division on the ..... day of ....., 19.... (*naming the date of the issue of the writ ordering the pending election*); (and at a by-election, that you have continued to be ordinarily resident in this electoral district until today);

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Canada Elections Act*;

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

FORM NO. 42.

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2).)

Electoral district of.....

Urban polling division No.....

I, the undersigned, do swear (*or* solemnly affirm)

(1) That I am of the full age of eighteen years;

(2) That I am a Canadian citizen;

(or)

That I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(3) That I was ordinarily resident in the above mentioned polling division on the.....day of....., 19....  
(naming the date of the issue of the writ ordering the pending election); (and at a by-election, that I have continued to be ordinarily resident in this electoral district until today);

(4) That I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of the *Canada Elections Act*;

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election;

(6) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto;

(7) That I am the person intended to be referred to by the entry on the official list of electors for this polling station under consecutive No.....of the name of.....  
(name as on list of electors), whose occupation is given as.....  
.....(occupation as on list of electors), and whose address is given as.....(address as on list of electors); and

(8) That the name stated above is my true name and that the signature affixed hereto is in my usual handwriting (or in the case of an illiterate person—that the mark placed hereto is my usual method of signing my name).

Sworn (or affirmed) before me

at.....,

this.....day of.....,

19....

.....  
" (Signature of deponent) "

.....  
Deputy Returning Officer.

37. Form No. 45 of Schedule I to the said Act is repealed and the following substituted therefor:

“FORM NO. 45.

AFFIDAVIT OF A CANDIDATE'S AGENT TO BE SUBSCRIBED BEFORE VOTING ON A TRANSFER CERTIFICATE.

(Sec. 43 (2).)

Electoral district of.....

I, the undersigned, do swear (or solemnly affirm):

- (1) That I am the person described in the above transfer certificate;
- (2) That I am actually agent of.....;   
 (insert name of candidate)

(3) That it is my intention to act in that capacity until the poll is closed on this polling day, and that I have taken the oath of secrecy in Form No. 39 of the *Canada Elections Act*;

- (4) That I am a Canadian citizen of the full age of eighteen years;   
 (or)

That I am a British subject other than a Canadian citizen of the full age of eighteen years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(5) That I was ordinarily resident in this electoral district on the . . . day of . . . , 19 . . . . (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until today);

(6) That I am not, to the best of my knowledge and belief, disqualified as an elector at the pending election in this electoral district, under any of the provisions of the *Canada Elections Act*;

(7) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

(8) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God.

Sworn (or affirmed) before me  
 at.....  
 this.....  
 day of....., 19.....  
 .....  
 Deputy Returning Officer.

(Signature of deponent)"

**38.** Forms Nos. 49 and 50 of Schedule I to the said Act are repealed and the following substituted therefor:

“FORM No. 49.

OATH OF AN APPLICANT RURAL ELECTOR. (Sec. 46.)

You swear (*or solemnly affirm*)

- (1) That you are (*name, address and occupation*);
- (2) That you are a Canadian citizen of the full age of eighteen years;  
(or)

That you are a British subject other than a Canadian citizen of the full age of eighteen years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(3) That you were ordinarily resident in this electoral district on the ..... day of ....., 19.... (*naming the date of the issue of the writ ordering the pending election*);

(4) That you are now ordinarily resident in this rural polling division;

(5) That, to the best of your knowledge and belief, you are not disqualified as an elector in this rural polling division, at the pending election, under any of the provisions of the *Canada Elections Act*;

(6) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(7) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

FORM No. 50.

OATH OF PERSON VOUCHING FOR AN APPLICANT RURAL ELECTOR.  
(Sec. 46.)

You swear (*or solemnly affirm*)

(1) That you are (*name, address and occupation*) as given on the list of electors now shown you;

(2) That you are now ordinarily resident in this rural polling division;

(3) That you know (*naming the applicant and stating his address and occupation*) who has applied to vote at the pending election in this polling station;

(4) That the said applicant is now ordinarily resident in this rural polling division;

- (5) That you verily believe that the said applicant
- (a) is a Canadian citizen of the full age of eighteen years;
  - (or)
  - is a British subject other than a Canadian citizen of the full age of eighteen years and has been ordinarily resident in Canada for the twelve months immediately preceding this polling day; and
  - (b) was ordinarily resident in this electoral district on the . . . . . day of . . . . . , 19 . . . . . (*naming the date of the issue of the writ ordering the pending election*); and
- (6) That you verily believe that the said applicant is qualified to vote in this rural polling division at the pending election. So help you God."

**39.** Form No. 71 of Schedule I to the said Act is repealed and the following substituted therefor:

FORM NO. 71.

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH.  
(Sec. 17, Sched. A, Rule 36.)

*(To be presented to the revising officer by the revising agents acting for an elector.)*

Electoral district of.....

Urban polling division No.....

Name of applicant *(in capital letters, with family name first)*, *(address)*, *(occupation)*

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of eighteen years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen.

(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the.....day of....., 19.... *(naming the date of the issue of the writ ordering the pending election)*; (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*.

Dated at....., this.....day of....., 19....

.....	}	.....
<i>(Signature of revising agent)</i>		
.....	}	<i>(Signature of applicant)</i>
<i>(Signature of revising agent)</i>		

ALTERNATIVE APPLICATION TO BE MADE BY A RELATIVE WHEN ELECTOR IS TEMPORARILY ABSENT FROM THE PLACE OF HIS ORDINARY RESIDENCE.

(To be presented to the revising officer by the revising agents acting for an elector.)

Electoral district of .....  
 Urban polling division No.....

I, the undersigned, (*insert name of relative*), of (*insert address*), (*insert occupation*), declare:

1. That I am hereby applying for the registration of the name of (*In capital letters, with family name first*), of (*insert address*), (*insert occupation*), on the list of electors for the above mentioned urban polling division at the now proceeding revision of lists of electors.

2. That the said person on whose behalf this application is made

(a) is of the full age of eighteen years, or will attain such age on or before polling day at the pending election;

(b) is a Canadian citizen;

(or)

is a British subject other than a Canadian citizen and has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and

(c) was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19..... (*naming the date of the issue of the writ ordering the pending election*); (and, at a by-election, has continued to be ordinarily resident in this electoral district until this day).

3. That the said person on whose behalf this application is made is at this time temporarily absent from the place of his ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*.

4. And that I am a relative by blood or marriage of the said person on whose behalf this application is made.

Dated at ....., this ..... day of

....., 19.....

(*Signature of revising agent*)

(*Signature of revising agent*)

(*Signature of relative*)

**40.** Paragraph 2 of *The Canadian Forces Voting Rules* in Schedule II to the said Act is repealed and the following substituted therefor:

Application.

"**2.** The procedure for the taking of the votes of the Canadian Forces electors contained in these Rules is applicable only at a general election held in Canada and is not applicable at a by-election, a postponed election described in section 23 of the *Canada Elections Act* or at an election in an electoral district where a writ has been withdrawn and a new writ issued in accordance with subsection (4) of section 7 of that Act."

**41.** Clause (a) of paragraph 4 of the said Rules is repealed and the following substituted therefor:

"Chief assistant."

"(a) "chief assistant" means a person appointed by the Governor in Council, pursuant to paragraph 5, as chief assistant to a special returning officer;"

**42.** Paragraph 5 of the said Rules is amended by adding thereto the following subparagraph:

Appointment of chief assistant.

"(4) The Governor in Council shall appoint a person to act as chief assistant to each special returning officer appointed pursuant to subparagraph (1)."

**43.** Paragraphs 6 and 7 of the said Rules are repealed and the following substituted therefor:

Vacation of office.

"**6.** (1) The office of a special returning officer or of a chief assistant who is hereafter appointed shall not be deemed to be vacant unless he dies or, with prior permission of the Chief Electoral Officer, resigns, or unless he is removed from office for cause within the meaning of subparagraph (2)."

Removal from office.

(2) The Governor in Council may remove from office for cause any special returning officer or chief assistant who

- (a) has attained the age of sixty-five years;
- (b) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under these Rules;
- (c) has failed to discharge competently his duties, or any thereof, under these Rules; or
- (d) has, at any time after his appointment, been guilty of politically partisan conduct, whether or not in the course of the performance of his duties under these Rules.

Appointment within limited period.

(3) In the event of a vacancy in the office of the special returning officer for a voting territory or in the office of chief assistant to a special returning officer for a voting territory, due to any cause whatsoever, the

appointment, pursuant to these Rules, of a special returning officer or of a chief assistant, as the case may be, for that voting territory shall be made within thirty days from the day on which such vacancy occurred.

Special returning officer and chief assistant to be sworn.

7. Every special returning officer shall be sworn in Form No. 1, and every chief assistant shall be sworn in Form No. 2, before a judge of any court or a commissioner for taking affidavits within a province, to the faithful performance of his duties." 5

44. Paragraph 9 of the said Rules is repealed 10 and the following substituted therefor:

Nominating, appointment, oath and tenure of office of scrutineers.

"9. The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Rules, appoint eight persons to act as scrutineers in the Headquarters of each special returning officer; three of such eight scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition and one by the Leader of each political party or group having a membership in the House of Commons of ten or more; each scrutineer shall be appointed in Form No. 3 and shall be sworn according to the said Form No. 3 before the special returning officer, to the faithful performance of the duties imposed upon him in these Rules; tenure of office of scrutineers ceases immediately after the counting of the votes has been completed." 15 20 25

45. Subparagraph (2) of paragraph 11 of the said Rules is repealed and the following substituted therefor:

Voting by officials.

"(2) Special returning officers, deputy special returning officers, chief assistants, and scrutineers, appointed pursuant to paragraph 5, 9, 52 or 53, are entitled to vote in the same manner as Canadian Forces electors, if qualified to vote at the general election." 30

46. Paragraph 14 of the said Rules is repealed and the following substituted therefor: 35

Liability of special returning officer and staff.

"14. Every special returning officer, deputy special returning officer, chief assistant, scrutineer, or clerical assistant who

- (a) wilfully omits to comply with the provisions of these Rules; or 40
- (b) refuses to comply with any of the provisions of these Rules;

is guilty of an offence against this Act."

**47.** The said Rules are further amended by adding thereto, immediately after paragraph 15 thereof, the following paragraphs:

Lists of  
Canadian  
Forces  
electors  
at a general  
election.

**15A.** (1) At a general election during the week commencing Monday the 21st day before polling day, the Chief Electoral Officer shall provide each special returning officer with lists of Canadian Forces electors as defined in paragraph 21 whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (7b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with Service numbers, of such Canadian Forces electors. 5 10

Safekeeping  
of lists.

