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HOUSE OF COMMONS

First Session—Twenty-third Parliament

1923

STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

Chairman: Mr. DAVID LAWLAN

PROCEEDINGS

No. 1

TERMINATED DECEMBER 14, 1923

ORGANIZATION

Including

APPENDIX A

The House held in the Revised Main Estimates for 1924-25, relating to the Civil Service Officer and the Representative Commission.

PRINTED AND SOLD BY THE QUEEN'S PRINTER,  
OTTAWA, 1924.





HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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PROCEEDINGS

No. 1

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THURSDAY, OCTOBER 24, 1968

ORGANIZATION

*Including*

APPENDIX A

The items listed in the Revised Main Estimates for 1968-69, relating to the Chief Electoral Officer and the Representation Commissioner.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1968



HOUSE OF COMMONS  
First Session—Twenty-eighth Parliament  
1968

STANDING COMMITTEE

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Ovide Laflamme<sup>1</sup>

*Vice-Chairman:* Mr. James Jerome

and Messrs.

Aiken,  
Benjamin,  
Cafik,  
Downey,  
Fortin,  
Howard (*Skeena*),

MacGuigan,  
Marceau,  
Mazankowski,  
Peddle,  
Portelance,  
Prud'homme,

Richard,  
Ritchie,  
Ryan,  
Sullivan,  
Trudel,  
Valade—20.

(Quorum 11)

Edouard Thomas,

*Clerk of the Committee.*

<sup>1</sup> Mr. Laflamme replaced Mr. Kaplan on October 16, 1968.

THURSDAY, OCTOBER 24, 1968

ORGANIZATION

including

APPENDIX A

The items listed in the Revised Main Estimates for 1968-69, relating to the Chief Electoral Officer and the Representation Commissioner.

ROGER BURNHAM, PUBL.  
QUEBEC PRINTER AND CONTROLLER BY STATUTE  
OTTAWA, 1968

1-10-68

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS  
TUESDAY, October 8, 1968.

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

Messrs.

|                           |              |              |
|---------------------------|--------------|--------------|
| Aiken,                    | Kaplan,      | Richard,     |
| Benjamin,                 | MacGuigan,   | Ritchie,     |
| Cafik,                    | Marceau,     | Ryan,        |
| Downey,                   | Mazankowski, | Sullivan,    |
| Fortin,                   | Peddle,      | Trudel,      |
| Howard ( <i>Skeena</i> ), | Portelance,  | Valade—(20). |
| Jerome,                   | Prud'homme,  |              |

WEDNESDAY, October 16, 1968.

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

WEDNESDAY, October 16, 1968.

*Ordered*,—That, saving always the powers of the Committee of Supply in relation to the voting of public moneys, the items listed in the Revised Main Estimates for 1968-69, relating to the Chief Electoral Officer and the Representation Commissioner, be withdrawn from the Committee of Supply and referred to the Standing Committee on Privileges and Elections.

FRIDAY, October 18, 1968.

*Ordered*,—That the subject-matter of Bill C-16, An Act to amend the Canada Elections Act (Students Franchise), be referred to the Standing Committee on Privileges and Elections.

ATTEST:

ALISTAIR FRASER,  
*The Clerk of the House of Commons.*





## MINUTES OF PROCEEDINGS

THURSDAY, October 24, 1968

(1)

The Standing Committee on Privileges and Elections met this day at 10.38 a.m., for organization purposes.

*Members present:* Messrs. Cafik, Fortin, Laflamme, MacGuigan, Marceau, Mazankowski, Portelance, Richard, Ryan, Sullivan, Trudel, Valade (12).

The Clerk of the Committee attending and having called for nominations, Mr. Ryan moved, seconded by Mr. Marceau, and

*Resolved*,—That Mr. Laflamme be the Chairman of the Committee.

The Clerk of the Committee, having declared Mr. Laflamme duly elected Chairman, requested him to take the Chair. Mr. Laflamme took the Chair and thanked the members of the Committee for the honour bestowed upon him.

Moved by Mr. Portelance, seconded by Mr. Cafik, and

*Resolved*,—That Mr. Jerome be elected Vice-Chairman.

Moved by Mr. Ryan, seconded by Mr. Richard, and

*Resolved*,—That the Committee print 750 copies in English and 350 copies in French of its Minutes of Proceedings and Evidence.

Moved by Mr. Ryan, seconded by Mr. Cafik, and

*Resolved*,—That a Sub-Committee on Agenda and Procedure be comprised of the Chairman, the Vice-Chairman and five other members appointed by the Chairman after consultation with the Whips of the different parties.

Moved by Mr. Marceau, seconded by Mr. Trudel, and

*Resolved*,—That the items listed in the Revised Main Estimates 1968-69 relating to the Chief Electoral Officer and the Representation Commissioner referred to the Committee on October 16, 1968, be printed as an Appendix to the Committee's Proceedings. (*See Appendix A*)

The question of obtaining authority to sit while the House is sitting was referred to the Sub-Committee on Agenda and Procedure.

At 10.55 a.m. the Committee adjourned to the call of the Chair.

Edouard Thomas,  
*Clerk of the Committee*







| No.<br>of<br>Vote | Service   | 1968-69    | 1967-68 | Change     |          |
|-------------------|---|------------|---------|------------|----------|
|                   |   |            |         | Increase   | Decrease |
|                   |   | \$         | \$      | \$         | \$       |
|                   | F—OFFICE OF THE CHIEF<br>ELECTORAL OFFICER  |            |         |            |          |
| (S)               | Expenses of elections including the salary of the<br>Chief Electoral Officer (Details, page 451)... | 14,262,680 | 121,000 | 14,141,680 |          |
| 45                | Salaries and Expenses of Office (Details, page<br>451).....   | 165,500    | 140,900 | 24,600     |          |
|                   |   | 14,428,180 | 261,900 | 14,166,280 |          |
|                   | <b>SUMMARY</b>  |            |         |            |          |
|                   | To be voted.....  | 165,500    | 140,900 | 24,600     |          |
|                   | Authorized by Statute.....  | 14,262,680 | 121,000 | 14,141,680 |          |
|                   |   | 14,428,180 | 261,900 | 14,166,280 |          |

SECRETARY OF STATE

REVISED ESTIMATES, 1968-69



| Positions<br>(man-years) |         | Details of Services   | Amount            |                     |
|--------------------------|---------|---|-------------------|---------------------|
| 1968-69                  | 1967-68 |   | 1968-69           | 1967-68             |
|                          |         |   | \$                | \$                  |
|                          |         | <b>F—OFFICE OF THE CHIEF ELECTORAL OFFICER</b>  |                   |                     |
|                          |         | <b>Approximate Value of Major Services not included in these Estimates</b>                        |                   |                     |
|                          |         | Accommodation (provided by the Department of Public Works).....                                   | 75,400            | 71,400              |
|                          |         | Accounting and cheque issue services (Comptroller of the Treasury).....                           | 19,800            | 16,200              |
|                          |         | Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board).... | 2,200             | 2,000               |
|                          |         | Contributions to Superannuation Account (Treasury Board).....                                     | 13,200            | 11,000              |
|                          |         | Employee surgical-medical insurance premiums (Treasury Board).....                                | 500               | 1,400               |
|                          |         | Employee compensation payments (Department of Labour).....  | 2,300             | 1,100               |
|                          |         | Carrying of franked mail (Post Office Department).....  | 5,300             | 4,800               |
|                          |         |   | <b>118,700</b>    | <b>107,900</b>      |
|                          |         | <b>Statutory—Expenses of Elections including the salary of the Chief Electoral Officer</b>        |                   |                     |
| 1                        | 1       | SALARY OF THE CHIEF ELECTORAL OFFICER (CHAP. 39, STATUTES OF 1960)..... (1)                       | 22,680            | 21,000              |
| (1)                      | (1)     | EXPENSES OF ELECTIONS (CHAP. 39, STATUTES OF 1960).. (12)   | 14,240,000        | 100,000             |
|                          |         | <b>Total, Statutory Item.....</b>   | <b>14,262,680</b> | <b>121,000</b>      |
|                          |         |   | Expenditure       |                     |
|                          |         | 1965-66.....  | \$ 12,725,443     |                     |
|                          |         | 1966-67.....  | 734,802           |                     |
|                          |         | 1967-68 (estimated).....  | 602,000           |                     |
|                          |         | <b>Vote 45—Salaries and Expenses of Office</b>  |                   |                     |
|                          |         | Salaried Positions:   |                   |                     |
|                          |         | Administrative and Foreign Service:   |                   |                     |
|                          |         | 2   | 1                 | (\$10,000-\$12,000) |
|                          |         | 2   | 3                 | (\$ 8,000-\$10,000) |
|                          |         | 1   | 1                 | (\$ 6,000-\$ 8,000) |
|                          |         | Technical, Operational and Service:   |                   |                     |
|                          |         | 1   | 1                 | (\$ 6,000-\$ 8,000) |
|                          |         | 5   | 3                 | (\$ 4,000-\$ 6,000) |





| No. of Vote | Service  | 1968-69        | 1967-68        | Change   |               |
|-------------|--|----------------|----------------|----------|---------------|
|             |  |                |                | Increase | Decrease      |
|             |  | \$             | \$             | \$       | \$            |
|             | <b>N—OFFICE OF THE REPRESENTATION COMMISSIONER</b>                 |                |                |          |               |
| (S)         | Salary of the Representation Commissioner (Details, page 466)..... | 27,000         | 25,000         | 2,000    |               |
| (S)         | Expenses of Representation Commission (Details, page 466).....     | 98,000         | 135,000        |          | 37,000        |
|             |  | <b>125,000</b> | <b>160,000</b> |          | <b>35,000</b> |



| Positions<br>(man-years) |            | Details of Services  | Amount        |                |
|--------------------------|------------|--|---------------|----------------|
| 1968-69                  | 1967-68    |  | 1968-69       | 1967-68        |
|                          |            |  | \$            | \$             |
|                          |            | <b>N—OFFICE OF THE REPRESENTATION COMMISSIONER</b>   |               |                |
|                          |            | <b>Approximate Value of Major Services not included in these Estimates</b>                                     |               |                |
|                          |            | Accommodation (provided by the Department of Public Works).....  | 8,200         | 11,100         |
|                          |            | Accounting and cheque issue services (Comptroller of the Treasury).....  | 3,300         | 3,600          |
|                          |            | Contributions to Superannuation Account (Treasury Board).....  | 9,600         | 9,200          |
|                          |            | Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)....              | 1,300         | 900            |
|                          |            | Employee surgical-medical insurance premiums (Treasury Board).....   | 100           | 300            |
|                          |            |  | 22,500        | 25,100         |
| 1<br>(1)                 | 1<br>(1)   | <b>Statutory—Salary of the Representation Commissioner (Chapter 40, Statutes of 1963, as amended).....</b> (1) | <b>27,000</b> | <b>25,000</b>  |
|                          |            | <b>Statutory—Expenses of Representation Commission (Chapter 40, Statutes of 1963)</b>                          |               |                |
|                          |            | Salaried positions:  |               |                |
|                          |            | Administrative and Foreign Service:  |               |                |
|                          | 1          | (\$14,000-\$16,000)  |               |                |
|                          | 1          | (\$12,000-\$14,000)  |               |                |
|                          | 1          | (\$10,000-\$12,000)  |               |                |
|                          | 1          | (\$6,000-\$8,000)  |               |                |
|                          |            | Administrative Support:  |               |                |
| 3                        | 3          | (\$6,000-\$8,000)  |               |                |
| 5                        | 8          | (\$4,000-\$6,000)  |               |                |
|                          | 2          | (Under \$4,000)  |               |                |
| 11<br>(11)               | 16<br>(16) | Salaries..... (1)  | 82,500        | 98,200         |
|                          |            | Travelling Expenses..... (2)   | 2,000         | 12,000         |
|                          |            | Freight, Express, Cartage and Postage..... (2)   | 150           | 150            |
|                          |            | Telephones and Telegrams..... (2)  | 2,050         | 2,050          |
|                          |            | Professional Services..... (4)   | 2,000         | 7,500          |
|                          |            | Office Stationery, Supplies and Equipment..... (7)   | 3,000         | 3,000          |
|                          |            | Materials and Supplies..... (7)  | 6,200         | 12,000         |
|                          |            | Sundries..... (12)   | 100           | 100            |
|                          |            |  | <b>98,000</b> | <b>135,000</b> |





STANDING COMMITTEE

PRIVILEGES AND ELECTIONS

OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations  
and of a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committee.

Translations under the direction of the Bureau  
for Translations, Secretary of State.

ALISTAIR FRASER

The Clerk of the House

WITNESSETH:

Mr. J. M. Hamel, Chief Electoral Officer.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1952

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ALISTAIR FRASER,  
*The Clerk of the House.*

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

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THURSDAY, OCTOBER 31, 1968

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The items listed in the Revised Main Estimates for 1968-69,  
relating to the Chief Electoral Officer

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WITNESS:

Mr. J. M. Hamel, Chief Electoral Officer.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1968

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

- |                      |              |                    |
|----------------------|--------------|--------------------|
| Aiken,               | Marceau,     | Ritchie,           |
| <sup>1</sup> Brewin, | Mazankowski, | <sup>2</sup> Rose, |
| Cafik,               | Peddle,      | Ryan,              |
| Downey,              | Portelance,  | Sullivan,          |
| Fortin,              | Prud'homme,  | Trudel,            |
| MacGuigan,           | Richard,     | Valade—20.         |

(Quorum 11)

Edouard Thomas,  
Clerk of the Committee.

<sup>1</sup> Mr. Brewin replaced Mr. Howard (*Skeena*) on October 24, 1968.

<sup>2</sup> Mr. Rose replaced Mr. Benjamin on October 28, 1968.

WITNESS:

Mr. J. M. Hamel, Chief Electoral Officer.



REPORTS TO THE HOUSE OF COMMONS  
The Standing Committee on Privileges and Elections has the honour to  
present this report.  
First Report  
to the House of Commons  
Your Committee has the honour to  
present this report.  
Respectfully submitted,  
Your Committee  
ORDERS OF REFERENCE

THURSDAY, October 24, 1968.

Ordered,—That the name of Mr. Brewin be substituted for that of Mr. Howard (*Skeena*) on the Standing Committee on Privileges and Elections.

MONDAY, October 28, 1968.

Ordered,—That the name of Mr. Rose be substituted for that of Mr. Benjamin on the Standing Committee on Privileges and Elections.

ATTEST:

ALISTAIR FRASER,  
*The Clerk of the House of Commons.*

## REPORTS TO THE HOUSE OF COMMONS

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

### FIRST REPORT

Your Committee recommends that it be authorized to sit while the House is sitting.

Respectfully submitted,

OVIDE LAFLAMME,  
*Chairman.*

*(Presented October 31, 1968)*

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

### SECOND REPORT

Pursuant to its Order of Reference of Wednesday October 16, 1968, your Committee has considered the items listed in the Revised Main Estimates for 1968-69 relating to the Chief Electoral Officer.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (Issues No. 1 and 2) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,  
*Chairman.*

*(Presented October 31, 1968)*

## MINUTES OF PROCEEDINGS

THURSDAY, October 31, 1968

(2)

The Standing Committee on Privileges and Elections met this day at 10.08 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Cafik, Jerome, Laflamme, MacGuigan, Mazankowski, Peddle, Portelance, Richard, Rose, Sullivan, Trudel, Valade—(12).

*Also present:* Messrs. Mather, Peters.

*In attendance:* Mr. J. M. Hamel, Chief Electoral Officer; Mr. R. M. Fauvelle, Chief Examiner of Elections.

Moved by Mr. MacGuigan and

*Resolved,*—That the Committee seek the permission to sit during sittings of the House.

Moved by Mr. MacGuigan and

*Resolved,*—That a message be conveyed to the Committee on Procedure of the House asking that Committee to investigate the question of providing sufficient interpreters to satisfy the requirements of all committee meetings.

Item I of the Chief Electoral Officer's revised budget for 1968-69 having been called and a copy of the Chief Electoral Officer's Report dated September 11, 1968 being tabled, members of the Committee questioned the witness.

The Chief Electoral Officer was requested to provide a breakdown of election costs at a later date.

The Committee agreed to report and commend the Revised Estimates 1968-69 for the Chief Electoral Officer to the House.

At noon, the Committee adjourned to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.





## EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, Oct. 31, 1968

• 1010

**The Chairman:** At the start I would like to mention that we have had the co-ordinating meeting of the different committees. It has been decided that we might sit during the evenings next week, and for this we will need a motion from any one of you. We need a motion to sit while the House is sitting. During the Private Members' hour, maybe.

[Interpretation]

**Mr. Valade:** Before submitting this proposal, I feel the Committee should give some thought, especially after the meeting of the committee chairmen, to the possibility of an agreement about early morning sessions. I have no objections to evening sittings but they do create problems. It means a twelve or thirteen-hour working day and I wonder if we can work effectively if we have evening sittings in addition to a normal day's work in other committees, in the House and in our offices.

**The Chairman:** Mr. Valade, at the co-ordinating committee meeting, which included members from all parties, the External Affairs Committee, the Broadcasting Committee, the Privileges and Elections Committee and even the Finance committee, it was found necessary that some committees agree to evening sessions to make it possible to sit at all. I take it then that you have no objections to evening sittings? It was also expected, I think, that most members would limit themselves to membership in two committees.

**Mr. Valade:** Mr. Chairman, three committees of which I am a member sit at intervals of half an hour in the morning, so there is obviously a conflict here. However, I do not want to object formally, but I wonder if the committee would give my suggestion some serious thought.

[English]

**Mr. Mather:** Mr. Chairman, on a point of order.

**The Chairman:** Yes.

**Mr. Mather:** I do not have any interpretation here.

**Mr. Cafik:** That is correct. There is none.

**Mr. Richard:** Is it the intention of the Committee to sit all the time in the evening, and never during the day? All the meetings will be in the evening?

**The Chairman:** No. Yesterday the co-ordinating meeting decided to correct the situation you found yourself in this morning, Mr. Valade, having to attend two different committees at the same time. This is to correct the situation. And in accepting the schedule proposed by the co-ordinating meeting, we would sit during the evenings next week, and with sitting during that time we will not have two different meetings at the same time.

**Mr. Valade:** Do you mean that this will be only a temporary arrangement?

**The Chairman:** Yes.

**Mr. Cafik:** Do you need a motion on the floor in order to allow us to sit while the House is sitting? Is this the object at the present moment?

**The Chairman:** Yes. This is the object. We need a motion from this Committee to put the motion before the House, to ask its permission to sit while the House is sitting.

See *Minutes of Proceedings*.

• 1015

**The Chairman:** Have you gentlemen received this report from Mr. Hamel? Do you have a copy of this report in your hands? We have here with us today Mr. Jean-Marc Hamel, who is the Chief Electoral Officer. With him is Mr. Fauvell, and Mr. Fournier. Mr. Fauvell is the Accountant for the Office.

We deeply regret that this morning we do not have interpretation here.

**Mr. MacGuigan:** Mr. Chairman, why do we not have interpretation?

**The Chairman:** This is what I tried to find out myself. It is lack of personnel, maybe.



**Mr. MacGuigan:** It seems to me it shows lack of respect for this Committee on the part of those who are administering this.

**Mr. Mather:** Mr. Chairman, I understand that another committee had that problem the other day—I forget which committee it was—and they passed a motion referring the problem to the Committee on Procedure of the House to rectify the situation as soon as possible, which I think is a very sensible idea, I imagine the problem is physical, that there are perhaps not that many interpreters available, but it is essential. I think we should have interpretation.

**The Chairman:** It is up to you to decide if we accept to go on without interpretation.

**Mr. Sullivan:** Mr. Chairman, what language are we going to speak?

**The Chairman:** Both, I think.

**Mr. Portelance:** Mr. Chairman, most of us here are French-speaking but understand English. There is no problem.

**The Chairman:** Well, I personally agree with every one of you that we should have, and we must have interpretation in our deliberations. The only thing we will have to decide—I will try to find out myself—is how it happened that we did not have any, and to make sure that it is not going to happen again. But for the time-being and for this meeting, if there are any objections to continuing our deliberations without interpretation, then we will just adjourn this meeting. But if we can go on this way...

**Mr. Sullivan:** Mr. Chairman, I think that if somebody will repeat in English what they said in French, I think it will be fine, but otherwise...

**Mr. Mather:** I would agree to proceed as best we can, Mr. Chairman, but it might be a point in line with what I have said earlier that another committee faced the same problem and they took the action of referring the matter to the Committee on Procedure to urge them to rectify this. It may add strength to that representation if our Committee were to do the same thing.

**Mr. Valade:** Mr. Chairman, on that point, we sensed that this was developing when we started because I spoke French to my good friend here Barry Mather who claimed that there was no translation and could not understand what I was saying. I do not mind

speaking English because I can do it, but there are some technical expressions sometimes and technical words which are difficult to translate into French, or into English. This is the difficulty. I do not mind going on myself, but I assure the Committee that I intend to speak in French sometimes. If this creates a problem for other members...

**Mr. Mather:** It seems to me that the thing to do is to try to rectify the present problem rather than stop the meeting. And I would move, if I had a seconder, that this committee urges the Committee on Procedure of the House to take up the matter of proper provision of interpretation to all the committees.

**The Chairman:** This is, I think, a good suggestion. We were not advised that we were not going to have interpretation this morning. We were only advised when we asked where the interpreter was. He was not here. I think we should try to carry on, but if there are objections or if there is something that anyone has to object to, we will adjourn.

• 1020

**Mr. Mather:** Would you accept the motion which I made?

**The Chairman:** Yes.

**Mr. Valade:** Just on that point, I see that there is a report from the Chief Electoral Officer here. Is this report going to be read in French? I have a French copy. Is it going to be read in French or in English?

**The Chairman:** Well, I had it in both languages.

**Mr. Valade:** Yes, I know, but is it going to be read by the Chair or by Mr. Hamel in French or in English? I want to follow it one way or another. If it is read in French, those members who only speak English may have difficulty in following it. If it is read in English, we can follow it in French.

**Mr. Trudel:** Do you intend to table the report, Mr. Chairman, or just read it?

**An hon. Member:** This will answer Mr. Valade's question.

**The Chairman:** I think, Mr. Valade, you must have received a French and an English copy.

**Mr. Valade:** I have a French report. I am sorry, I have a—

**The Chairman:** You have the English copy as well?



**Mr. Valade:** No, I am just asking if the report is going to be read or tabled?

**The Chairman:** This report has already been tabled in the House and referred to this Committee for consideration. This is the reason we have Mr. Hamel here. If you have any questions to put to him with regard to the matters raised by this report, he is here to give all the information he can.

**Mr. Richard:** Mr. Chairman, if I may say so, I think we should go ahead with this meeting. I think it would be very difficult to come back to another meeting and have the same situation.

**The Chairman:** I agree.

**Mr. Richard:** I think we should go ahead. I do not think we would have the same situation another time.

**Mr. Mather:** Then the motion still stands to refer this to the Parliamentary Committee on Procedure of the House. To try to rectify the situation for all committees as soon as possible. Is there a question on the motion?

**The Chairman:** This is a motion and I think it has already been seconded. Is anyone opposed to this motion?

**Mr. Mather:** It has been moved and seconded. It is a motion and I think we should have a vote on it.

**The Chairman:** We will have representations made to the Committee on Procedure of the House.

Mr. Hamel, do you have a statement to make?

**Mr. Jean-Marc Hamel (Chief Electoral Officer):** Thank you, Mr. Chairman. No, I do not have any statement. I am here to answer any questions you may wish to ask me. As the Chairman said, this report was tabled in the House at the beginning of this session, together with the report of the representation commissioner. So, I am at your disposal.

**Mr. Jerome:** Mr. Hamel, I noticed in a couple of places in your report you indicated that you will be submitting further commentary later on about some of the aspects of the election, and that your detailed report will be finalized sometime in March of next year. Will your further commentary on the last election come forward at that time or are you anticipating that you will be submitting something between now and then?

**Mr. Hamel:** There are two matters here. First of all, the report, which should be ready by March, is what we call the poll-by-poll report of the election. This is the report I have to submit after each election pursuant to Section 58 of the Act. This is being prepared and I understand that part of it is now with the printer. As I say, it should come out, about March. This is still our target date.

**Mr. Jerome:** I believe that is section 56.

**Mr. Hamel:** That is correct. As I say, this will be ready in March. This is the big blue book.

The second thing I refer to here is a series of amendments to the Canada Elections Act. As you know, under the Act I am expected to make recommendations to Parliament for the better administration of the Act.