- (2) The lists described in subparagraph (1)
- (a) shall not be open to inspection or be copied or extracted except by the Chief Electoral Officer, a special returning officer or their respective staffs for the purposes described in clause (d) of paragraph 70; and 15
- (b) shall be carefully locked up when not in use and every precaution shall be taken for their safekeeping and transmission pursuant to subparagraph (2) of paragraph 84. 20

Uses not  
prohibited.

(3) Nothing contained in subparagraph (2) shall prohibit the use of the lists described in subparagraph (1) by the Canadian Forces for official purposes or in respect of provincial elections, if it is necessary to establish entitlement of members of the Canadian Forces to vote at such elections, but the provisions of subparagraph (2) shall apply *mutatis mutandis*. 25 30

Lists of  
Canadian  
Forces  
electors at a  
by-election.

**15B.** (1) At a by-election, a postponed election and at an election in an electoral district where a writ has been withdrawn and a new writ issued in accordance with subsection (4) of section 7 of the *Canada Elections Act*, during the week commencing Monday the thirty-fifth day before polling day, the Chief Electoral Officer shall provide to the returning officer of that electoral district a list of Canadian Forces electors, as defined in paragraph 21, whose statements of ordinary residence show those Canadian Forces electors as having a place of ordinary residence in that electoral district. 35 40

(2) The list described in subparagraph (1) shall be open to inspection, at the office of the returning officer, by an officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom. 45

**48.** Paragraph 21 of the said Rules is repealed and the following substituted therefor:

Qualifications of Canadian Forces elector.

“**21.** (1) Every person, man or woman, who has attained the full age of eighteen years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Rules, while he or she

- (a) is a member of the regular forces of the Canadian Forces; 10
- (b) is a member of the reserve forces of the Canadian Forces and is on full-time training or service, or on active service; or
- (c) is a member of the active service forces of the Canadian Forces. 15

Exception.

(2) Notwithstanding anything in these Rules, any person who, on or subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of eighteen years, but is otherwise qualified under subparagraph (1), shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Rules.” 20

**49.** Clause (a) of paragraph 22 of the said Rules is repealed and the following substituted therefor: 25

“(a) is of the full age of eighteen years,”

**50.** Clause (b) of subparagraph (1) of paragraph 24 of the said Rules is repealed and the following substituted therefor:

- “(b) specifies in a declaration in Form No. 7 30
  - (i) the place of his or her ordinary residence as shown by the elector on the statement referred to in clause (a), if there is not on file in the unit in respect of such elector a statement of ordinary residence stamped as to electoral district pursuant to subparagraph (7b) of paragraph 25; or 35
  - (ii) if there is on file in the unit in respect of such elector a statement of ordinary residence stamped as to electoral district pursuant to subparagraph (7b) of paragraph 25, the name of the electoral district shown on that statement.” 40

**51.** Paragraph 25 of the said Rules is repealed and the following substituted therefor: 45

Ordinary residence on enrolment in regular forces.

“**25.** (1) Every person other than a person referred to in subparagraph (2) shall, forthwith upon his enrolment in the regular forces, complete in triplicate before

a commissioned officer a statement of ordinary residence in Part I of Form No. 16 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which his place of ordinary residence immediately prior to 5 enrolment was situated.

Idem.

(2) Every person who did not have a place of ordinary residence in Canada immediately prior to his enrolment in the regular forces shall, as soon thereafter as he acquires a place of ordinary residence in Canada as described in subclause (i) or (ii) of clause (a) of subparagraph (3), complete in triplicate before a commissioned officer, a statement of ordinary residence in Part II of Form No. 16.

Change of ordinary residence and statement of ordinary residence when not previously completed.

(3) A member of the regular forces who is not a member of the active service forces of the Canadian Forces may, in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election, 20

(a) subject to subparagraph (4), by completing a statement of ordinary residence in Part III of Form No. 16, in triplicate, before a commissioned officer, change his place of ordinary residence to the city, town, village, or other place in Canada, with street address, if any, and including the province or territory, in which is situated: 25

- (i) the residence of a person who is the spouse, dependant, relative, or next of kin of such member;
- (ii) the place where such member is residing as a result of the services performed by him in the forces; or
- (iii) his place of ordinary residence immediately 35 prior to enrolment; and

(b) if he has failed to complete a statement of ordinary residence mentioned in subparagraph (1) or (2), complete such statement of ordinary residence in Part I or II of Form No. 16, as 40 applicable.

Not effective during a by-election.

(4) Notwithstanding subparagraph (3), where a statement of ordinary residence is completed changing the member's place of ordinary residence to a place in an electoral district where a writ ordering a by- 45 election has been issued, the statement shall not be effective to change the member's place of ordinary residence for the purpose of that by-election.

Ordinary residence of member of reserve forces on full-time service.

(5) Every member of the reserve forces of the Canadian forces who has not completed a Statement of Ordinary Residence during the current period of his full-time training or service and who at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day is on full-time training or service, shall complete, in triplicate, before a commissioned officer, a Statement of Ordinary Residence on Form No. 17, indicating the city, town, village or other place in Canada, with street address, if any, including the province or territory, where his or her place of ordinary residence was situated immediately prior to commencement of such period of full-time training or service.

Ordinary residence on enrolment in active service forces.

(6) On enrolment in the active service forces, every person who is not a member of the regular forces or reserve forces shall complete, in triplicate, before a commissioned officer a statement of ordinary residence in Form No. 17 indicating the city, town, village or other place in Canada, with street address, if any, and including the province or territory, in which is situated his place of ordinary residence immediately prior to enrolment in the active service forces.

Statement to be sent to Service Headquarters in duplicate.

(7) The original and duplicate copy of a statement of ordinary residence completed pursuant to this paragraph shall be forwarded to the appropriate Service Headquarters and the triplicate copy shall be retained in the unit with the declarant's service documents for disposal pursuant to subparagraph (7c).

Disposal by Service Headquarters.

(7a) The original and duplicate copy of a statement of ordinary residence in Form No. 16 received by a Service Headquarters pursuant to subparagraph (7) shall be forwarded to the Chief Electoral Officer, and the original and duplicate copy of Form No. 17 shall be retained on file in the Service Headquarters.

Stamping the statements.

(7b) Upon receipt pursuant to subparagraph (7a) of the copies of a statement of ordinary residence in Form No. 16, the Chief Electoral Officer shall cause them to be stamped with the description of the electoral district in which is situated the place of ordinary residence as shown thereon; and the original of each such statement shall be retained in the custody of the Chief Electoral Officer and the duplicate copy returned to the applicable Service Headquarters.

Recording statement at elector's unit.

(7c) Upon receipt of the duplicate copy of the statement of ordinary residence stamped as to electoral district pursuant to subparagraph (7b) the Service Headquarters shall forward the same to the

commanding officer of the unit in which the Canadian Forces elector is serving; and upon receipt of the stamped duplicate statement the commanding officer shall destroy the triplicate copy of the statement and retain the stamped duplicate copy in the elector's unit service documents. 5

Destruction of prior statement.

(7d) Upon the completion of a statement in Part III of Form No. 16, the original and all copies of any prior statement of ordinary residence may be destroyed. 10

Retention of statements.

(7e) The original and duplicate copy of a statement of ordinary residence of a person who ceases to be a Canadian Forces elector shall be retained for a period of one year after his ceasing to be a Canadian Forces elector and may thereafter be destroyed. 15

Validity of previous statements.

(8) In lieu of the forms prescribed in this paragraph, the following forms may be used:

(a) the forms prescribed in paragraph 22 of *The Canadian Forces Voting Regulations* in Schedule Three to the *Canada Elections Act*, Chapter 23, 20 Revised Statutes of Canada, 1952, which may be used in the circumstances prescribed in that paragraph;

(b) the forms heretofore prescribed under these Rules, which may be used in the circumstances prescribed in this paragraph." 25

**52.** Paragraph 26 of the said Rules is repealed and the following substituted therefor:

Voting by Canadian Forces electors at a general election.

"Every Canadian Forces elector, as defined in paragraph 21, is entitled to vote at a general election only according to the procedure set forth in these Rules." 30

**53.** Subparagraph (1) of paragraph 28 of the said Rules is repealed and the following substituted therefor:

Publication of notice of general election.

"**28.** (1) Every commanding officer shall, forthwith upon being notified by the appropriate Service authority that a general election has been ordered in Canada, publish as part of Daily Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed as polling day." 35 40

**54.** Paragraph 29 of the said Rules is repealed and the following substituted therefor:

List of Canadian Forces electors.

"**29.** (1) Immediately upon being informed pursuant to subparagraph (1) of paragraph 28 that a general election has been ordered in Canada, each commanding officer shall prepare a list of the names of Canadian Forces electors, as defined in paragraph 21, who are serving in or attached to his unit, including, where 45

applicable, Canadian Forces electors as defined in paragraph 22; and such list shall be in alphabetical order and shall contain the following information:

- (a) in the case of a Canadian Forces elector defined in paragraph 21, the surname, initials, rank, service number, and
  - (i) the place of ordinary residence as declared in a statement of ordinary residence made under these Rules, if such statement has not been stamped as to electoral district pursuant to subparagraph (7b) of paragraph 25, or
  - (ii) the electoral district if the statement of ordinary residence has been stamped pursuant to subparagraph (7b) of paragraph 25, and
- (b) in the case of a Canadian Forces elector as defined in paragraph 22, her surname and initials, and the surname, initials, rank and service number of her husband, and
  - (i) the place of ordinary residence as declared in the statement of ordinary residence made under these Rules by her husband if such statement has not been stamped as to electoral district pursuant to subparagraph (7b) of paragraph 25, or
  - (ii) if such statement of ordinary residence has been stamped pursuant to subparagraph (7b) of paragraph 25, the electoral district as so shown therein.

(2) Within one week of being informed pursuant to subparagraph (1) of paragraph 28 that a general election has been ordered, the commanding officer shall, through the liaison officer, furnish to the special returning officer of the headquarters for the appropriate voting territory and to the deputy returning officer or officers of his unit a copy of the list described in subparagraph (1)."

**55.** Subparagraph (1) of paragraph 30 of the said Rules is repealed and the following substituted therefor:

**"30.** (1) Every Canadian Forces elector, as defined in paragraph 21, who is undergoing treatment in a Service hospital or convalescent institution during the

Copies of lists to be furnished special returning officer.