• 1025

**Mr. Jerome:** Yes.

**Mr. Hamel:** You may recall that in 1963 the Standing Committee on Privileges and Elections considered a series of amendments, which were never enacted because of the dissolution of Parliament before they were actually considered by the House. Since then we have discovered there are a few other amendments which we feel should be submitted to you for the better administration of the Act. This is something else we are presently working on and it will be ready whenever the Committee decides to consider amendments to the Canada Elections act.

**Mr. Jerome:** So that your material is virtually ready at any time given reasonable notice?

**Mr. Hamel:** Oh, yes.

**Mr. Jerome:** Thank you.

**Mr. Hamel:** Although I must admit that this series of amendments to the Canada Elections Act is a fairly big task. It will have to be completely prepared with a new format. In 1963 it was prepared in the format which was in use at the time. It now means an English and a French version. We will now have to prepare it in bilingual form, which means that we will have to have a completely new printing of the whole series of amendments whatever we feel should be added to it in light of the last two elections.

**The Chairman:** Mr. Sullivan?



**Mr. Sullivan:** Mr. Chairman, will this Committee be supplied with office copies of the Canada Elections Act as it is presently amended and any other material, any studies made, for recommendations for amendments?

**The Chairman:** This is supposed to be referred to this Committee, but until it is referred to us by the House of Commons we have no right to study it. However, I am inclined to believe that it is going to be sought very soon. Do you have any other questions, Mr. Jerome?

**Mr. Jerome:** No, Mr. Chairman, I have no further questions.

**The Chairman:** Mr. Valade?

**Mr. Valade:** What is the work of the Committee before we get references from the House? What are we going to...

**The Chairman:** This is the budget of the whole office of the Chief Electoral Officer. If you want to examine the estimates of the Chief Electoral Officer, it has already been referred to this Committee and Mr. Hamel, Mr. Fauvelle and Mr. Fournier are here for this reason. If you have the Blue Book of the Estimates it is at page 441, Vote 45—office of the Chief Electoral Officer.

45. Office of the Chief Electoral Officer  
(S) Expenses of elections including the salary of the Chief Electoral Officer  
45 Salaries and Expenses of Office  
\$14,428,180

**Mr. Valade:** Does Mr. Hamel have any general comments to make on this before we go into the estimates?

**Mr. Hamel:** No. The only comment I may make is that this is the budget that was prepared last year about this time and which was amended to include the approximate cost of the election. This is why it is called the Revised Estimates for 1968-69. So, this is the budget as submitted last year.

**The Chairman:** For your information, Mr. Valade, on this item of estimates you are allowed to ask Mr. Hamel any question you wish on any matter relating to his office.

**Mr. Valade:** Yes. On this question, Mr. Chairman I would like to ask Mr. Hamel to indicate to the Committee if he intends to change the representation in the poll workers—although "poll workers" is perhaps not the correct term—or does he intend to cover

up some expenses to the effect that parties will have electoral expenses paid by the government? Is this foreseen?

• 1030

**Mr. Hamel:** As I mentioned earlier, Mr. Valade, my obligation under the Act is to make recommendations for the better administration of the Act. I have a feeling that if I were to make a recommendation along these lines I might exceed my terms of reference. This would be a fundamental change in the Act, so I do not think I have the authority to make these kinds of recommendations to the Committee.

**Mr. Valade:** This is where we seem to be boxed in in our discussion. In my opinion, Mr. Chairman, these changes must be considered seriously by the Committee. Certainly, on this topic, we should have the Director General's opinion and an estimate of what would be the cost of such an amendment to the law.

In the documents tabled here there is such a recommendation in Appendix C which was submitted to you by Mr. Lizotte, the official agent for a candidate. He suggested that the electoral law be amended to bring it somewhat closer to that of the electoral law of the Province of Quebec which defines very clearly the ministerial and opposition parties' representation.

Certainly one of the objects of this Committee is to look into that possibility. If we do that there will have to be a forecast of, or some provision made for, what the cost will be and how it will be met. I think that information could be given by the Director General, who has vast experience, and whether it is feasible on a national scale.

**Mr. Hamel:** Perhaps it would be of interest to you gentlemen to know that whenever the Committee wishes to consider the Act I intend, at its first meeting, to table a copy of every suggestion received from the public and from different groups. Practically every week we receive, either directly or through some members or cabinet ministers, recommendations for amendments to the Act which would involve fundamental changes in the concept or in the philosophy of the Act. These I intend to table for the consideration of the Committee, without any specific recommendations in some cases.

If it involves my own responsibility for making amendments or recommendations for the better administration of the Act, I may



make a recommendation that this be, or be not, followed.

On your other point, about how much it might add to the total cost, this, I presume, would be quite easy to establish. If the Committee intended to make a certain change in the Act we could, on the basis of the number of polling stations we have, establish an approximate cost for the coming election.

One final comment I would like to make on that subject is that if you refer to the committee which prepared the amendments to the Act of 1960, the Act that is now in force, you will see that a number of amendments originated from that committee. I am thinking of one at the moment regarding the use of English French in New Brunswick.

In 1963 the same thing happened. Although these were never enacted, a number of amendments to the Act were recommended on the initiative of the committee and not on the initiative of the Chief Electoral Officer.

Therefore, amendments could come, as I say, from your Committee, on the one hand, and also from recommendations emanating from my own office.

**Mr. Valade:** Mr. Hamel, do you feel that in the last election you had sufficient personnel and that the arrangements were such as to meet the obligations of your office in an efficient way, or were you short of personnel? Were there any problems in communications and materials?

• 1035

I put this question because I complained to the returning officer in my area that they were lacking some materials. His reply was that they had been asking for this in Ottawa, through your office, and that they were not supplied enough material. Were you short of personnel or material?

**Mr. Hamel:** We were certainly not short of material, and I do not think we were short of personnel. This might have been only an excuse. I think every returning officer was provided not only with enough material but usually with some additional supplies just in case he would need more than we had expected.

As I say, I cannot understand how this could happen, because generally I think we were quite fast in answering any request for additional supplies. By and large, and judging by the return we had of unused material from the districts, I think most of the return-

ing officers had much more than they actually needed.

**Mr. Valade:** On another subject, because this particular problem may have been a local one, did you receive many complaints during the campaign, Mr. Hamel, on the conduct of the election in ridings? Were you subject to many demands for inquiries. Were there complaints about the activities of returning officers throughout Canada, or was it regionalized?

**Mr. Hamel:** I did not receive any official complaint under section 58 of the Act. I received, of course, the odd oral complaint or, at times, some letters but never specifically accusing an election officer of having contravened some section of the Act. Neither did I receive any complaint specifically pursuant to section 58, in which case I would have had to take action in conjunction with the Representation Commission.

**Mr. Valade:** You say "specifically", Mr. Hamel. I remember sending a telegram to your office complaining of the activities of my returning officer. During an election, when a candidate is busy with his campaign, I know it is technically difficult to ask him to make an official written accusation to your office, with all the requisite information, but I know that I have sent many telegrams to you and have telephoned many times to protest against certain irregularities.

This brings me to the following question: How do you deal with the complaints that are made to your office by an official candidate during an election?

**Mr. Hamel:** Every complaint, be it oral or in writing, under section 58 of the Act has to appear in the report that is tabled in the House. However, we follow up on every other complaint and write the returning officer and ask for his explanation and in all cases, as you probably remember, we send copies of the reply of the returning officer to whoever complained against him.

**Mr. Valade:** I want to be more specific and I am asking these questions because perhaps they will assist the Committee later on when it is discussing proposed amendments.

Do you consider your office has the necessary tools to make inquiries *in vivo—de visu*, if you wish me to use this word—on the spot when a serious complaint is made about a returning officer not doing his job properly?



• 1040

As an example of this, I complained that the locale used by the returning officer was not suitable for the ordinary conduct of an election. I remember your office informed me that, after having inquired, they found the premises to be in accordance with the regulations. I still maintain they were not in conformity with the spirit of these regulations.

Now I ask the question whether, with a view to clearing this matter up, your office could not have a better arrangement by which it could inquire into these complaints on the spot? If you rely on a report which can be made by an RCMP officer or an investigator of some sort who may have no idea of the complaint or the situation, do you not think this is a very important matter for an election? This caused a lot of problems in my area. The premises were not even in accordance with the requirements of City Hall because there was a hazard in the stairs used to reach the premises. It was a hazard that could have caused accidents. The space was so narrow that no more than two persons could accommodate themselves in that office when the regulations state that the premises should allow all the functions of an election to go smoothly. Now, the answers I received, after inquiry, were that the premises met the requirements.

I am asking the question, based on an example, if there is no way these complaints could be more efficiently investigated. In any complaint that is made, of course, the person responsible for investigating should at least have contact with those who make the complaints.

**Mr. Hamel:** Well, we have many ways of establishing whether the premises selected by the returning officer to use as his own office are adequate or not. I may say that during the last election we forced a few Returning Officers to move because it was demonstrated to us that the premises were not adequate. However, in the particular case in point, all the information I had was to the effect that this was suitable.

In fact, in large cities reports are presented to me even before any complaint is received, to make sure that the premises are adequate, not only from the physical point of view, that is from the point of view of allowing the people to go and come easily, but also from the security point of view. Apparently everything was in order. I for one, consider that

our present way of investigating these complaints is quite efficient.

**Mr. Valade:** How do you go about having the complaints investigated. Maybe that will help me to put my suggestions later on. How do you go about investigating a complaint? Do you have a regular staff or a special staff for investigation, particularly during an election period?

**Mr. Hamel:** We mainly use the facilities of the RCMP.

**Mr. Valade:** The RCMP?

**Mr. Hamel:** Yes, and this has been done for years as far as I know.

**Mr. Valade:** I will pass.

**Mr. Richard:** Mr. Chairman, I have a supplementary to this specific question. Are there any restrictions on the returning officer about choosing a site? Why do they have to choose a cheap site or something that would not be decent? What are the restrictions on choosing a proper office? Why should they not choose something good? Are there limitations?

• 1045

**Mr. Hamel:** No. We cannot establish a flat rate or a flat rent because conditions vary too much from one end of the country to the other. The only advice we give them is to try to get something reasonable, at a reasonable cost. I have heard that some returning officers were establishing their offices in pretty shabby places, in old stores and so on. This is something we may have to look into more carefully next time. It is a question of cost for an area. We are trying to keep the cost down as much as we can, but on the other hand, some people might be satisfied—I may add that in some places it is not easy to find a decent place for two months or two and a half months because it is just not possible to find something adequate for that period.

**Mr. Richard:** It is not due to any restriction that you put on cost or anything?

**Mr. Hamel:** No, we do not impose any ceiling because this would be unrealistic. Perhaps for \$200 a month you could find something very good in a small town, while in Toronto, Montreal or Vancouver you would not even get a shack for that.

**Mr. Richard:** There is really no reason for using all these shabby places that we use in



most cases as offices for returning officers during elections?

**Mr. Hamel:** Another thing you have to remember is that the returning officer cannot afford to take a week or two weeks to find a place. He has to do it in a matter of hours because under the law he has to open an office immediately after the election is called. So at times he may only have a day or two days or three days.

**Mr. Richard:** I will come back later.

**Mr. Mazankowski:** I am just wondering whether some terms of reference should not be outlined in this case. For example, in my constituency the returning officer operated out of his own home. While I am not complaining about it, he was very accommodating and he co-operated in every way, shape or form, but it seems rather strange that one should have to operate out of a basement in his home and in rather cramped quarters. Now, if there is a restriction, in a town of 4,000 people certainly some accommodation could be made available, you would think. Do you have any restrictions in so far as that is concerned?

**Mr. Hamel:** Under the law the returning officer is responsible for selecting his own office space and the only advice we give him is to try to keep it to a reasonable cost. Many of them, for a number of reasons which I do not have to explain because they have a basement or a couple of extra rooms in their house, will rent this for election purposes. In some cases, as I say, we had to force them to rent something else either for briefing the enumerators or for election night, because there was just no way to move TV cameras in or for the press people to go in.