Canadian Forces elector in hospital, etc.

period prescribed in subparagraph (2) of paragraph 28 for the taking of the votes of Canadian Forces electors at a general election shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution, and a Canadian Forces elector, as defined in paragraph 22, whose husband is in such hospital or institution may vote at the place where her husband may vote or at the place where he could have voted before he went in such hospital or institution." 10

**56.** (1) Subparagraphs (1) to (3) of paragraph 36 of the said Rules are repealed and the following substituted therefor:

Declaration of Canadian Forces elector as defined in paragraph 21.

**"36.** (1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 21, the deputy returning officer before whom the vote is to be cast shall

- (a) require such Canadian Forces elector to make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, and the declaration
- (i) shall state such elector's name, rank and number, 25
  - (ii) shall state that he is a Canadian citizen or other British subject, that he has attained the full age of eighteen years (except in the case referred to in subparagraph (2) of paragraph 21), and that he has not previously voted at the general election, and 30
  - (iii) shall show
    - (A) the name of the electoral district only, if his statement of ordinary residence on file in his unit has been stamped as to electoral district pursuant to subparagraph (7b) of section 25, or 35
    - (B) if the statement of ordinary residence on file in his unit has not been stamped as to electoral district pursuant to subparagraph (7b) of paragraph 25, the city, town, village or other place in Canada (with street address, if any, and including the province or territory) shown in such statement, together with the electoral district as ascertained by such elector, or 45

(C) if no such statement of ordinary residence appears to have been made by such elector, the place of ordinary residence (and the electoral district applicable to that residence as ascertained by such elector) as shown by a statement, which shall be subscribed in triplicate before a commissioned officer or a deputy returning officer in Form No. 16 (Part I or Part II, as applicable) if such elector is a member of the regular forces or in Form No. 17 if such elector is a member of the reserve forces or the active service forces;

and

(b) cause such Canadian Forces elector to affix his signature to the declaration made under clause (a);

and the certificate printed under the declaration shall then be completed and signed by the deputy returning officer.

(2) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 22, the deputy returning officer before whom the vote is to be cast shall

(a) require such Canadian Forces elector to make a declaration, in Form No. 8, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, and the declaration

(i) shall state such elector's name, and the name, rank and number of her husband,

(ii) shall state that she is a Canadian citizen or other British subject, that she has attained the full age of eighteen years, that she has not previously voted at the general election, and

(iii) shall show such information in respect of the place of ordinary residence and electoral district as is required under subclause (iii) of clause (a) of subparagraph (1) to be shown by her husband,

and

(b) cause such Canadian Forces elector to affix her signature to the declaration made under clause (a);

Declaration  
of Canadian  
Forces  
elector as  
defined in  
paragraph 22.

and the certificate printed under the declaration shall then be completed and signed by the deputy returning officer.

Warning to Canadian Forces elector and deputy returning officer.

(3) At this stage, the Canadian Forces elector and the deputy returning officer shall bear in mind that, as prescribed in paragraph 73, any outer envelope that does not bear the signature of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or any outer envelope upon which the name of the electoral district as stamped on the statement of ordinary residence pursuant to subparagraph (7b) of paragraph 25 does not appear or, alternatively, the place of ordinary residence of the Canadian Forces elector is not sufficiently described to permit the ascertainment of the correct electoral district, will, (unless the electoral district is ascertained pursuant to clause (d) of paragraph 70), be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope will not be counted.

(2) Subparagraph (7) of paragraph 36 of the said Rules is repealed and the following substituted therefor:

Filing of statements.

“(7) The original and other copies of a statement of ordinary residence completed pursuant to subparagraph (1) shall be disposed of and otherwise dealt with pursuant to subparagraphs (8) to (8e) of paragraph 25.”

**57.** Paragraph 39 of the said Rules is repealed and the following substituted therefor:

Voting by deputy returning officer.

“**39.** Subject to these Rules, a deputy returning officer before whom Canadian Forces electors have cast their votes may cast his own vote after completing the declaration in Form No. 7 printed on the back of the outer envelope; in such case, it is not necessary for the deputy returning officer to complete the certificate printed at the foot of such declaration.”

**58.** Subparagraph (1) of paragraph 42 of the said Rules is repealed.

**59.** Paragraph 52 of the said Rules is repealed and the following substituted therefor:

Nominating, appointment, and oath of office of deputy special returning officers.

“**52.** For the purpose of taking the votes of Veteran electors at the general election, the Chief Electoral Officer shall appoint eight persons to act as deputy special returning officers in each voting territory whose headquarters is in Canada; three of

such eight deputy special returning officers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of each political party or group having a membership in the House of Commons of ten or more; each deputy special returning officer shall be appointed in Form No. 12, and shall be sworn according to the said Form No. 12 before a special returning officer, a Justice of the Peace, or a Commissioner for taking affidavits in the Province, to the faithful performance of the duties imposed upon him by these Rules."

**60.** Clause (d) of paragraph 70 of the said Rules is repealed and the following substituted therefor:

"(d) direct the scrutineers to ascertain, from the details given on the back of each outer envelope or, where applicable, from the lists described in paragraphs 15A, 15B and 29, the correct electoral district containing the place of ordinary residence of the Canadian Forces elector, or Veteran elector, and to sort such outer envelope thereto; and"

**61.** Subparagraph (1) of paragraph 73 of the said Rules is repealed and the following substituted therefor:

"**73.** (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 39 and 41), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 61 and 62), or, pursuant to clause (d) of paragraph 70, the correct electoral district cannot be ascertained, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper."

Disposition  
of outer  
envelope  
when  
declaration  
incomplete.

**62.** Forms Nos. 7 and 8 set out in the said Rules are repealed and the following substituted therefor:

“FORM No. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR, AS DEFINED IN PARAGRAPH 21 OF *The Canadian Forces Voting Rules*, BEFORE BEING ALLOWED TO VOTE. (Par. 36)

I HEREBY DECLARE

1. That my name is.....  
*(Insert full name, surname last)*
2. That my rank is.....
3. That my number is.....
4. That I am a Canadian citizen or other British subject.
- \*5. That I have attained the full age of eighteen years.
6. That I have not previously voted as a Canadian Forces elector at the pending general election.
7. That the place of my ordinary residence in Canada, as shown on the statement made by me under paragraph 25 or subparagraph (1) of paragraph 36 of *The Canadian Forces Voting Rules*, is

.....  
*(Here insert the name of the city, town, village or other place in*

.....  
*Canada, with street address, if any)*

.....  
*(Here insert name of province or territory)*

.....  
*(Here insert name of electoral district)*

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this.....  
day of....., 19.....

.....  
*Signature of Canadian Forces elector.*

\_\_\_\_\_  
\*Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*.

CERTIFICATE OF DEPUTY RETURNING OFFICER.

I hereby certify that the above named Canadian Forces elector did this day make before me the above set forth declaration.

.....  
*Signature of deputy returning officer.*

.....  
*(Here insert rank, number, and name of unit)*

FORM No. 8.

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR, AS DEFINED IN PARAGRAPH 22 OF *The Canadian Forces Voting Rules*, BEFORE BEING ALLOWED TO VOTE. (Par. 36)

I HEREBY DECLARE

1. That my name is.....  
*(Insert full name, surname last)*

2. That my husband's name is.....  
*(Insert full name of husband, surname last)*

3. That his rank is.....

4. That his number is.....

5. That I am a Canadian citizen or other British subject.

6. That I have attained the full age of eighteen years.

7. That I have not previously voted as a Canadian Forces elector at the pending general election.

8. That the place of my husband's ordinary residence in Canada as shown by him on the statement made under paragraph 25 or subparagraph (1) of paragraph 36 of *The Canadian Forces Voting Rules* is.....  
*(Here insert the name of the city, town, village or other place in*

.....  
*Canada, with street address, if any)*

.....  
*(Here insert name of electoral district)*

.....  
*(Here insert name of province)*

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this.....  
day of....., 19.....

.....  
*Signature of wife of Canadian Forces elector.*

CERTIFICATE OF DEPUTY RETURNING OFFICER.

I hereby certify that the above named Canadian Forces elector did this day make before me the above set forth declaration.

.....  
*Signature of deputy returning officer.*

.....  
*(Here insert rank, number, and name of unit)"*

**63.** Form No. 15 set out in these Rules is repealed and the following substituted therefor:

“FORM NO. 15.

AFFIDAVIT OF QUALIFICATION. (Par. 36 (4).)

I, THE UNDERSIGNED, do swear (*or solemnly affirm*)

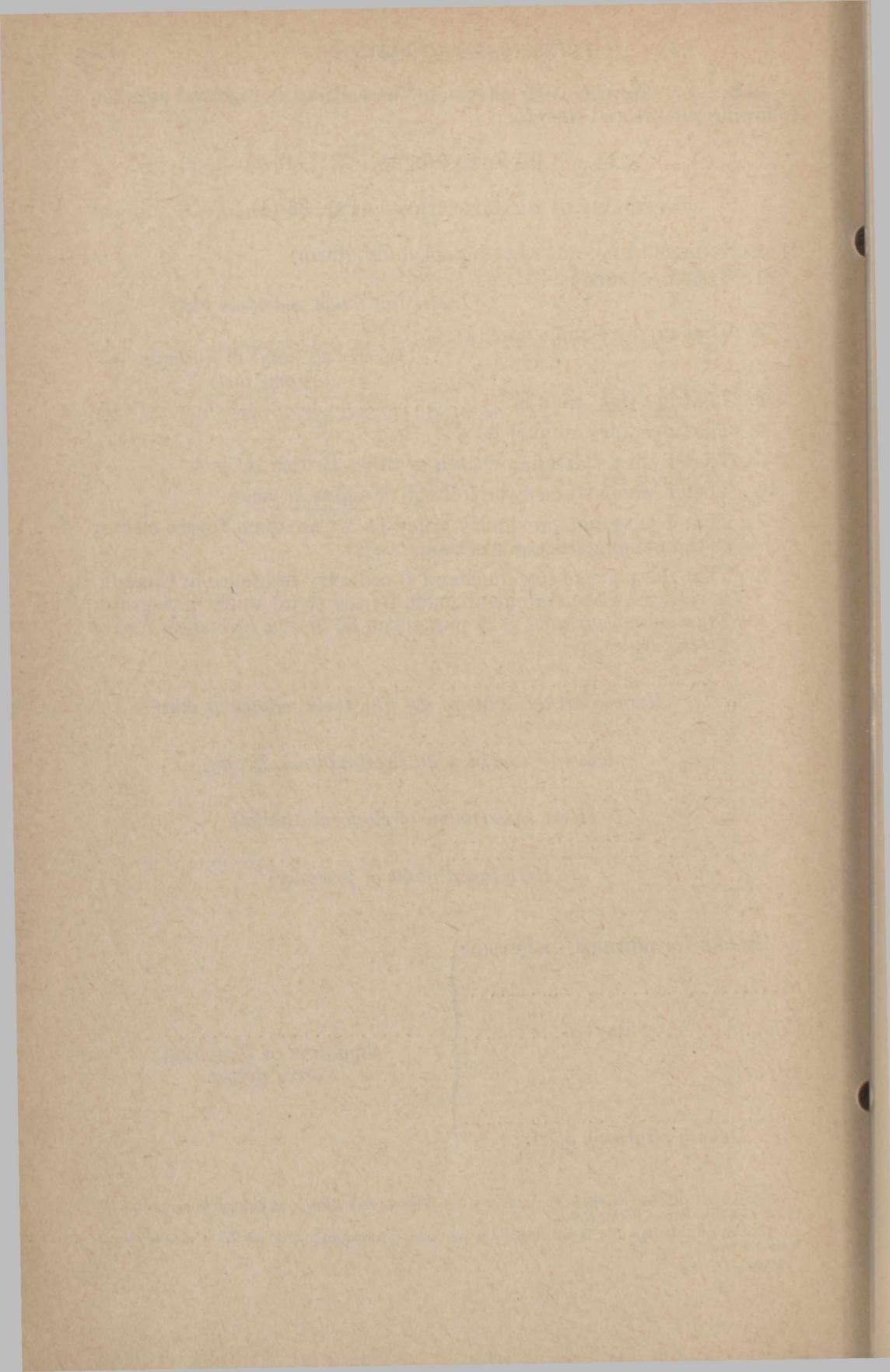
1. That my name is.....  
(*Insert full name, surname last*)
- \*2. That my husband's name is.....  
(*Insert full name of husband, surname last*)
3. That my (his) rank is.....
4. That my (his) number is.....
5. That I am a Canadian citizen or other British subject.
- †6. That I have attained the full age of eighteen years.
7. That I have not previously voted as a Canadian Forces elector at the pending general election.
8. That the place of my (husband's) ordinary residence in Canada, as shown on the statement made by me (him) under paragraph 25 or subparagraph (1) of paragraph 36 of *The Canadian Forces Voting Rules*, is

.....  
(*Here insert the name of the city, town, village or other place in Canada, with street address, if any*)  
.....  
(*Here insert name of electoral district*)  
.....  
(*Here insert name of province*)

SWORN ( <i>or affirmed</i> ) before me at..... this..... day of..... 19..... ..... Deputy returning officer.	}	..... Signature of Canadian Forces elector.
---	---	---

\*Strike out this line except in the case of a Canadian Forces elector, as defined in paragraph 22 of *The Canadian Forces Voting Rules*.

†Strike out this line if it is not applicable pursuant to paragraph 21(2) of *The Canadian Forces Voting Rules*.”



## MINUTES OF PROCEEDINGS

WEDNESDAY, December 18, 1963.  
(35)

The Standing Committee on Privileges and Elections met, *in camera*, at 9.55 o'clock a.m., this day. The Vice-Chairman, Mr. L. Pennell, presided.

*Members present:* Miss Jewett, and Messrs. Crossman, Doucett, Fisher, Francis, Leboe, Lessard (*Saint-Henri*), Millar, Moreau, Nielsen, Olson, Pennell, Webb—(13).

The Vice-Chairman informed the Committee that he had received from Mr. James Stewart, Secretary of the Parliamentary Press Gallery, a letter dated December 13, 1963, reading as follows:

"CANADA

Parliamentary Press Gallery  
Tribune de la Presse Parlementaire

December 13, 1963.

Mr. Larry Pennell, M.P.  
Deputy Chairman  
Privileges and Elections Committee  
House of Commons.

Dear Mr. Pennell:

The Press Gallery Executive is a little concerned about a comment made in the Committee on Thursday, December 12, by Mr. Rodgers.

Our President, Mr. Connolley, intended to clear the matter up then but it slipped his mind. We'd appreciate it if you could read this letter to the members at your next meeting.

Mr. Rodger's statement concerned a young lady who works as a secretary or stenographer in the Gallery for a number of members. He claimed she had a desk in the Gallery while actual members of the Gallery were deprived of a desk.

This is not true. The young lady in question has no desk at all. When she works in the Gallery she works usually at the desk of the member she is serving at that particular time. Mr. Rodger's statement caused her considerable embarrassment and also made it appear that the assignment of desks in the Gallery was made in a kind of haphazard fashion.

Thank you very much for your consideration,

Yours sincerely

(Signed) James Stewart

James Stewart,  
Secretary"

Thereupon, a discussion followed on the motion presented by Mr. Moreau, seconded by Mr. Francis, on December 12, 1963.

*That* while this Committee recognizes that parliament has jurisdiction over the public facilities granted the members of the Press, we feel that this jurisdiction over the public facilities must be exercised through the Speaker or his delegated representative. Therefore, the case of Mr. Rodgers is referred to Mr. Speaker for decision.

And a debate arising, Mr. Olson, seconded by Miss Jewett, moved in amendment thereto:

*That* the last sentence of the main motion be deleted and replaced by the following:

The Committee recommends:

*That* the Committee on Rules and Procedure, at the next session of Parliament consider the expediency of reviewing the relations now existing between the Speaker and the Parliamentary Press Gallery on the one hand and the relations now existing between the House of Commons itself and the Parliamentary Press Gallery on the other hand and, in the meantime, that Mr. Rodgers be entitled to receive press releases subject to the recognized obligations to honour the ethics and confidences pertaining to such releases.

And the question being put on the amendment, it was resolved in the negative. Yeas, 5; Nays, 6.

The Vice-Chairman read again the motion of Mr. Moreau, seconded by Mr. Francis:

*That* while this committee recognizes that parliament has jurisdiction over the public facilities granted to the members of the press, we feel that this jurisdiction over the public facilities must be exercised through the Speaker or his delegated representative. Therefore the case of Mr. Rodgers is referred to Mr. Speaker for decision.

And the question being proposed on the main motion, it was resolved in the affirmative. Yeas, 6; Nays, 5.

It being 10.59 o'clock a.m., the Committee adjourned until 3.00 o'clock this day.

#### AFTERNOON SITTING

(36)

The Standing Committee on Privileges and Elections met, *in camera*, at 3.45 o'clock p.m. The Vice-Chairman, Mr. L. Pennell, presided.

*Members present:* Miss Jewett, and Messrs. Armstrong, Cashin, Doucett, Francis, Gelber, Leboe, Lessard (*Saint-Henri*), Millar, Moreau, O'Keefe, Pennell—(12).

The Vice-Chairman read to the Committee a draft of the Fifth Report to the House in connection with the case of Mr. Rodgers.

And debate arising, on motion of Miss Jewett, seconded by Mr. Lessard,

*Resolved*,—That the following recommendation be added in the Report:

That the Special Committee on Procedures and Organization, at the next Session of Parliament, consider the expediency of reviewing the relations now existing between the Speaker and the Parliamentary Press Gallery on the one hand and the relations now existing between the House of Commons itself and the Parliamentary Press Gallery on the other hand.

Thereupon, Mr. Lessard, seconded by Mr. Francis, moved that the draft report be adopted, as amended, and constitute the Fifth Report to the House (see this day's proceedings—Issue No. 18)

The Committee then proceeded to the consideration of the draft of the Sixth Report to the House, in connection with the Canada Elections Act.

The Standing Committee on Privileges and Elections met, *in camera*, at 3:45 o'clock p.m. this day. The Vice-Chairman, Mr. L. Pennell, presided.

*Members present:* Miss Jewett, and Messrs. Armstrong, Cashin, Doucett, Francis, Gelber, Leboe, Lessard (*Saint-Henri*), Millar, Moreau, O'Keefe, Pennell.—(12).

During the first part of the meeting, the Committee discussed, amended and approved, as amended, the draft of the Fifth Report of the Committee in connection with the right of Mr. Raymond Rodgers to use the facilities of the Parliamentary Press Gallery.

Thereupon, the Vice-Chairman read a draft of the Sixth Report of the Committee relating to the Canada Elections Act.

On motion of Mr. Moreau, seconded by Mr. Francis,

*Resolved*,—That the draft Report be adopted as the Committee's Sixth Report, and that the Vice-Chairman be authorized to present it in the House. (see this day's proceedings—Issue No. 18)

Thereupon, Mr. Moreau, seconded by Mr. Francis, moved a vote of thanks to the Vice-Chairman, the Clerk, the Shorthand Reporters, the Interpreters, the Translators, the Messengers and the Char Staff.

The Vice-Chairman thanked the Committee for its co-operation.

At 4:05 o'clock p.m., the Committee adjourned to the call of the Chair.

Marcel Roussin,  
Clerk of the Committee.

NOTE: Draft amendments prepared by directors of the Committee for consideration at a later date appear as Appendix "A" of to-day's Minutes of Proceedings and Evidence.

## APPENDIX "A"

*Canada Elections Act*

Amendments prepared by direction of the Committee but NOT considered or passed:

Section 16 (9A)  
Section 26  
Section 34 (1) and (2)  
Section 35 (2)  
Section 43 (1), (1a), (1b) and (6)  
Section 45 (2A)  
Section 49 (3), (4) and (5)  
Section 50 (13)  
Section 51 (5) and (6)  
Section 54 (13, (14), (15), (16), (17), (18) and (19)  
Section 55A  
Section 56 (1), (1a) and (1b)  
Section 62 (1)  
Section 68  
Section 78A  
Section 93  
Section 94 (1), (2) and (2a)  
Section 95 (6)  
Section 96 (1) and (2)  
Section 101  
Form No. 18  
Forms Nos. 32, 33 and 34  
Forms Nos. 65A and 65B  
Form No. 66  
Form No. 71

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*Canadian Forces Voting Rules*  
Paragraph 15C

## DRAFT DISCUSSION

December 5, 1963.

Section 16 of the said Act is amended by adding thereto, immediately after subsection (9) thereof, the following subsection:

“(9A) For the purposes of a general election, a person who, in the interval between the date of the issue of the writ and the sixteenth day before polling day, changes his place of ordinary residence from a place that is situated in a rural polling division to a place that is situated in an urban polling division in the same electoral district, is, if otherwise qualified, entitled, if he so elects, to be included in the list of electors for the polling division in which he was ordinarily resident at the time of his application to be so included, and to vote at a polling station established therein.”