As I say, it is very difficult under the terms of the present law to tell a returning officer: "You are not going to use your own house." We ask them two questions when they come to us for an office. First, the number of square feet, is it large enough for the kind of work you intend to do, and second, how much does it cost? If it is 400 square feet and he is asking us \$1,000 for two months, well, we will say: "Well, be reasonable," or, "Maybe 400 square feet is not enough." However, as I say, there is no—I do not think there could be any fast rule on this because of local conditions, even in the same city. For example, in Edmonton, some of the Edmonton returning officers had no problem at all but one of them, as I understand it, had a

heck of a time finding a place. In Montreal, and in Toronto, it is the same thing.

**Mr. MacGuigan:** I would just like to follow up on this. First of all, do I understand that they may rent from themselves? You rent from them? I mean, they can profit financially from it?

**Mr. Hamel:** In that case we would pay them rent for that portion of their house which they will use as their election office.

**Mr. MacGuigan:** Fine. I understand there is now a permanent group of returning officers who remain with you from election to election. Did you find there was a need to replace many of these returning officers before this election? Is this a fairly stable group?

**Mr. Hamel:** This is not new. Returning officers under the Canada Elections Act for quite a while have been appointed almost for an indeterminate period. Before the last election a number had to be appointed, not because they resigned, and so on, but because under the new electoral map there were 258 new electoral districts. The Representation Order of 1966 made tremendous changes in the representation in Canada and only six electoral districts remained unchanged. The mandate, the returning officer who was in function before which he had terminated with the life of his own electoral district and for the new district a returning officer had to be appointed and, by the way, as you know returning officers are appointed by the government and not by me, so we had—I do not know—over 200 returning officers who were pretty new to the job for the last election.

• 1050

**Mr. MacGuigan:** Yes. Do you train these people? Do they just get materials or do you actually have an oral training session for them?

**Mr. Hamel:** We feel that it would be unfair for these people just to throw the book at them and say, "Well, this is your job and you try to do it the best you can."

Usually we had a three-day course for these people as soon as they are appointed. They are called to Ottawa and they spend a couple of days on the Canada Elections Act, on the practices, on procedures and so on, and then one day on the financial aspect of conducting an election, what is allowed and what is not allowed and which accounts you



pay and which accounts we pay from Ottawa, and so on.

Unfortunately, when an election is called usually a number of people get scared, or a number of people are not available. In the last election, for instance, we had two in Europe. One of them could not come back on time. We had one who was involved in a car accident the week before and was in hospital and was not due to be out of the hospital before July.

So these people had to be replaced and the election had been called and as you know there is a period of about 10 days between the day the writs are issued and the beginning of the enumeration. During that period of time the returning officer has to select and appoint his enumerators, select an office for his own use, have his proclamation printed and a number of other chores, you know. So every day is very important. In those cases we gave them only a very condensed course of no more than about a day and fortunately, with the exception of one, they were all from places not too far from Ottawa. It meant they could come here in the same day.

**Mr. MacGuigan:** Do they in turn instruct their deputy returning officers orally as well as giving them materials?

**Mr. Hamel:** They are expected to train them.

**Mr. MacGuigan:** I am wondering how the early counting of ballots could have occurred in a number of polls. Is there a feeling that the deputy returning officers were not adequately instructed in these polls? This would seem to be fairly elementary.

**Mr. Hamel:** Do you mean mistakes in the counting of the ballots in the poll itself, or in the compilation in the office of the returning officer?

**Mr. MacGuigan:** No. Apparently it was ballot papers cast at advance polling stations that were counted early in this case. I am referring to your report on page 3. Nine deputy returning officers made a count before the allowed time.

**Mr. Hamel:** On that point—and I am not divulging any secret because this was part of the series of recommendations made in 1963—there will have to be some amendment to the Canada Elections Act if we want to avoid this in future because, if you look at my predecessor's reports after the 1965 election, 1963

and 1962, this is not new. This happened at every election. In fact, in 1965 the number was less than in 1968, but in 1963 the number was much higher than in 1968 and this in spite of specific instructions issued.

I investigated each case and in each case the deputy returning officer acting at the advance poll received very specific instructions. Now, why did they do it? I do not know. In all cases, as you know, the pay is forfeited. They lose their \$50.

• 1055

**Mr. MacGuigan:** Yes.

**Mr. Hamel:** I cannot go any further than that at the moment.

**Mr. MacGuigan:** On the other matter you mentioned that some DRO's were reluctant to accept responsibility for the custody of the ballot boxes for the period from the close of the advance polls until 9.00 p.m. on the ordinary polling day, do you expect the DRO's individually to keep these boxes.

**Mr. Hamel:** Under the law they have to.

**Mr. MacGuigan:** That seems not to be a very secure proceeding in any case. It leads to a proliferation of depositories for the ballot boxes.

**Mr. Hamel:** In essence this is the recommendation I intend to make to you people. Instead of asking DRO's to keep custody of boxes between the close of the advance poll and the polling day, they should be transmitted to the returning officer for custody.

**Mr. MacGuigan:** I have just one final question. At Appendix C, is one suggestion for change in the Canada Elections Act. Why is this the only suggestion for amendment which you append to your report?

**Mr. Hamel:** This is the only recommendation received that is specifically pursuant to section 58 of the Canada Elections Act. We received a number of other suggestions from associations, other handicapped people, blind people and so on, and these will be submitted to the Committee at the beginning of its first session. This will be tabled.

**Mr. MacGuigan:** Thank you.

**The Chairman:** Mr. Rose?

**Mr. Rose:** My question is supplementary to something that Mr. MacGuigan said. He said that you and your office do not appoint the



returning officers; that is done by the government.

**Mr. Hamel:** That is correct.

**Mr. Rose:** You see, this brings up all kinds of interesting aspects of political patronage and that kind of thing in the appointment of these various returning officers, and I am interested in knowing what kind of recommendations you might have in this connection.

**Mr. Hamel:** I do not have any recommendations. If you go back, I think to about 1930, the Chief Electoral Officer was responsible for the appointment of the returning officers. I do not think this would be efficient because I do not have the machinery, having my office in Ottawa, if at the beginning of an election a returning officer drops dead or decides not to take the job away out in British Columbia, Alberta or in Saskatchewan, to try to find a replacement.

**Mr. Rose:** Do I understand, then, that the returning officers are appointed by the province or some organization within the province?

**Mr. Hamel:** That I do not know. This is the responsibility of the government. How they go about getting their names I do not know.

**Mr. Rose:** It seems very strange, sir, that no one knows something as vital and as basic as this and I just cannot conceive its happening. It is like the answer we got yesterday concerning the political affiliations of appointees. I am not laying this at the door of any one political party, because I think this certainly has happened under both of the major political parties, but I think we could certainly look to some other kind of method for appointing these people, because I am convinced that not always are the best people appointed for this purpose and further, that there have been some very capable ones that have been replaced regardless of the changing of the boundaries.

I will not pursue this any further because I think we must be loyal to the kind of supplementary privileges we are allowed here. I have other points, but I know there are other people who had their hands up to be next. Do you have any further comments on this?

**Mr. Hamel:** This has been in the Canada Elections Act since 1937, so far as I know, and it was again put in the Canada Elections Act in 1960 when it was last amended. In

other words in 1960 when the Canada Elections Act was amended, if you read section 8, it says that every returning officer holding office at that time shall be deemed to have ceased to be a returning officer and new appointments will be made. This has been the case so far as I know since 1937.

Mind you, a number of returning officers—not too many—have been in office for quite awhile. I have one appointed in 1938 who has acted at every election since then except the election of 1945 while he was serving, and there are two or three I can think of at the moment who have been in office since 1950, 1949, 1952. There is a small group. . .

• 1100

**Mr. Rose:** They are in the minority, are they not?

**Mr. Hamel:** Yes.

**Mr. Rose:** Thank you.

**The Chairman:** Mr. Mather?

**Mr. Valade:** I have a supplementary related to that same question.

**The Chairman:** Mr. Valade?

[Interpretation]

**Mr. Valade:** I should first like to ask a question.

What authority does the Director General have to lay off a returning officer against whom official complaints have been made? Must he apply to the governor-in-council, and wait for the governor-in-council to make other recommendations to replace him?

**Mr. Hamel:** No authority, either for appointments or suspensions or for laying off any returning officer. According to section 8 of the Act, the governor-in-council has full authority. The only thing I can do, if the returning officer does not do his work in a competent way, is to recommend to the governor-in-council that he should be dismissed. I have done that only once over the past 2 and a half years. Although the man concerned had been appointed a year and a half ago, I could not get him to sign the papers. So, I recommended that he be replaced.

**Mr. Valade:** This procedure is valid in a normal election period, but I am speaking of the period of time when the list is issued. Under this procedure can you replace a returning officer during that short period of



time, if you have a very serious grievance against him, and if you recommend this dismissal to the governor-in-council? Do you have enough time to make a replacement in such a short time, or will the decision be made only after the elections?

**Mr. Hamel:** Well, if something very serious were to happen during an election, the recommendation would go to the Secretary of State, who is responsible to the governor-in-council for the application of this Section of the Act, and I imagine that a decision would be made immediately.

**Mr. Valade:** Is it physically possible to make such a change during election time?

**Mr. Hamel:** Well, of course, we would have very serious problems.

**Mr. Portelance:** According to the Act, the returning officer of the riding would have to deal with the problem.

**Mr. Hamel:** If the returning officer is unable to carry out his duties, dies, or resigns, the election secretary becomes acting returning officer for the riding.

**Mr. Valade:** On an interim basis. But not necessarily for the election period.

**Mr. Hamel:** He will carry out his duties until replaced. This means that the problem is serious. Because of the provisions of the Act, it is impossible to ensure the replacement of a returning officer during election time without an order from the Governor in Council.

**Mr. Valade:** Do you intend to submit a sub-amendment to the Committee with respect to this?

**Mr. Hamel:** No, for the same reason I gave a while ago, I do not feel that I have the authority to make such a recommendation. This would be a radical change in the Act, and I am only entitled to recommend changes which would facilitate the administration of the Act.

**Mr. Valade:** This is exactly the question which was posed by my colleague, a while ago. If this returning officer, whether it be the clerk or some other person in charge of the polls, were to become "ipso facto" the returning officer, this would solve the problem without having recourse to the governor-in-council.

**Mr. Hamel:** We would of course need a change in the present Act.

**Mr. Valade:** Yes. That is why I am asking you whether you actually intend to recommend such a change in the Act?

**Mr. Portelance:** Mr. Chairman, I wish to ask a supplementary question. At present, the secretary replaces the returning officer until the latter is appointed. Actually, the secretary himself can also be appointed, can he not?

**Mr. Hamel:** Yes, it happened in Prince Edward Island, the returning officer died two days after the elections. So, his wife, who was his secretary during the elections, became, "ipso facto," the acting returning officer, and was appointed to this post in due course.

**Mr. Portelance:** Apparently, Mr. Lizotte states in Appendix VI, that the Act is not very clear. Regarding the appointment of returning officers, clerks, and secretaries, I believe however, that the Act is clear, but one may not always be in a good position to judge it. Of course, this may not be very pleasant to all parties participating in the campaign. The Act is not very clear, where paying the secretary is concerned. I believe the Quebec Act is much clearer. The secretary knows exactly where he stands with regard to his salary. But the Federal Act does not provide any such clear information.

**Mr. Hamel:** I think we have to make two distinctions. There are two procedures concerning the choice of enumerators, rural procedure and urban procedure.

• 1105

For instance, in the urban procedure, the candidate elected in the preceding election, i.e. the member who sat in the previous parliament, and the candidate who had the largest following number of votes, in the preceding election are to recommend the enumerators to be appointed by the returning officer.

In the rural procedure, it is the returning officer who, according to the act, chooses and appoints the enumerators, and deputy-returning officers.

As far as the secretary is concerned, two points must be mentioned: according to the Act, the secretary should know his exact duties at appointment. He must be present on nomination day, during the provisional days, and on the official polling day. Provision is made for his fee. But, the returning officer occasionally uses the same person as chief office clerk or private secretary. If he uses



him as a messenger, there is no problem: we pay him. But if he uses him in his office to write his correspondence we pay him a given amount based on the number of names on the voters' register. That person is paid according to an agreement between the returning officer and himself. And that's where we occasionally have some problems. But, this is completely beyond our control.

**Mr. Portelance:** I feel, however, that some suggestions should be made so that under the new Act, the secretaries can be remunerated according to an established rate.