Person moving from rural to urban polling division.

## DRAFT DISCUSSION

December 4, 1963.

*Canada Elections Act*

1. Section 26 of the *Canada Elections Act* is repealed and the following substituted therefor:

“26. (1) In this section “established political party or group in opposition” means

(a) in relation to a general election or the appointment of deputy returning officers or poll clerks for a general election or the appointment of deputy returning officers or poll clerks for a general election, a political party or group

(i) other than the political party or group to which the Prime Minister was affiliated on the day before the dissolution of Parliament immediately preceding that general election, and

(ii) to which at least ——— members of the House of Commons were affiliated on the day before the dissolution of Parliament immediately preceding that general election, and

(b) in relation to a by-election or the appointment of deputy returning officers or poll clerks for a by-election, a political party or group,

(i) other than the political party or group to which the Prime Minister was affiliated on the day before the day on which the vacancy in the House of Commons occurred as a result of which that by-election is to be held, and

(ii) to which at least ——— members of the House of Commons were affiliated on the day before the day on which the vacancy in the House of Commons occurred as a result of which that by-election is to be held.

“Established political party or group in opposition” defined.

Elector may  
nominate  
deputy  
returning  
officers.

(2) A person designated by the Prime Minister in a document signed by the Prime Minister and filed with the Chief Electoral Officer, may file with the Chief Electoral Officer, not later than the forty-sixth day before polling day in the case of a general election, and not later than the thirty-second day before polling day in the case of a by-election, a document showing, for any electoral district, the name and address of an elector in that electoral district who may nominate persons to act as deputy returning officers in that electoral district.

Person who  
may  
nominate  
poll clerks  
where  
electoral  
boundaries  
unchanged.

(3) Where at the last preceding election in an electoral district in which there has been no change of boundaries since such last preceding election, one of the candidates in that electoral district in that election

- (a) was affiliated at the time the writ for that election in that election in that electoral district was returned, to a political party or group that is, in relation to the election to be held, an established political party or group in opposition, and
- (b) did not receive less votes than any other candidate in that electoral district in that election who was also affiliated at the time the writ for that election in that electoral district was returned, to a political party or group that is, in relation to the election to be held, an established political party or group in opposition,

the leader of the established political party or group in opposition referred to in paragraph (a) may proceed in accordance with subsection (5).

Person who  
may  
nominate  
poll clerks  
where  
electoral  
boundaries  
change.

(4) Where there has been an alteration of the boundaries of electoral districts so that no previous election has been held in an electoral district having precisely the same boundaries as the electoral district in which an election is to be held, the Chief Electoral Officer shall determine the number of votes cast, at the last preceding general election, in each polling division at that last preceding general election, the total area of which is within the electoral district in which the election is to be held, for each candidate in that polling division who was affiliated, at the time of the writ for that electoral district in that last preceding general election was returned, to a *political party or group* that is, in relation to the election to be held, an established political party or group in opposition, and the Chief Electoral Officer shall then regard the votes so cast as if they had been cast for such established political party or group in opposition, and shall then count the votes cast for each such established political party or group in opposition, and the leader of the established political party or group in opposition that is then regarded as having received the most votes may proceed in accordance with subsection (5), and shall be so informed by the Chief Electoral Officer not later than the fiftieth day before polling day in the case of a general election or the thirty-sixth day before polling day in the case of a by-election.

Person who  
may  
nominate  
poll clerks.

(5) The leader referred to in subsection (3) or (4) may file with the Chief Electoral Officer a document signed by him, designating a person by name and address and such person may file with the Chief Electoral Officer, not later than the forty-sixth day before polling day

in the case of a general election, or not later than the thirty-second day before polling day in the case of a by-election, a statement indicating, for that electoral district, the name and address of an elector in that electoral district who may nominate persons to act as poll clerks in that electoral district.

(6) The Chief Electoral Officer shall transmit to the returning officer in each electoral district

Chief Electoral Officer to transmit statement to returning officers.

(a) a statement of the name and address of any elector who may nominate persons to act as deputy returning officers in that electoral district, and

(b) a statement of the name and address of any elector who may nominate persons to act as poll clerks in that electoral district,

not alter than nomination day in that electoral district.

(7) An elector who may nominate

Method of nomination of deputy returning officers and poll clerks.

(a) persons to act as deputy returning officers, or

(b) persons to act as poll clerks,

may do so by filing with the returning officer for that electoral district, not later than the fourth day after nomination day in that electoral district, a document showing the names and addresses of the persons so nominated but, subject to subsection (8), no more persons shall be nominated to act as deputy returning officers or as poll clerks than there are polling stations in that electoral district.

(8) Where, in the opinion of the returning officer, there is sufficient reason why a person nominated as a deputy returning officer or a poll clerk in accordance with subsection (6) should not be appointed a deputy returning officer or poll clerk, as the case may be, he may so inform, in writing, the elector who nominated that person, not later than the sixth day after nomination day in that electoral district, and the elector who nominated that person may withdraw the nomination of that person and nominate another person in his stead, by filing with the returning officer for that electoral district, not later than the eighth day after nomination day in that electoral district, a document indicating the name and address of the person whose nomination is withdrawn and the name and address of the person who is nominated in his stead.

Substitution of persons nominated.

(9) The returning officer in each electoral district shall

Appointment of deputy returning officers and poll clerks.

(a) in writing in Form No. 31, appoint a separate deputy returning officer for each polling station in that electoral district; and

(b) in writing in Form No. 32, appoint a separate poll clerk for each polling station in that electoral district.

(10) Where persons have been nominated to act as deputy returning officers or poll clerks, pursuant to subsection (5) or (6), the returning officer shall appoint as deputy returning officers those persons so nominated to act as deputy returning officers, and shall appoint as poll clerks those persons so nominated to act as poll clerks, unless in the opinion of the returning officer a person so nominated is not a fit and proper person to be so appointed.

Idem.

Posting up  
of list of  
deputy  
returning  
officers  
and poll  
clerks.

(11) At least three days before polling day, the returning officer shall furnish to each candidate or his official agent, and shall post up in the office of the returning officer, a list of the names and addresses of all the deputy returning officers and poll clerks appointed to act in the electoral district, with the numbers of their respective polling stations, and shall permit free access to, and afford interested persons at any reasonable time every opportunity for the inspection of, the list posted up in his office.

Where  
deputy  
returning  
officers and  
poll clerks  
cannot act.

(12) Where a deputy returning officer or poll clerk for any polling station is unable to act, the returning officer for the electoral district in which that polling station is situated may appoint a substitute to act as deputy returning officer or poll clerk, as the case may be, and until such substitute is appointed,

- (a) if it is a deputy returning officer who is unable to act, the poll clerk at that polling station shall act as deputy returning officer and shall appoint a temporary substitute to act as poll clerk at that polling station, and
- (b) if it is the poll clerk who is unable to act, the deputy returning officer at that polling station shall appoint a temporary substitute to act as poll clerk at that polling station.

Relieving  
deputy  
returning  
officer or  
poll clerk  
from his  
duties.

(13) The returning officer may, at any time, relieve from his duties, any deputy returning officer or poll clerk who, in the opinion of the returning officer, is not a fit and proper person, and if he does so he shall appoint a substitute to act as deputy returning officer or poll clerk, as the case may be, and any deputy returning officer or poll clerk so relieved and any deputy returning officer or poll clerk who refuses or is unable to act, shall forthwith, upon receiving written notice from the returning officer of the appointment of a substitute deputy returning officer or poll clerk, deliver to the returning officer or to such person as the returning officer may appoint, any ballot box and any ballot papers, list of electors or other papers in his possession as such deputy returning officer or poll clerk, and any deputy returning officer or poll clerk who does not make such delivery is guilty of an offence punishable on summary conviction as in this Act provided.

Oaths of  
office.

(14) Every deputy returning officer and every poll clerk shall take and subscribe to an oath of office in the presence of a person referred to in section 103 and the person who administers such oath shall sign a certificate that the oath of office has been taken, and such oath of office and certificate shall be

(a) in the case of a deputy returning officer, in Form No. 33, and

(b) in the case of a poll clerk, in Form No. 34,

and no person shall act as deputy returning officer or as poll clerk until he has taken and subscribed to such oath of office.

Travelling  
and living  
allowances.

(15) No travelling or living expenses shall be paid to any person appointed a deputy returning officer or poll clerk who was first nominated to act as deputy returning officer or poll clerk pursuant to subsection (6) or (7)."

DISCUSSION DRAFT

December 2, 1963.

*Canada Elections Act.*

Subsections (1) and (2) of section 34 of the said Act are repealed and the following substituted therefor:

"34. (1) One or two agents of each candidate, or if a candidate has no agent at a polling station, then one or two electors to represent that candidate at the request of such electors, the deputy returning officer for a polling station, the poll clerk for a polling station, the candidates in an electoral district, the official agents of the candidates in an electoral district, and no others, shall be permitted to remain in the room where the votes are given in that polling station in that electoral district during the time the poll remains open.

Who may be present at polling station

(2) Each of the agents of a candidate shall, forthwith on being admitted to the polling station, deliver his written appointment to the deputy returning officer, and each of the agents of a candidate, and, in the absence of agents, each of the electors representing such candidate, on being admitted to the polling station, shall take an oath in Form No. 39 to keep secret the name of the candidate for whom the ballot paper of any elector is marked in his presence."

Delivery of appointment and oath of secrecy.

DISCUSSION DRAFT

November 27, 1963.

35. (2) A candidate or his official agent may undertake the duties which any agent of that candidate, if appointed, might have undertaken, or may assist such agent in the performance of such duties, and may be present at any place at which such agent may, in pursuance of this Act, be authorized to attend.

DISCUSSION DRAFT

*Canada Elections Act.*

1. (1) Subsection (1) of section 43 of the said Act is repealed and the following substituted therefor:

"43.(1) Subject to subsections (1a) and (1b), upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 44 entitling him to vote at the latter polling station.

Issue of transfer certificates to agents of candidates.

(1a) In an electoral district where less than one-half of the polling stations established are for urban polling divisions, no transfer certificate shall be issued, pursuant to subsection (1), after ten o'clock in the evening of the Saturday immediately preceding polling day.

Limitation in predominantly rural districts.

Limitation.  
in pre-  
dominantly  
urban  
districts.