**Mr. Hamel:** Well, of course, he then ceases to be an election secretary and becomes a mere employee of the returning officer.

Some returning officers, for instance, instead of hiring people for the office, ask schools for the blind or retarded children's schools to help addressing envelopes in which the lists of electors are sent to the electors. Others have hired from 1 to 6 girls to do the job.

**Mr. Portelance:** Mr. Hamel, on that same point: a returning officer must have someone to replace him when he is away. This requires a responsible person. That is where the Provincial Act allows the returning officer to appoint a secretary to replace him when he is absent. Someone has to be in the office all the time. If the Act does not provide for the returning officer to be able to appoint someone to replace him occasionally, he is not entitled to do so.

**Mr. Hamel:** Yes, he can do it. For instance, I know of a returning officer who was paid \$3,200 for his expenses, for clerical help. Which means all the clerical work done in his office. The person appointed claims she has not received a cent! Unfortunately, I heard about it when the returning officer had already been paid.

**Mr. Portelance:** Does this person have any recourse?

[English]

**The Chairman:** Mr. Mather?

**Mr. Mather:** Mr. Chairman, the Commissioner has indicated that he has several recommendations to make later, I think, in regard to improving the electoral system. I hope one of those recommendations will be in an area where reform is very long overdue, and that is, the situation as affects the indus-

trial worker, particularly in the part of the country I come from, the lower mainland of British Columbia. We have hundreds if not thousands, of industrial workers, loggers and fishermen who, during any summer election, are away for several days and maybe weeks prior to the advance poll, on the fishing grounds, in the logging camps, in the mining areas of the province, hundreds of miles away from their own voting constituency. These people by means of not being able to vote at the advanced poll and not being able to get back to vote in their own riding, in effect are disenfranchised, and in many cases have been for some years. I do not know whether the Commissioner can make recommendations in that field. I do know that different election committees of this House over many years, have studied this same problem and have made recommendations toward reforming it. I think it is really an issue that we should concern ourselves with, if not now, perhaps later on.

• 1110

In the case of the members of the armed services, we have in effect absentee voting. It is not just because members of the armed services usually vote very much against the party I happen to represent that I am raising this, or that members of the industrial workers usually vote very much in favour of our party that I am raising this, but there is a disparity there, an imbalance. My question is whether the Commissioner would consider, or if he is considering, bringing in recommendations to change and improve that situation. If he is not, I can tell the Committee that if I am a member of the Committee I will be doing so later on.

**The Chairman:** I do not want to answer this question, Mr. Mather, but I may say at this point that at the beginning of his remarks Mr. Hamel stated his terms of reference and he is here within his administrative responsibilities as Chief Electoral Officer. I do not think he has any authority at this time to make recommendations except for the improvement of the administrative part of the law.

**Mr. Mather:** I think this would be a considerable improvement in the operation of the law.

**Mr. Hamel:** I just want to mention that at the very beginning of this session you had Mr. Castonguay's report which he tabled pur-



suant to the Representation Commissioner Act. I see a copy of that report over there, and this kind of situation is covered in it. I presume the Committee will consider this matter whenever it studies that report.

**Mr. Mather:** Thank you. It is not in your province to make that type of recommendation at this time?

**Mr. Hamel:** No, the Representation Commissioner was asked by Parliament in 1964 to make a specific study of this problem. This is one of many problems, this is one facet of . . .

**The Chairman:** At a subsequent meeting we will have Mr. Castonguay here and then you can ask him questions.

**Mr. Mather:** Yes.

**The Chairman:** Mr. Mazankowski?

**Mr. Mazankowski:** Yes, Mr. Chairman, I have a supplementary with respect to the matter of returning officers. Who does, in fact, make the appointments of returning officers, and upon whose recommendations, and upon what qualifications are such appointments made?

**Mr. Hamel:** Well, the appointment is made by way of an Order in Council on the recommendation of the Secretary of State. Beyond that, well, this is completely outside my own jurisdiction.

**Mr. Mazankowski:** Legally, you do not make the appointments officially?

**Mr. Hamel:** The first I know of a returning officer is when I get a copy of the Order in Council giving me the name and the address of the man, then I get in touch with him to see what he looks like.

**Mr. Mazankowski:** Thank you.

• 1115

[Interpretation]

**Mr. Valade:** A supplementary question, Mr. Hamel. When you happen to learn the names of the deputy returning officers recommended by the governor in council, are you able to judge whether they include candidates who are not qualified. If you feel that the person is not qualified, do you have the authority to intervene? Have you any discretionary powers to enable you to ensure that the election is properly conducted. Have you the authority to make recommendations to the governor-in-

council in this regard? Because you might find cases where the person is unable to do the job, is not competent. In that case, are you helpless. You must accept a recommendation which is inconsistent with efficient performance of the job.

**Mr. Hamel:** This is very difficult to establish. Among our returning officers, we have people from nearly all professions, all walks of life,—farmers, foremen, doctors, lawyers and so on.

**Mr. Valade:** Excuse me, Mr. Hamel this is not a "red herring" and I do appreciate your difficulty.

**Mr. Hamel:** Well, these people come to the office for three days. It is very difficult, in three days, to decide whether a fellow is able or unable to do the work. What we have tried to do, is to show them that this is not an easy job. Many think that it is a kind of a job which takes an hour or two per day, even during election time. So we try to impress upon them that their work involves serious responsibilities, is time consuming, and calls for a lot of effort.

Occasionally, some returning officers may give us the impression that they will have serious difficulties because of a lack of education or resourcefulness but these sometimes turn out to be the best we have. So until a man has actually been put to the test, it is very difficult to find out whether he is able or unable to do the work.

**Mr. Valade:** Well, it may be that my question was not very clearly put. What I mean is this. When as director-general, you actually find out that a returning officer is not up to the job, you do not then seem to have the discretionary authority to replace him or even to recommend his replacement.

**Mr. Hamel:** Only if there is some violation of the Act. Competence is certainly included among the conditions in the returning officer's oath of office.

**Mr. Valade:** But apparently, your terms of reference do not seem to give you the discretion to recommend a change.

**Mr. Hamel:** Well, as I said a while ago, I did so in one case. If I am convinced that a man is not competent to do the job, this is of course a very serious matter and we must have very serious reasons before making such a recommendation, of course.



**Mr. Valade:** Well, I am amazed at the scope of your authority. It seems that you are subject to rather strict control concerning your freedom, to seek out the best possible staff to run an election. And you always seem to be bound by an order-in-council in such decisions. Well, I have no wish to keep anyone else from speaking...

**The Chairman:** No, go ahead.

**Mr. Valade:** I wanted to ask another question concerning the number of spoiled ballots during an election. Often, during an election, perhaps in some ridings only, there is a large number of spoiled ballots. When a candidate feels there is an undue number of spoiled ballots in an election, his only way to verify to find out whether these ballots are for him or against him, is to ask for a judicial recount. Do you not think that there should be some sort of mechanism which would allow for a recount of such ballots, without resorting to judicial recount, legal recount. Do you not think that we should have some sort of machinery to consider the spoiled ballots only? My own case is a special one. I checked with your office and apparently, in my constituency, 3.8 p. 100 of the ballots were spoiled. I think the national average was about 1.3. So if I lost an election, I would have to take legal steps, legal measures to ask for a judicial recount, which of course, involves considerable expense, which might be between fifteen hundred to three thousand dollars or even more.

Do you not think that there could be some sort of machinery by which wasted ballots could be counted during the official recount without resorting to a judicial recount? That would apply only to wasted ballots.

**Mr. Hamel:** Well the protection which you have at present is through the agent of the candidate who is present in the office during the counting of the ballots. I admit that we have not tallied the total ballots rejected during the 1968 election. I know that in some districts, including yours, the number of rejected ballots is larger than average. The average of the whole country is about 1 per cent or a little above 1 per cent. I have three districts in mind where the number was well above that average. The same occurred in 1965. I do not have the figures here but if you look at Quebec, in general, the number of rejected ballots has been higher than in the rest of the country. We must say that there have been quite big discrepancies. However, in Quebec, there is little difference in the average number of rejected ballots in provin-

cial elections and federal elections. Why is this so? I'm afraid I don't know.

• 1120

**Mr. Valade:** Mr. Hamel, my point concerns the recount machinery of such ballots. During elections, candidates have no way of finding out whether the rejected ballots are actually ballots which should be rejected according to the letter and meaning of the Act.

I wonder whether the Committee could not upon your recommendation, devise a process whereby it would be possible, during the official recount, to set aside the envelopes of rejected ballots which may not be opened at the time of the official counting. You have the returning officers' report, but you are not allowed to open the envelopes of rejected ballots to find out, in the presence of those concerned, whether or not such ballots should actually have been rejected. I wonder whether you intend to propose or recommend any changes...

**The Chairman:** Mr. Valade, I think that Mr. Hamel has already answered that question. As far as the possibilities of amending the Act are concerned, except for administration questions which concern him, I do not think that the question you ask is actually under his authority.

**Mr. Valade:** Mr. Chairman, I thought I was in line with our discussion, to find out the kind of suggestions which Mr. Hamel could make in order to amend the Act.

At this stage of our work, I think we are simply looking into the various difficulties which arise from the Act. This I consider an extremely serious problem because a candidate has no way of finding out whether rejected ballots were actually rejected in strict accordance with the various causes stipulated in the Act. In order to do this, the candidate must request a judicial recount. I should like to ask the Director General whether this is not a case where an Act ought to be amended because I think this is an administrative matter.

**The Chairman:** I believe the question has already been answered. Actually, the amendment of the Act is under our jurisdiction and not that of the Director General.

**Mr. Valade:** Naturally on the recommendation of the Director General.

Now, to switch to something else...



[English]

**The Chairman:** With your permission, Mr. Valade, I will now call on Mr. Peters.

• 1125

**Mr. Peters:** Mr. Hamel, is a service being provided similar to that in Ontario where they have an electoral court composed of a judge and a number of people who review specific offences that may take place in an election? I think they call it an electoral board.

Do we have this method of reviewing Federal elections, and can an offence or an omission that may be committed by the returning officer be brought before an agency in the area concerned?

I am thinking of the example you used a few minutes ago, of a person not being paid where there appears to have been a service rendered. Can this be referred to an electoral board in the area?

**Mr. Hamel:** Under the Canada Elections Act there is no election board, or electoral board, as it might exist in certain other provinces.

When an election officer is alleged to have been guilty of an offence under the Act it is up to the Chief Electoral Officer, or, under the terms of the present Act, up to the Representation Commissioner, to take action.

If any person other than an election officer is alleged to have been guilty of an offence any individual can take action, and it is a private action in that case. It is up to whomever is aware of the action to lay charges with the appropriate authorities.

**Mr. Peters:** In Ontario it seems to be of dubious value, and I do not really know what finally happens when an individual has to lay a charge, but have you considered the different systems that the provinces may use?

It seems to me that every Member of Parliament is in a position in his own area to correct some of the problems that develop, and will continue to develop. I have seen a number of these problems recur. Are any of the provinces using machinery better suited to correcting some of these local difficulties or problems that arise with deputy returning officers, or that develop in the election machinery, rather than doing it through the Act? Have you considered any alternative ways of doing this?

**Mr. Hamel:** No, not at the moment. I am not aware of any provision in provincial legislation about this.

**Mr. Mather:** May I ask a supplementary question?

**The Chairman:** Yes, Mr. Mather.

**Mr. Mather:** Can the Commissioner say whether other countries, such as Australia or Britain, have any sort of court, to which Mr. Peters has referred in the provincial sense, for dealing with problems, on protests, arising out of an election? Does any machinery, different from our own, exist in say, Australia?

**Mr. Hamel:** Not on this matter, no.

**The Chairman:** Mr. Peddle?

**Mr. Peddle:** Mr. Hamel, the result of the election in Humber-St. George's-St. Barbe is being contested before the Court. Can you tell the Committee the background to that situation?

**Mr. Hamel:** The information I have I got from the copy of the brief submitted to the judge.

It is alleged that a number of polls worked on daylight saving time instead of on standard time; in other words they opened one hour too early in the morning and closed one hour too early in the evening. I understand this is the basis of the action. I understand about 15 polls closed at 7 o'clock daylight saving time instead of at 8 o'clock daylight saving time.