(1b) In an electoral district where at least one-half of the polling stations established are for urban polling divisions, no transfer certificate shall be issued, pursuant to subsection (1), after ten o'clock in the evening of the Saturday immediately preceding polling day, and all transfer certificates issued to the agents of any one candidate, pursuant to subsection (1) after ten o'clock in the evening of the Thursday immediately preceding polling day shall relate only to the transfer of the entitlement of those agents to vote to one-quarter of the polling stations in that electoral district."

(2) Subsection (6) of section 43 of the said Act is repealed and the following substituted therefor:

Limitation

"(6) No deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section."

DISCUSSION DRAFT

November 27, 1963.

Section 45.

Voting  
procedure.

(2A) Subject to subsection (2c), the elector shall be given a ballot paper by the deputy returning officer after the elector has given his name, occupation and address

- (a) to the deputy returning officer; and
- (b) to the poll clerk or to an accredited agent in the polling station of a candidate upon the request of such poll clerk or agent.

Idem.

(2B) The deputy returning officer, the poll clerk or the accredited agents of candidates have no right to request, demand or order that an elector, to prove his right to vote at a polling station, produce

- (a) a birth certificate;
- (b) naturalization papers;
- (c) in an urban polling division, a notice in Form No. 7; or
- (d) any other documents whatsoever.

Oath by  
elector.

(2c) The deputy returning officer, the poll clerk or the accredited agents of candidates may, before an elector is given a ballot paper, require that the elector

- (a) take the appropriate oral oath printed on the card mentioned in paragraph (i) of subsection (1) of section 30; or
- (b) in an urban polling division, complete an affidavit in Form No. 42;

however, once an elector has been given a ballot paper, no one has the right to exercise the challenge referred to in paragraphs (a) and (b)."

DISCUSSION DRAFT

December 2, 1963.

*Canada Elections Act.*

Subsections (2) to (6) of section 49 of the said Act are repealed and the following substituted therefor:

"(3) No person shall use or cause to be used a public address system or other loud speaking device during the hours of polling on polling day for the purpose of promoting or securing the election of any particular candidate. Loud speakers prohibited.

(4) No person shall, during the hours of polling on polling day, while in a building in which a polling station is situated or within two hundred feet of the entrance to such a building post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or other device that could be taken as an indication of support for a candidate or political party or group. Devices indicating support for candidates or parties prohibited

(5) Everyone who violates, contravenes or fails to observe any of the provisions of this section is guilty of an offence against this Act." Offence.

DISCUSSION DRAFT

*Canada Elections Act.*

Section 50 of the said Act is further amended by adding thereto the following subsection:

"(13) Any person who is present at the counting of the votes, pursuant to subsection (1), at a polling station in the electoral district of the Northwest Territories, and who discloses the result of the voting at that polling station before all the polling stations in that electoral district are closed, shall be guilty of an offence against this Act."

DISCUSSION DRAFT

December 2, 1963.

*Canada Elections Act.*

Subsections (5) and (6) of section 51 of the said Act are repealed and the following substituted therefor:

"(5) Forthwith after the official addition of the votes, the returning officer shall prepare his certificate in writing, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate, and a copy of such certificate shall be delivered forthwith by the returning officer to each candidate or his representative, at the place where the official addition of the votes is made, or, if a candidate is neither present nor represented at that place, the certificate shall be transmitted by the returning officer to such candidate by registered mail. Certificate showing number of votes cast for each candidate.

Recount in case of equality of votes.

(6) Where, on the official addition of the votes, there is an equality of votes between candidates and an additional vote for one of such candidates would entitle one of such candidates to be declared elected, the returning officer shall apply for a recount to a judge to whom an application pursuant to section 54 could be made, and the provisions of that section and section 55, except those that relate to a deposit or to costs, shall apply *mutatis mutandis* to an application under this section and, subject to subsection (19) of section 54, no costs shall be taxed or payable as a result of a recount made on an application under this section."

## DISCUSSION DRAFT

### Canada Elections Act.

Subsections (13) to (16) of section 54 of the said Act are repealed and the following substituted therefor:

Certificate showing number of votes cast for each candidate.

"(13) At the conclusion of the recount, the judge shall seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount, and forthwith prepare his certificate in writing, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate, and a copy of such certificate shall be delivered, forthwith, by the returning officer to each candidate or his representative, at the place where the recount is made, or, if a candidate is neither present nor represented at that place, the certificate shall be transmitted by the returning officer to such candidate by registered mail.

Determination of candidate elected where votes equal.

(14) Where on a recount there is an equality of votes between candidates and an additional vote for one of such candidates would entitle one of such candidates to be declared elected, the returning officer shall, forthwith after such recount, determine by lot, in the presence of the judge and in the manner to be selected by the judge, which of the candidates shall be declared elected, and that candidate shall be declared elected in the manner prescribed in subsection (1a) of section 56.

Costs and taxation.

(15) If the recount does not so alter the result of the poll as to affect the return, the judge shall

- (a) order the costs of the candidate appearing to be elected to be paid by the applicant, and
- (b) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

Disposition of deposits; action for balance.

(16) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and if the said deposit is insufficient the party in whose favour the costs are awarded has his action for the balance.

Only one recount.

(17) Where a recount is made on the application of a returning officer pursuant to subsection (6) of section 51, no further recount shall be made pursuant to this section.

Clerical assistants.

(18) Subject to the approval of the Chief Electoral Officer the judge may retain the services of such clerical assistants as are required for the proper performance of his duties under this section.

(19) The clerical assistants referred to in subsection (18), the election officers required to be present at a recount, and the expenses of such election officers on such a recount, shall be paid at a rate to be fixed by the Governor in Council pursuant to section 60.” <sup>Payment of clerical assistants, etc.</sup>

## DISCUSSION DRAFT

December 6, 1963.

*Canada Elections Act.*

The said Act is further amended by adding thereto, immediately after section 55 thereof, the following heading and section:

*“Examination of Poll Books.*

55A (1) Where a judge has appointed a time to recount the votes for an electoral district, pursuant to section 54 or 55, a candidate or his official agent may, at any time before the recount is completed, apply to that judge for an order permitting that candidate and his official agent to examine the poll books for that electoral district and, where it appears to the judge, on the affidavit of the candidate, that the candidate

(a) believes that he has grounds of complaint on which to petition under the *Dominion Controverted Elections Act*;

(b) intends to petition under that Act; and

(c) has deposited the security required by that Act,

the judge shall order the returning officer for that electoral district to permit that candidate and his official agent to examine the poll books for that electoral district.

(2) Where an order has been made pursuant to subsection (1), the examination of the poll books

(a) shall be made immediately after the recount has been completed, at a place to be determined by the returning officer;

(b) shall be made in the presence of the judge who made the order and in the presence of the returning officer who shall retain the custody of the poll books until the examination has been completed; and

(c) shall be made continuously, excluding Sunday, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and necessary time for refreshments until the candidate to whom the order relates and his official agent have completed their examination.

(3) Where an order has been made pursuant to subsection (1), the returning officer shall inform each of the candidates in that electoral district, or his official agent, of the place where the examination will be held, and each of those candidates and his official agent may examine the poll books during the time when the candidate to whom the order relates and his official agent are examining the poll books.

(4) Where an order has been made pursuant to subsection (1), the returning officer shall retain the returns from the polling stations in that electoral district, consisting for each polling station of the poll book used at the poll, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a

packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, the written appointment of candidate's agents and the used transfer certificates, until the candidate to whom the order relates and his official agent have completed their examination of the poll books, and shall then transmit those returns to the Chief Electoral Officer by registered mail.

(5) Where a recount in an electoral district has been terminated, pursuant to subsection (10a) of section 54, no examination of the poll books shall be made in that electoral district and any order relating to such an examination shall have no force or effect."

DISCUSSION DRAFT

December 2, 1963.

*Canada Elections Act.*

Subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

Return of  
elected  
candidate  
when no  
recount.

"56. (1) Where the returning officer has not applied for a recount or received notice that he is required to attend before a judge for the purpose of a recount, before the seventh day next following the date upon which he has completed the official addition of the votes, he shall on that day declare elected the candidate who has obtained the largest number of votes on the official addition of the votes, and where two members are to be returned for his electoral district, also declare elected the candidate who has obtained the second largest number of votes on the official addition of the votes, by completing the return to the writ in Form No. 60 on the back of the writ.

Return of  
elected  
candidate  
after  
recount.

(1a) Where the returning officer has applied for a recount pursuant to subsection (6) of section 51, or where the returning officer has received notice that he is required to attend before a judge for the purpose of a recount pursuant to section 54, he shall immediately after the judge has made his certificate in writing pursuant to subsection (13) of section 54, declare elected the candidate who has obtained the largest number of votes on the recount, and where two members are to be returned for his electoral district, declare elected the candidate who has obtained the second largest number of votes on the recount, by completing the return to the writ in Form No. 60 on the back of the writ.

Trans-  
mission of  
documents  
to Chief  
Electoral  
Officer.

(1b) After the return to the writ has been completed, the returning officer shall transmit by registered mail the following documents to the Chief Electoral Officer:

- (a) the election writ with his return in Form No. 60 endorsed thereon;
- (b) a report of his proceedings in the form prescribed by the Chief Electoral Officer;
- (c) the recapitulation sheets, in the form prescribed by the Chief Electoral Officer, showing the number of votes cast for each candidate at each polling station;
- (d) the statements of the polls from which the official addition of the votes was made;

- (e) the reserve supply of undistributed blank ballot papers;
- (f) the enumerators' record books used in urban polling divisions;
- (g) the index books prepared by enumerators in rural polling divisions;
- (h) the revising officers' record sheets and other papers relating to the revision of the lists of electors in urban polling divisions;
- (i) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by section 50, and containing the poll book used at the poll, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer certificates; and
- (j) all other documents used for the election."

## DISCUSSION DRAFT

November 14, 1963.

*Canada Elections Act.*

31. Subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

"62. (1) Every candidate shall appoint an official agent, in this Act termed "the official agent", whose name, address and occupation shall be declared to the returning officer, in the nomination paper in Form No. 27." Appoint-  
ment of  
official  
agent.

## DISCUSSION DRAFT

December 6, 1963.

*Canada Elections Act.*

- "68. Everyone is guilty of an offence against this Act who
- (a) applies under this Act to be included in any list of electors under a name other than the name by which he is known at the place of his ordinary residence;
  - (b) except as specifically permitted by this Act, having once to his knowledge been properly included in any list of electors as an elector entitled to vote at a pending election, applies to be included a second time in that list, or applies to be included in any other list of electors as an elector entitled to vote at that election;
  - (c) except as specifically permitted by this Act, applies to be included in a list of electors for a polling division in which he knows he is not ordinarily resident;
  - (d) applies for a ballot paper under a name other than the name by which he is known at the place of his ordinary residence;
  - (e) having voted once at an election, applies at the same election for another ballot paper, or votes a second time at that election;
  - (f) votes or attempts to vote at an election knowing that he is for any reason disqualified or not competent to vote at that election; or

- (g) induces or procures any other person to vote in an election knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election."

## DISCUSSION DRAFT

December 11, 1963.

*Canada Elections Act.*

The said Act is further amended by adding thereto, immediately after section 78 thereof, the following section:

Offence by officers of corporation, firm, partnership or other association.

"78A. Where an offence against this Act is committed by a corporation or other association of persons, or by any person purporting to act on behalf of a corporation, firm, partnership or other association of persons, any person who was a director, manager, secretary, or other similar official of the corporation, firm, partnership or other association of persons, at the time the offence was committed, shall be deemed to have committed that offence, unless he proves that the offence was committed without his consent and that he exercised all the diligence to prevent the commission of that offence that he ought to have exercised having regard to the nature of his functions and to all the circumstances."

## DISCUSSION DRAFT

December 11, 1963.

*Canada Elections Act.*

Section 93 of the said Act is repealed and the following substituted therefor:

Who may vote at advance polls.

"93. Any elector who has reason to believe that he will be unable to vote on the ordinary polling day in the polling division in which he would be entitled to vote at a pending election, may vote at the advance polling station established for the advance polling district that includes the polling division in which he would be entitled to vote, if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such advance polling station, and

- (a) his name appears on the list of electors prepared for that polling division, or
- (b) that polling division is a rural polling division, and he
  - (i) is ordinarily resident in that rural polling division on the date of the advance poll at which he wishes to vote,
  - (ii) takes and subscribes to an affidavit in Form No. 65A, and
  - (iii) is vouched for by an elector
    - (A) whose name appears on the list of electors prepared for that rural polling division,
    - (B) who is ordinarily resident in that rural polling division,
    - (C) who personally attends with him at the polling station, and
    - (D) who takes and subscribes to an affidavit in Form No. 65B."

## DISCUSSION DRAFT

December 11, 1963.

*Canada Elections Act.*

Subsections (1) and (2) of section 94 of the said Act are repealed and the following substituted therefor:

- “94. (1) The deputy returning officer, upon being satisfied that a person who applies to vote at an advance polling station is a person entitled under section 93 to vote at that advance polling station, shall
- Duties of deputy returning officer respecting affidavits for voting at advance polls.
- (a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying,
  - (b) allow such person to take and subscribe to such affidavit before him,
  - (c) complete the attestation clause on such affidavit,
  - (d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and
  - (e) direct the poll clerk to keep a record, called the “Record of Completed Affidavits for Voting at an Advance Poll” on the form prescribed by the Chief Electoral Officer, of every such affidavit in the order in which it was taken and subscribed to.

(2) After a person who applies to vote at an advance polling station, and whose name appears on the list of electors prepared for a polling division comprised in the advance polling district has taken and subscribed to an affidavit in Form No. 66, he shall be allowed to vote at that advance polling station, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses.

Person who takes affidavit allowed to vote.

(2a) After a person who applies to vote at an advance polling station, and who is entitled under section 93 to vote at that advance polling station, and whose name does not appear on the list of electors prepared for a rural polling division comprised in the advance polling district has taken and subscribed to the affidavit in Form No. 66, and has taken and subscribed to the affidavit in Form No. 65A, and has been vouched for by an elector in the manner described in subparagraph (ii) of paragraph (b) of section 93, who has taken and subscribed to an affidavit in Form No. 65B, he shall be allowed to vote at that advance polling station.”

Idem.

## DISCUSSION DRAFT

December 11, 1963.

*Canada Elections Act.*

Subsection (6) of section 95 of the said Act is repealed and the following substituted therefor:

“(6) As soon as possible after the close of advance polls at eight o'clock in the afternoon of Monday, the seventh day before the ordinary polling day, the returning officer shall cause to be collected from each advance polling station—in his

Material to be collected from an advance poll.

electoral district, the Record of Completed Affidavits for Voting at an Advance Poll, and the affidavits, in Form No. 65A, taken and subscribed at an advance poll by electors whose names are not on the list of electors for a rural polling division comprised in the advance polling district in which that advance poll was held, and the affidavits, in Form No. 65B, taken and subscribed by the persons who vouched for those electors."

## DISCUSSION DRAFT

December 4, 1963.

*Canada Elections Act.*

Subsections (1) and (2) of section 96 of the said Act are repealed and the following substituted therefore:

Alterations  
of lists  
when  
persons  
have voted  
at an  
advance  
poll.

"96. (1) As soon as the returning officer has collected the Records of Completed Affidavits for Voting at an Advance Poll and the affidavits in Form No. 65A and Form No. 65B pursuant to subsection (6) of section 95, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such Records and shall attach to the list for each ordinary polling station a statement showing the name and address of each elector who would be entitled to vote at that ordinary polling station and who completed an affidavit in Form No. 65A.

Idem.

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall, by the best means available,

- (a) notify the deputy returning officer for each ordinary polling station of the names of the electors appearing in the Record of Completed Affidavits for Voting at Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions; and
- (b) notify the deputy returning officer for each ordinary polling station of the name and address of each elector who would be entitled to vote at that ordinary polling station and who completed an affidavit in Form No. 65A, at an advance polling station."

## DISCUSSION DRAFT

December 6, 1963.

*Canada Elections Act.*

Section 101 of the said Act is repealed and the following substituted therefor:

"101. In an electoral district lying in two or more different standard time zones, except the electoral district of Northwest Territories, the hours of the day for every operation prescribed by this Act shall be determined by the returning officer with the approval of the Chief Electoral Officer, and such hours, after a notice to that effect has been published in the proclamation in Form No. 4, shall be uniform throughout the electoral district."

DISCUSSION DRAFT

December 5, 1963.

Canada Elections Act.

"FORM NO. 18.

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH.

(Sec. 17, Sched. A., Rule 35.)

(To be presented to the revising officer by the agent of an elector.)

Electoral district of .....

Urban polling division No. ....

Name of applicant .....  
(in capital letters with family name first)

.....  
(address)

.....  
(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of eighteen years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen,  
(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19.... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

(or)

I am a person described in subsection (7), (8), (9) or (9A) of section 16 of the Canada Elections Act and that I was ordinarily resident in the above mentioned polling division on the ..... day of ....., 19.... (naming the date of the application by the elector to be included in the list of electors for the polling division).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the Canada Elections Act.

Dated at ....., this .....  
day of ....., 19....

.....  
(Signature of witness)

.....  
(Signature of applicant)

ALTERNATIVE APPLICATION TO BE SWORN BY A RELATIVE OR EMPLOYER WHEN ELECTOR IS TEMPORARILY ABSENT FROM THE PLACE OF HIS ORDINARY RESIDENCE.

(To be presented to the revising officer by the agent of an elector)

Electoral district of .....

Urban polling division No. ....

I, the undersigned, ....., of ....., (insert name of relative or employer) (address)

....., do swear (or solemnly affirm): (occupation)

1. That I am hereby applying for the registration of the name of .....of (in capital letters with family name first)

..... (address) (occupation)

on the list of electors for the above mentioned urban polling division at the now proceeding revision of lists of electors.

- 2. That the said person on whose behalf this application is made (a) is of the full age of eighteen years, or will attain such age on or before polling day at the pending election; (b) is a Canadian citizen; (or)

is a British subject other than a Canadian citizen and has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and

- (c) was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19.... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, has continued to be ordinarily resident in this electoral district until this day);

(or)

is a person described in subsection (7), (8), (9) or (9A) of section 16 of the Canada Elections Act and was ordinarily resident in the above mentioned polling division on the ..... day of ....., 19.... (naming the date of the application by the elector to be included in the list of electors for the polling division).

3. That the said person on whose behalf this application is made is at this time temporarily absent from the place of his ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the Canada Elections Act.

4. And that I am a relative by blood or marriage or the employer of the said person on whose behalf this application is made.

Sworn (or affirmed) before me at .....

this .... day of ..... 19.....

(Signature of relative or employer)"

Revising Officer (or as the case may be)

DISCUSSION DRAFT

December 4, 1963.

Canada Elections Act.

Forms No. 32, 33 and 34 of Schedule I to the said Act are repealed and the following substituted therefor:

"FORM NO. 32. (Sec. 26 (9).)

APPOINTMENT OF POLL CLERK.

To ..... whose address is .....  
Know you that, in my capacity of returning officer for the electoral district of ..... I hereby appoint you to be poll clerk for polling station No. .... of the said electoral district, which has been established at (describe location of polling station).

Given under my hand at ....., this ..... day of ....., 19.....

.....  
Returning Officer.

FORM NO. 33. (Sec. 26 (14).)

OATH OF OFFICE OF DEPUTY RETURNING OFFICER.

I, the undersigned, appointed deputy returning officer for polling station No. .... of the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....  
Deputy Returning Officer.

CERTIFICATE OF THE DEPUTY RETURNING OFFICER HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the ..... day of ....., 19...., the deputy returning officer above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Returning Officer or Postmaster  
(or as the case may be)

FORM NO. 34. (Sec 26 (14).)

OATH OF OFFICE OF POLL CLERK.

I, the undersigned, appointed poll clerk for polling station No. .... of the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my capacity of poll clerk, or in that of deputy returning officer, if required to act as such, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....  
Poll Clerk

CERTIFICATE OF THE POLL CLERK HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, hereby certify that on the .... day of ....., 19...., the poll clerk above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Returning Officer or Postmaster  
(or as the case may be)"

DISCUSSION DRAFT

December 12, 1963.

Canada Elections Act.

Schedule I to the said Act is further amended by adding thereto, immediately after Form No. 65 thereof, the following forms:

"FORM NO. 65A.

AFFIDAVIT OF AN APPLICANT RURAL ELECTOR AT AN ADVANCE POLL. (Sec. 93.)

Electoral District of ..... Advance Polling District No. ....

I, the undersigned, ....., whose occupation is ..... and whose address is ..... do swear (or solemnly affirm):

- 1. That I am (name, address and occupation);
2. That I am a Canadian citizen of the full age of twenty-one years; (or)

That I am a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

- 3. That I was ordinarily resident in the above mentioned electoral district on the ..... day of ....., 19.... (naming the date of the issue of the writ ordering the pending election); (or)

That I am a person described in subsection (7), (8) or (9) of the Canada Elections Act.