**Mr. Peddle:** Did this happen anywhere else in Canada?

**Mr. Hamel:** Not that I know of; I know of a number of polls in sections of rural Quebec and rural Ontario which opened at 8 o'clock daylight saving time. I heard about it in the afternoon and I told them to stay open until 8 o'clock because the opening time is far less important than the closing time.

• 1130

It is very important to me that they all close at the same time. Therefore, they were open for 12 hours, but at least they closed at the same time as the others.

[Interpretation]

**Mr. Portelance:** Mr. Hamel, do you have an assistant during elections, for instance, in Montreal or in large centres?



**Mr. Hamel:** No.

**Mr. Portelance:** Which means that even before the returning officer can have the ballots printed, no one is authorized to have this printing done without him.

**Mr. Hamel:** According to the Act, this is the responsibility of the returning officer. All elections are conducted from my office in Ottawa.

But if you look at the meaning of the Federal Act, the returning officer, in his constituency apparently has all the responsibility. The returning officer has powers which I myself do not have. He has duties which I cannot perform on his behalf. He is supplied with all the material necessary and with necessary controls, but from thereafter he is on his own. With modern communications we can settle some problems, for instance, we have several cases in isolated places where we found errors on the ballot paper two days before the advanced poll, and we were able to replace them in time.

**Mr. Portelance:** A further question. I know that Quebec is smaller than Canada, if you like, but the Chairman of the Election appoints an assistant in the large centres. For instance, no returning officer can order the printing without the higher official's signature. This eliminates many errors and the letters are uniform. In a word there is a standard guide-line.

**Mr. Hamel:** It should be remembered, too, that in this regard the Quebec ballot paper is different and that the Quebec Act restricts the printing which must appear on the part of the ballot paper so that there is no blank where people might write their cross, while the Federal paper is required by the Act to be open.

There is a big blank space where the name and address of the candidate are printed and the cross must be made at the end. All that is required to leave sufficient space, I think it is an inch, between the end of the name of the candidate and the end of the ballot paper so that there is enough space for the cross to be marked.

But according to the present Act, I have no authority to appoint or to delegate a representative or an assistant in Montreal, Toronto or Winnipeg.

**Mr. Portelance:** Do you think this would be a help from your point of view?

**Mr. Hamel:** It all depends on the kind of powers to be delegated. According to the present Act, there is no delegation authority.

• 1135

[English]

**The Chairman:** Mr. Jerome?

**Mr. Jerome:** Mr. Chairman, I notice in the estimates of the Secretary of State concerning the election, that in excess of \$14 million was estimated for the cost of the election as per statute, and I was wondering if the Chief Electoral Officer will be tabling, for the consideration of this Committee, a detailed report of the distribution of the actual cost of the 1968 election?

**Mr. Hamel:** We usually do. What we had last time was a breakdown by district, by province, and under a certain number of headings, such as preliminary duties, and the revision of the boundaries of the polling divisions. I have the report for the last election here—returning officer's services and expenses, printing, cost of polling stations, cost of enumeration, and finally the total for each electoral district in Canada. Then the sub-total for each province; as well as the sub-total under each of the main headings, such as . . .

**Mr. Jerome:** Are you required to complete and file that report with Parliament?

**Mr. Hamel:** No.

**Mr. Jerome:** So unless we request you to table it before this Committee, you are not required by any statute to do so?

**Mr. Hamel:** No. We will do it in any event. If you wish to have a look at it we would be pleased to table it. Exactly when we will be in a position to do it, I really do not know. We still have a number of returning officers who have not submitted their personal account.

**Mr. Jerome:** Right. I am very anxious that at some time during the course of the work of this Committee we examine that detailed breakdown. If you would be good enough to go ahead and make copies available for the members of the Committee or something of that sort I do not know whether a motion is required to that effect, if it is I so move.

**The Chairman:** It is a good suggestion. Do you have an idea of when it would be feasible?



**Mr. Hamel:** I am told that sometime towards late December we could have this ready, fairly complete.

**Mr. Jerome:** Yes. If, Mr. Chairman, you feel that it requires a motion I would be prepared to so move.

**The Chairman:** It does not require a motion.

**Mr. MacGuigan:** Mr. Chairman, I have one small question. I had a number of complaints from election workers after the election. My recollection is that it was from workers in the advance polls, perhaps it is in the course of revision, but they had not been paid as promptly as those who worked on election day, which seemed a bit incongruous in view of the fact that their duties ended earlier. The explanation I had at the time was that because they were paid from Ottawa their cheques were necessarily longer in coming, but there was a rather lengthy delay it seemed this year. Is this usual, or can anything be done to speed up this process of payment?

**Mr. Hamel:** Well, this could be due to one of many factors or a combination of many factors.

First of all, we cannot pay earlier than the date we receive the account through the returning officers office and some of them were pretty slow in sending their accounts out.

Second, we had the postal strike, which kept the whole thing at a standstill for a while. Finally, in some cases some people were paid but forgot about it. We receive at times complaints either from you people or from individuals complaining that they have not received any cheque. One day we received 18 complaints like this, and we referred 18 complaints to the Comptroller of the Treasury to find out whether the cheque had been issued and so on. Out of 18, 16 had been cashed by the right person.

**Mr. Mather:** They are so small, they did not notice them.

**Mr. Hamel:** One even said the cheque was so attractive that he thought it was some publicity material.

**Mr. Richard:** Mr. Hamel, my question is in connection with the preliminary work done by the returning officer to prepare a map showing the polling divisions. I have always found that it was a pretty cheap job. We get

a map that is outlined in red pencil or something, and I have always thought that your office, after receiving this map showing the divisions, should be able to produce a decent map showing these divisions so we would understand exactly what the divisions are, by streets; I am talking about cities.

At election time, one of the great difficulties we have in enumeration, as you know, is that the enumerators are not properly instructed. That is the big—irregularities in elections do not exist very much—I mean, those are local complaints. However, the machinery, the instruction of enumerators by the returning officer is done in great numbers, 20 or 25 people in 15 minutes, and with a statement describing the poll in writing. Very few people understand a geographical description of a poll. If they had a proper little map showing them each poll, what the limitations of that poll are on a map, and if our own map was a proper map it would help. You know very well the maps we receive are copies of a map that was outlined in red pencil by some amateur cartographer, and I think it is the machinery, the tools that are lacking at the beginning. We do not have proper maps and the enumerators do not receive proper instructions, and the mistakes are honest mistakes by enumerators because they do not know what they are doing.

• 1140

**Mr. Hamel:** Well, you are undoubtedly right with this question of poor training on the part of the returning officers when it comes to the enumerators. With respect to preparing those maps, there certainly is a physical problem in the sense that I certainly could not do it with my present staff because we have about 50,000; particularly if we were to prepare maps for each polling division. This may be beyond human possibility, preparing this here in Ottawa. If each returning officer could be given the tools to do that, it might be the best way to do it.

Now, as to our preparing or reproducing in a more expert way, the map prepared by the returning officer, well, there is no doubt that it could be done, although I do not think I could do it with my present personnel resources.

**Mr. Richard:** It would be a great help.

[Interpretation]

**Mr. Portelance:** Are the maps you mention, Mr. Hamel, supplied to the returning officer so that he can establish some kind of divi-



sion? Apparently, the man, in my district, had to draw up the map of his own riding. Apparently, he was unable to get a proper map from you.

**Mr. Hamel:** Well, the only maps we can supply them are the maps which have been drawn up by the Department of Mines and Technical Surveys. These maps are not always very detailed, are not always very useful. And we found out that a large number of such maps have accurate boundaries only for districts as a whole. But when it comes to the interior of the district, i.e. parishes, municipalities, rural areas and so on, the detail is not as well given. Very often, returning officers have to ask for more detailed maps on the spot. They are allowed a modest amount for the purchase of more detailed maps.

**Mr. Richard:** Mr. Hamel, what happens very often, as during last election, is that we have a map which shows nothing at all. There was a poll in the area covered by the map where, according to the returning officer's last report, many new streets had been layed out and areas built up. There were two or three hundred people living on new streets not even shown on the map.

**Mr. Hamel:** Well, one of the problems is that our population is very mobile. If you look at Mr. Castonguay's report, the Representation Commissioner's report, it is estimated that 4,800,000 Canadians change domicile every year. This represents 25 p. 100 of the population. In urban centres, there are urban renewal programs and projects, blocks of houses are destroyed, and new developments built.

It is always fairly difficult to make a revision of electoral districts the week before the election. As we do not always know when it is going to take place, it is very difficult to have very up-to-date information. At the time of the last general election, most markings had been made about one year before the election. In one year, there were many changes. I can give you a thousand instances of places and fields being discovered, and at enumeration time, we found more than 980 voters at a place where there was not one single building marked a year before.

[English]

**The Chairman:** Mr. Mazankowski.

**Mr. Mazankowski:** I would like to ask Mr. Hamel how the advance polls are

established and upon what requirement they are based? Is it geographic location or location according to population? The reason for my asking is that I believe this pertains particularly to rural areas. I know in my own constituency it cost us a lot of money to get one vote. We operated an advance poll for two days and it was taken advantage of by one person. Of course, we have to bear in mind that we cannot deny the rights of anyone to vote. However, I was just wondering upon what basis the advance polls are established. Does that come directly under your jurisdiction or does it come under the jurisdiction of the returning officer?

**Mr. Hamel:** In urban areas, well, you mentioned rural, though, this is left to the returning officer, except in a centre with a population of one thousand or more, under the law you have to establish an advance poll. For the other areas it is left to the returning officer. The only criterion we can give him is to try to provide reasonable facilities.

• 1145

If a person has to travel more than 25 or 30 miles, particularly in the Eastern part of Canada, it is getting pretty far. So at times we have complained that people had too far to go to cast their vote at the advance poll; other times some people claim that we have too many. We may have a recommendation on this but we have the perennial problem of advance polls where there was one vote cast or two votes cast, or no vote at all. Where there is no vote at all it is a waste of money, but it is not a big problem. However, when you have one or two votes, the vote is no longer secret.

**Mr. Mazankowski:** Mr. Chairman, are aspects of this taken into consideration when the next election rolls around?

**Mr. Hamel:** I will have a recommendation on this because it is an administrative problem. I may have a series of recommendations with respect to the advance polls not necessarily to try to avoid this question where we have one advance poll where no vote at all was cast. I agree, as I say, that this is a waste of money, but on the other hand I think the obligation that we have to provide reasonable facilities to the elector is more important than the \$120 or \$125 that we may save.

I am much more concerned about the polls where only a very small number of votes were cast. One of the solutions might be to



count these votes in a different way. Instead of counting each advance poll as a separate poll, we could put them all together, or, if we have five advance polls, we could put three in one and two in the other.

**Mr. Richard:** I hope Mr. Hamel has considered the situation in the cities where you limit the number of advance polls by the number of voters, if I understand the situation well, and that is unjust because sometimes due to the geographical location, as in my area, you straddle the river with people from the opposite side. You assemble them in such a way that they have to go terrible distances out of their way to vote. So I think you should provide more advance polls in the cities.

**Mr. Hamel:** We ask each returning officer to group approximately 35 polling stations in one advance poll in urban areas. Now, we believe that the returning officer is much more aware of local conditions than we can be here. So, we leave the actual grouping of the polling divisions pretty well up to him.

**Mr. Richard:** You do not give him much latitude outside of that 35.

**Mr. Hamel:** No.

**The Chairman:** Mr. Peters?

**Mr. Peters:** I would like to ask a supplementary. Have you made any recommendations as to the accounting of the advance polls. It seems awfully stupid to me that they should have to wait before they can open this advance poll which they have had for a period of two days. It seems to me that there is no legitimate reason—or at least I do not see any legitimate reason—for not counting those at least at the same time as the other ballot boxes are opened.

**Mr. Hamel:** I asked myself the same question, Mr. Peters. I understand one of the reasons it was put in the Act—that the votes cast at the advance polls could not be counted before nine-o'clock standard time on polling day—was that many deputy returning officers who act at the advance polls also act at the ordinary poll, and the intention was for them to count the votes cast at the regular poll before tackling the counting of the advance poll.

**Mr. Peters:** Perhaps your recommendation could be that they count these ballots as soon as possible rather than at nine o'clock. And I do agree there is a duplication and there

probably has to be because of the limited number of people, but it seems rather a shame, particularly on that night, for them to have to wait for these advance polls when nothing but the Act is stopping them from being counted. I agree they should not be counted two days before or anything like that, but as long as the other polls are closed, I do not see why the Act does not allow them to be counted. If it said "at the same time", then they could count the other ones first and count the other ones right after. I do not see the reason for the specific delay because it is not always true that the same people are involved.