- 4. That I am now ordinarily resident in rural polling division number .....

- 5. That, to the best of my knowledge and belief, I am not disqualified as an elector in rural polling division number ..... at the pending election, under any of the provisions of the Canada Elections Act;

- 6. That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

- 7. That I have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto.

Sworn (or affirmed) before me at ..... this ..... day of ....., 19..... (Signature of deponent) Deputy Returning Officer

FORM NO. 65B

AFFIDAVIT OF PERSON VOUCHING FOR AN APPLICANT RURAL ELECTOR AT AN ADVANCE POLL (Sec. 93.)

Electoral District of .....

Advance Polling District No. ....

I, the undersigned, ....., whose occupation is ..... and whose address is ..... do swear (or solemnly affirm):

1. That I am (name, address and occupation) as given on the list of electors for rural polling division number ..... now shown to me;

2. That I am now ordinarily resident in rural polling division number .....

3. That I know (naming the applicant and stating his address and occupation) who has applied to vote at the pending election in this advance polling station;

4. That the said applicant is now ordinarily resident in rural polling division number .....

5. That I verily believe that the said applicant

(a) is a Canadian citizen of the full age of twenty-one years; (or)

is a British subject other than a Canadian citizen of the full age of twenty-one years and has been ordinarily resident in Canada for the twelve months immediately preceding this polling day; and

(b) was ordinarily resident in this electoral district on the ..... day of ....., 19..... (naming the date of the issue of the writ ordering the pending election); (or)

is a person described in subsection (7), (8) or (9) of the Canada Elections Act; and

6. That I verily believe that the said applicant is qualified to vote in rural polling division number ..... at the pending election.

Sworn (or affirmed) before me at ..... this ..... day of ....., 19..... Deputy Returning Officer

(Signature of deponent)"

DISCUSSION DRAFT

December 12, 1963.

Canada Elections Act.

Form No. 66 of Schedule I to the said Act is repealed and the following substituted therefor:

“FORM NO. 66.

AFFIDAVIT FOR VOTING AT AN ADVANCE POLL. (Sec. 93.)

Consecutive number of affidavit .....  
 Electoral District of .....  
 Advance Polling District No. ....

I the undersigned, ....., whose occupation is ..... and whose address is ..... do swear (or solemnly affirm):

1. That my name appears on the list of electors prepared for polling division No. .... comprised in the above mentioned advance polling district.  
 (or)

That I am ordinarily resident in rural polling division No. ...., comprised in the above mentioned advance polling district.

2. That I have reason to believe that I will be unable to vote on the ordinary polling day at the pending election in the above mentioned polling division.

Sworn (or affirmed) before me  
 at .....  
 this .....  
 day of ....., 19.....  
 .....  
 Deputy Returning Officer

.....  
 (Signature of deponent)

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE ADVANCE POLLING STATION

Consecutive number of elector on list of electors	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to Affirm" or "Refused to Answer")	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert "Voted"	REMARKS"

DISCUSSION DRAFT

December 5, 1963.

Canada Elections Act.

"FORM NO. 71.

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 36.)

(To be presented to the revising officer by the revising agents acting for an elector.)

Electoral district of .....
Urban polling division No. ....
Name of applicant .....
(in capital letters with family name first)
.....
(address)
.....
(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of eighteen years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen.
(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19..... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).
(or)

I am a person described in subsection (7), (8), (9) or (9A) of section 16 of the Canada Elections Act and that I was ordinarily resident in the above mentioned polling division on the ..... day of ....., 19..... (naming the date of the application by the elector to be included in the list of electors for the polling division).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the Canada Elections Act.

Dated at ....., this ..... day of ....., 19.....

(Signature of revising agent)

(Signature of applicant)

(Signature of revising agent)

ALTERNATIVE APPLICATION TO BE MADE BY A RELATIVE WHEN ELECTOR IS TEMPORARILY ABSENT FROM THE PLACE OF HIS ORDINARY RESIDENCE.

(To be presented to the revising officer by the revising agents acting for an elector.)

Electoral district of .....
Urban polling division No. ....

I, the undersigned, (insert name of relative), of (insert address), (insert occupation), declare:

1. That I am hereby applying for the registration of the name of (In capital letters, with family name first), of (insert address), (insert occupation), on the list of electors for the above mentioned urban polling division at the now proceeding revision of lists of electors.

2. That the said person on whose behalf this application is made (a) is of the full age of eighteen years, or will attain such age on or before polling day at the pending election;

(b) is a Canadian citizen; (or) is a British subject other than a Canadian citizen and has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election; and

(c) was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19..... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, has continued to be ordinarily resident in this electoral district until this day);

(or) is a person described in subsection (7), (8), (9) or (9A) of section 16 of the Canada Elections Act and was ordinarily resident in the above mentioned polling division on the ..... day of ....., 19..... (naming the date of the application by the elector to be included in the list of electors for the polling division).

3. That the said person on whose behalf this application is made is at this time temporarily absent from the place of his ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the Canada Elections Act.

4. And that I am a relative by blood or marriage of the said person on whose behalf this application is made.

Dated at ....., this ..... day of ....., 19.....

(Signature of revising agent) .....
(Signature of applicant) .....
(Signature of revising agent) .....

## THE CANADIAN FORCES VOTING RULES

## Draft Amendment

12 December, 1963.

## Add new paragraph 15C:

Lists of  
Canadian  
Forces  
Electors  
for use by  
candidates.

"15C.(1) At a general election, within fourteen days after the issue of the writs ordering the election, each of the three Service Headquarters shall provide the Chief Electoral Officer with five copies of lists of Canadian Forces electors as defined in paragraph 21, of their respective Service, whose statements of ordinary residence have been stamped by him as to electoral district pursuant to subparagraph (8b) of paragraph 25, such lists to be by electoral district for each of the three Services, arranged alphabetically as to names, with service numbers and ranks, and postal addresses of such Canadian Forces electors.

(2) Within three weeks after the issue of the writs ordering an election, the Chief Electoral Officer shall forward to the returning officer in each electoral district, four copies of the lists referred to in subparagraph (1) respecting the returning officer's electoral district.

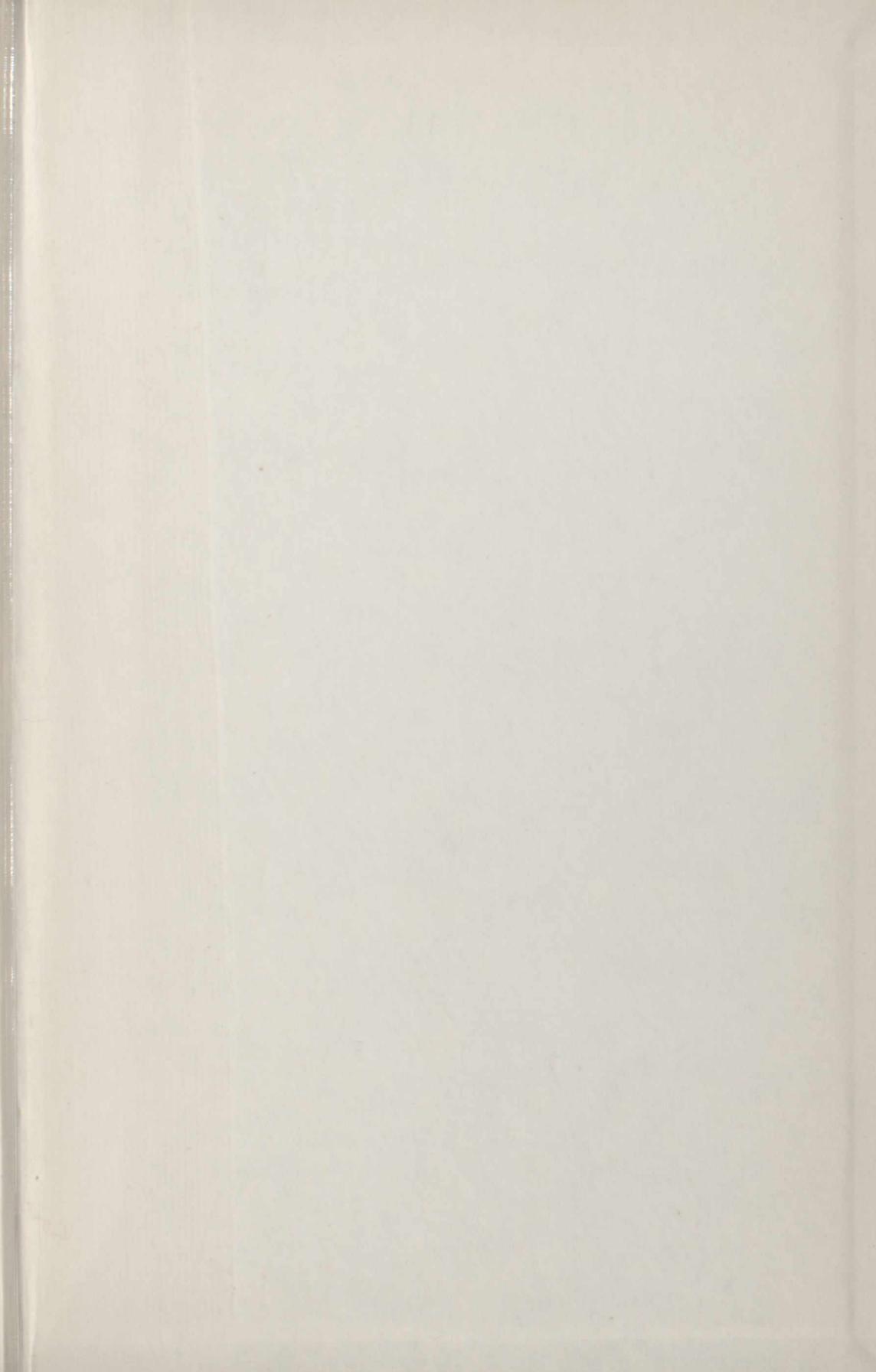
(3) Upon receipt of a written request from a candidate at the pending election, the returning officer for that candidate's electoral district shall provide such candidate with one copy of the lists referred to in subparagraph (2) respecting that electoral district.

(4) In addition to other parcels and documents required to be transmitted under this Act, the returning officer shall transmit to the Chief Electoral Officer, in separate parcels and by registered mail, the lists furnished to him pursuant to subparagraph (1) of 15B and any undistributed lists referred to in subparagraph (2) of this paragraph.

(5) The lists referred to in this paragraph and paragraphs 15A, 15B and 29 shall be furnished only in the manner and at the times and for the purposes specified."







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