• 1150

**Mr. Hamel:** I must admit that I am inclined to agree with you. In fact I received a recommendation from the police force in one city. A returning officer had asked for some surveillance—not exactly protection but that the polls be watched by the police. Because of that request the police had to maintain people there until about 9.30 p.m. or 10.00 p.m.—until the last ballot box had reached the returning officer's office, and, as far as we are concerned, that increased our manpower costs.

**Mr. Peters:** Do you know what percentage of deputy returning officers clerks and scrutineers who served in the advance poll also served in the regular poll?

**Mr. Hamel:** We could find out that information for you but it would not be easy because we would have to go through 50,000 names.

**Mr. Peters:** Is there really any reason that we should not write into the Canada Elections Act a provision that a person should act only in one poll—in other words, if they have served in an advance poll they are not eligible to serve in a regular poll.

**Mr. Hamel:** It could be done although I do not think it is necessary to achieve what you are trying to achieve. On the other hand, in some cases I understand that a returning officer had some problems in getting competent people to act as DRO's. So this would still limit the choice of people they could tap for this kind of work.

**Mr. Peters:** Is the machinery more expensive for an advance poll than it is for a regular poll because of the longer period?

**Mr. Hamel:** Yes, for the advance poll it is \$50.00 for the DRO and \$36.00 for the poll



clerk, because there are two days involved, and for the regular poll it is \$24.00 and \$17.00.

**The Chairman:** Do you have anything further?

[*Interpretation*]

**Mr. Portelance:** Just one question: in the report which you will bring to the Committee, do you contemplate limiting the electoral expenses of the candidates?

**Mr. Hamel:** No, this would be way beyond my authority.

**Mr. Portelance:** But it could be done in this committee here if the act came here for study.

**Mr. Hamel:** I already made a report which was submitted in the Fall of 1966. A Committee chaired by Mr. Barbeau—I believe—submitted a report which was tabled in the House in October 1966 which offers a series of recommendations for the payment of electoral expenses.

**Mr. Valade:** My final question Mr. Hamel. You must surely have studied the feasibility of having permanent electors' lists. I know that this matter has already been suggested. Did you look into the possibility of having permanent lists of voters; do you wish to do a comparative study of...

**Mr. Hamel:** Well, the work has been done by Mr. Castonguay and the report which you had at the beginning of the election, was the report he made in the light of the experience gained in the United States, France, Australia, and so on.

**Mr. Valade:** Would such a permanent list help avoid this accumulation of work during election time? Would that be one of the recommendation you envisage? Or, do you not propose to express an opinion on that matter?

**Mr. Hamel:** The recommendations have already been made by Mr. Castonguay and one of the opinions or the advice he gives, is that permanent lists would probably reduce the electoral period to 30 days because the enumeration and the revision would not be necessary any longer.

• 1155

**Mr. Valade:** In the cost, would there be a large difference?

**Mr. Hamel:** Yes, according to Mr. Castonguay, the cost would be considerably higher than the present cost.

**Mr. Valade:** Another question: Have all the members of Parliament and the candidates complied with the requirement to submit election report in the required time, do you have any comments on this?

**Mr. Hamel:** Well, as a rule, I do not know about that. If you look at the Act, the tabling of the expenses report is strictly the responsibility of the returning officers, who must keep it for 6 months and at the end of that six-month period he either destroys it or returns it to the candidate. In the present case, there was an order by the House of Commons on the initiative of Mr. Knowles that we table a list of the candidates who have submitted an expense report and candidates who have not done so. I think that most statements from the returning officers have come in, and there are only one or two missing so we should be able to table in the House the information within 2 weeks perhaps.

**Mr. Portelance:** Does a defeated candidate have to submit a report of his expenses, does the Act provide for a penalty if he fails to do so? It does not. So he makes no report unless he wishes to.

[*English*]

**The Chairman:** Is it the wish of the Committee to report the estimates of the Chief Electoral Officer back to the House or do you want to have another meeting to put more questions to Mr. Hamel? If not, we will report the estimates back to the House and perhaps have at our next meeting Mr. Castonguay, the Representation Commissioner. Is that agreed?

**Some hon. Members:** Agreed.

**The Chairman:** This meeting is adjourned until next Tuesday evening.



of the present there are two have involved and for the regular bill is \$24,000 and \$17,000.

The Chairman: Do you have anything further?

[Inter-jection] Mr. Porteus: Just one question in the report which you will bring to the Commission, do you contemplate limiting the electoral expenses of the candidates?

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Mr. Porteus: But it could be done in this committee here if the act came here for study.

Mr. Hamish: I already made a report which was submitted in the fall of 1906. A Committee chaired by Mr. Barbeau—I believe—submitted a report which was tabled in the House in October, 1906 which offers a series of recommendations for the payment of electoral expenses.

Mr. Hamish: My final question Mr. Hamish: You must surely have studied the feasibility of having permanent electoral lists. I know that this matter has already been suggested. Did you look into the possibility of having permanent lists of voters, so you wish to do a comparative study of some countries which have done so? In France and Canada the work has been done by Mr. Castonguay and the report which you had at the beginning of the election was the report he made in the light of the experience gained in the United States, France, Australia and so on.

Mr. Hamish: Would you wish a permanent list help avoid the accumulation of work during election time? Would that be one of the recommendations you envisage? Or do you not propose to express an opinion on that matter?

Mr. Hamish: The recommendations have already been made by Mr. Castonguay and one of the opinions on the advice he gives is that permanent lists would probably reduce the electoral period to 30 days because the enumeration and the revision would not be necessary any longer.

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Mr. Hamish: Yes, according to Mr. Castonguay, the cost would be considerably higher than the present cost.

Mr. Hamish: Another question: Have all the members of Parliament and the candidates complied with the requirement to submit election reports in the required time, do you have any comments on that?

Mr. Hamish: Well, as a rule I do not know about that. It was looked at the Act the table of the expense report is strictly the responsibility of the returning officers who must keep it for 3 months and at the end of that six-month period he either destroys it or returns it to the candidate. In the present case, there was an order by the House of Commons on the initiative of Mr. Knowles that we take a list of the candidates who have submitted an expense report and candidates who have not done so. I think that most statements from the returning officers have come in and there are only one or two instances so we should be able to table in the House the information within a week perhaps.

Mr. Porteus: Does a detailed candidate have to submit a report of his expenses, does the Act provide for a penalty if he fails to do so? It does not, he is merely reported and the whole town can see what he has done.

The Chairman: Let the wish of the Commission to report the estimates of the Chief Electoral Officer back to the House or do you want to have another meeting to put more questions to Mr. Hamish? If not, we will report the estimates back to the House and perhaps have at our next meeting Mr. Castonguay, the Representative Commissioner, is that correct?

Some hon. Members: Agreed.

The Chairman: This meeting is adjourned until next Tuesday evening.

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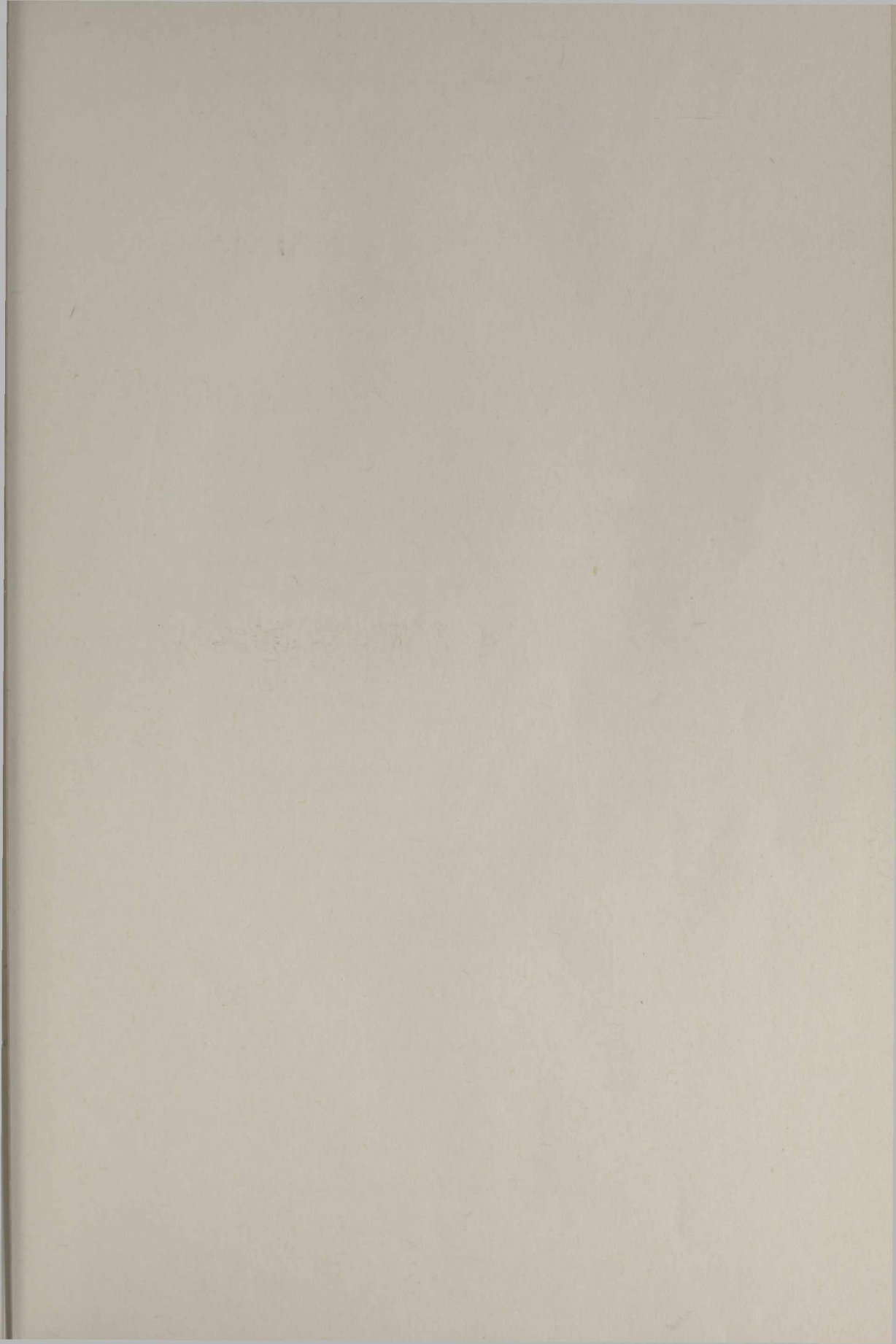
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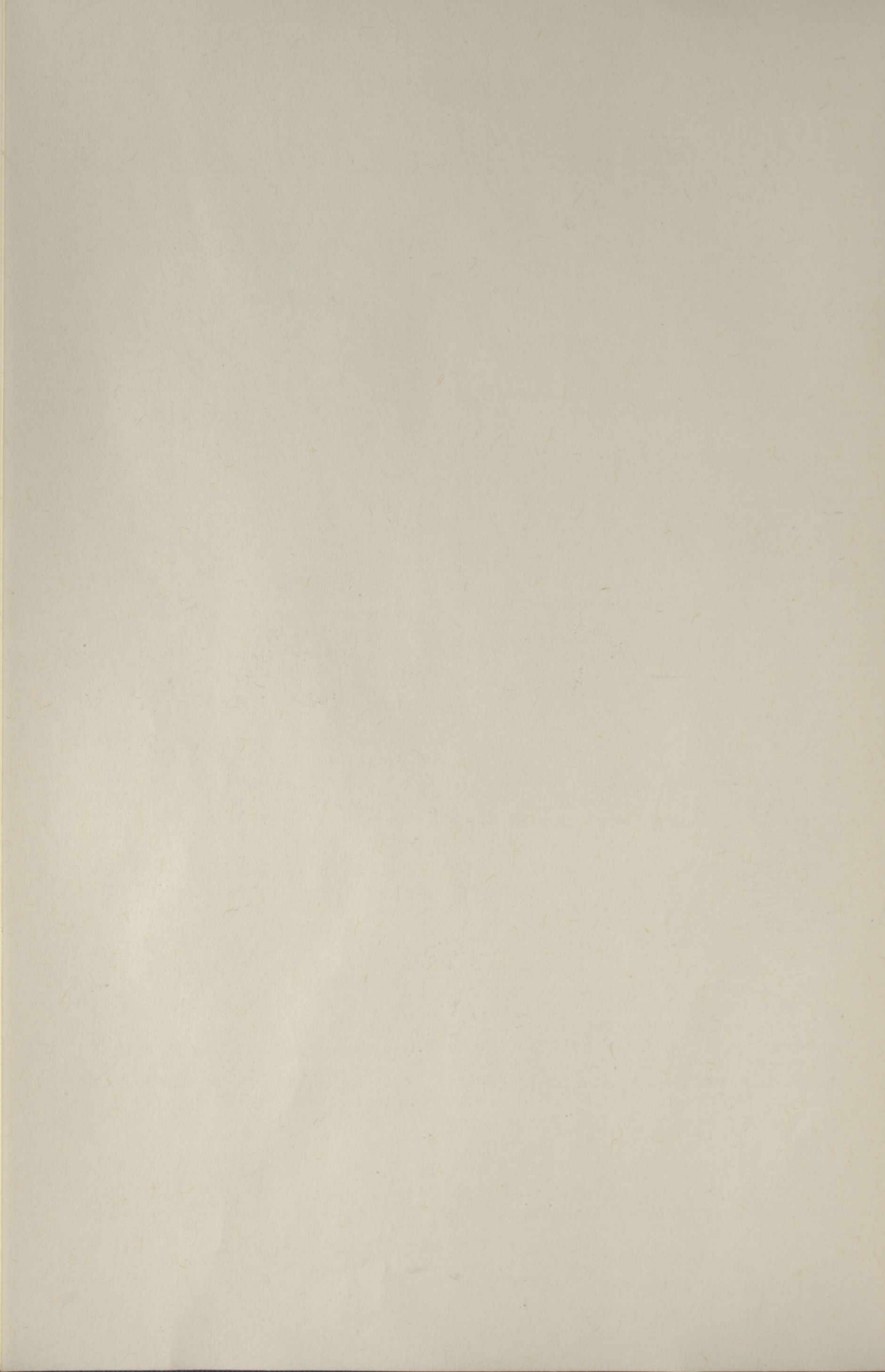












HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1961-62

STANDING COMMITTEES

ON

PRIVILEGES AND ELECTIONS

OFFICIAL REPORT OF MINUTES  
OF

PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and or a translation into English of the French deliberations and or a translation into French of the English deliberations. Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committee.

Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER  
The Clerk of the House

Transport and Communications Committee

OFFICIAL REPORT OF MINUTES  
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*The Clerk of the House.*



HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

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THURSDAY, JANUARY 23, 1969

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Second Report of the Standing Committee on Transport  
and Communications

ATTEST:

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LESLIE FRASER,  
The Clerk of the House of Commons.

THE QUEEN'S PRINTER, OTTAWA, 1969

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Ovide Laflamme

*Vice-Chairman:* Mr. James Jerome

and Messrs.

Forest,  
Fortin,  
Hogarth,  
Kaplan,  
MacGuigan,  
McGrath,

Nesbitt,  
Peddle,  
Portelance,  
Richard,  
Ritchie,  
Rose,

Skoberg,  
Sullivan,  
Trudel,  
Valade,  
Woolliams,  
Weatherhead—(20).

(Quorum 11)

Edward Thomas,  
*Clerk of the Committee.*

*Note*—The above list is current as at January 22, 1969 and includes substitutions made by Order of Reference or pursuant to Standing Order 65(4)(b).

Pursuant to Standing Order 65(4)(b),  
Mr. Kaplan replaced Mr. Hogarth on January 21, 1969.  
Mr. Hogarth replaced Mr. Marceau on January 22, 1969.  
Mr. Weatherhead replaced Mr. Cafik on January 22, 1969.

# MINUTES OF PROCEEDINGS

Tuesday, January 23, 1968.

## ORDERS OF REFERENCE

MONDAY, November 4, 1968.

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

TUESDAY, November 5, 1968.

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

THURSDAY, December 12, 1968.

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

MONDAY, December 16, 1968.

*Ordered*,—That the names of Messrs. Nesbitt, Woolliams, McGrath, Hogarth and Forest be substituted for those of Messrs. Aiken, Downey, Mazankowski, Prud'homme and Ryan on the Standing Committee on Privileges and Elections.

TUESDAY, December 10, 1968.

*Ordered*,—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

*Resolved*,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALISTAIR FRASER,

*The Clerk of the House of Commons.*



ORDERS OF REFERENCE

MONDAY, NOVEMBER 5, 1968

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

THURSDAY, NOVEMBER 6, 1968

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

THURSDAY, DECEMBER 12, 1968

Ordered—That the name of Mr. Skoberg be substituted for that of Mr. Mather on the Standing Committee on Privileges and Elections.

MONDAY, DECEMBER 16, 1968

Ordered—That the names of Messrs. Nesbitt, Woolfson, McGee, Ferguson and Forest be substituted for those of Messrs. Allen, Downey, Marchewski, Prid'homme and Ryan on the Standing Committee on Privileges and Elections.

THURSDAY, DECEMBER 19, 1968

Ordered—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

Resolved—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALSTAIR FRASER,

The Clerk of the House of Commons.

## MINUTES OF PROCEEDINGS

THURSDAY, January 23, 1969.

(3)

The Standing Committee on Privileges and Elections met this day at 11.09 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Forest, Fortin, Hogarth, Jerome, Laflamme, McGrath, Nesbitt, Peddle, Portelance, Richard, Ritchie, Skoberg, Sullivan, Trudel, Weatherhead—(15).

*Also present:* Messrs. Carter, Isabelle, Lessard (*LaSalle*), Mahoney, Thomas (*Moncton*).

*In attendance:* Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications.

The Clerk of the Committee, on instruction, read the names of the current members of the Committee as follows:

Messrs. Forest, Fortin, Hogarth, Jerome, Kaplan,

Laflamme, MacGuigan, McGrath, Nesbitt, Peddle,

Portelance Richard, Ritchie, Rose, Skoberg,

Sullivan, Trudel, Valade, Woolliams and Weatherhead.

The Chairman advised the Committee that the meeting was held to discuss its Order of Reference given by the House of Commons on December 10, 1968.

The Committee agreed to table the following exhibits:

Exhibit I—Order of Reference before the Standing Committee on Transport and Communications dated October 16, 1968;

Exhibit II—Votes and Proceedings of the House of Commons No. 56 dated December 3, 1968, containing the Second Report of the Standing Committee on Transport and Communications to the House;

Exhibit III—Issues Nos. 6 to 9 inclusive of the printed Minutes of Proceedings and Evidence of the Standing Committee on Transport and Communications.

Moved by Mr. Skoberg and

*Agreed,*—That the Sub-Committee on Agenda and Procedure consider those items discussed at this meeting in preparing the list of witnesses to be called.

Moved by Mr. Jerome at 11.41 a.m. and

*Agreed,*—That the Committee adjourn to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.

# MINUTES OF PROCEEDINGS

THURSDAY, JANUARY 23, 1968

(3)

The Standing Committee on Privileges and Elections met this day at 11:00 a.m., the Chairman, Mr. Ovide Lacombe, presiding.

Members present: Messrs. Forest, Fortin, Hogue, Jerome, Lacombe, McGarr, Nesbitt, Pettit, Portance, Richard, Ritchie, Skoberg, Sullivan, Trudel, Weatherhead—(15).

Also present: Messrs. Carter, Lachelle, Lussier (Absente), Mahoney, Thomas (Moncton).

In attendance: Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications.

The Clerk of the Committee, on instruction, read the names of the current members of the Committee as follows:

Messrs. Forest, Fortin, Hogue, Jerome, Kaplan,  
Lacombe, MacGarr, Nesbitt, Pettit,  
Portance, Richard, Ritchie, Skoberg.

Sullivan, Trudel, Valade, Wooliams and Weatherhead.

The Chairman advised the Committee that the meeting was held to discuss its Order of Reference given by the House of Commons on December 16, 1968.

The Committee agreed to table the following exhibits:

Exhibit I—Order of Reference before the Standing Committee on Transport and Communications dated October 18, 1968;

Exhibit II—Votes and Proceedings of the House of Commons No. 58 dated December 3, 1968, containing the Second Report of the Standing Committee on Transport and Communications to the House;

Exhibit III—Issues Nos. 6 to 9 inclusive of the printed Minutes of Proceedings and Evidence of the Standing Committee on Transport and Communications.

Moved by Mr. Skoberg and

Agreed—That the Sub-Committee on Agenda and Procedure consider these items discussed at this meeting in preparing the list of witnesses to be called.

Moved by Mr. Jerome at 11:41 a.m. and

Agreed—That the Committee adjourn to the call of the Chair.

Edouard Thomas,

Clerk of the Committee.



## EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, January 23, 1969.

• 1108

**The Chairman:** Gentlemen, I see that we have a quorum.

**Mr. Hogarth:** Mr. Chairman, prior to proceeding with today's business, it is somewhat difficult to determine who is actually on these committees from day to day. Might we have the Clerk of this Committee read out the names of members who are now officially members of this Committee.

**The Chairman:** This is what I was going to request the Clerk to do right away.

**Mr. Hogarth:** Thank you, sir.

(Names of members read.)

**The Chairman:** As you all know, gentlemen, there was an order of reference by the House of Commons to us on December 10. If you have not already received copies of the terms of reference, I would ask the Clerk to have them distributed right away to all the members.

Yes, Mr. Nesbitt.

**Mr. Nesbitt:** On a point of order, Mr. Chairman. It is just a small thing but I think perhaps it might save problems in the future. I have before me the minutes of the proceedings of the Steering Committee meeting that was held before the Christmas recess and I note that it says in there that the date was set for Tuesday, January 21, and it was my understanding that we would perhaps have another meeting of the Steering Committee after our return. I have no objections to having the meeting this morning but I just thought perhaps for further meetings of the Committee that the Steering Committee might meet in advance because there are so many committee meetings going on now and it might make it more convenient.

• 1110

**The Chairman:** I understand your point, Mr. Nesbitt because I realize that at the Steering Committee meeting on December 18, it was proposed that we would sit on Tues-

day. But unfortunately, I could not be here personally on Tuesday and this is the reason we felt it appropriate to have a preliminary meeting this week.

**Mr. Nesbitt:** As I say, I would like to make it clear that I do not have any objection at all to meeting this morning, Mr. Chairman. I just thought it might be better if perhaps the Steering Committee could meet so that we can know when the meetings will be held because there are so many meetings going on now and some of the committees are not even going to be meeting in Ottawa—they will be meeting elsewhere—that it might save us quite a few problems in future.

**Mr. Sullivan:** Mr. Chairman, I would like to raise a point of order. I notice that the member for St. John's East and the member for Calgary North are now members of the Committee. My objection to this is that I understand we are to rule upon this question of privilege and that the complainant or the mover in the House was Mr. McGrath, the member for St. John's East, and the seconder was Mr. Woolliams. I think it is highly irregular and improper that they now become members of this Committee which is acting as judge and jury, and I am absolutely at a loss to understand why this procedure was allowed to happen when we have now the prosecutor and the complainant a member of the court who is going to decide it and the question of privilege. I think "impropriety" is probably the mildest word I can think of. I just do not understand that this can go on, in all fairness to the people here. It is even a reflection on this Committee. I do not know what this Committee or you can do about it but I have never heard of this in my life. Mr. Woolliams uses the expression "hanky-panky" all the time, and this motion...

**Mr. Nesbitt:** You have not been around here very long.

**Mr. Sullivan:**...used the expression "a true-rooted democracy". To have a complainant sit on the same committee that is going to make the decision I think is grossly unfair and also very improper.



**Mr. Hogarth:** Mr. Chairman, I support my honourable friend's remarks. I have not been around here very long either, as Mr. Nesbitt has pointed out to my honourable friend, but it appears to me that if we are to judge the conduct of any member of a committee or of a committee itself, any person who is on that committee—and I would extend my friend's suggestion to those persons—any person who is on that committee or any person who is a potential witness before this Committee with regard to that person's activities should, surely, in the interests of good ethics, withdraw from this Committee and see that somebody else is appointed in his stead. It would be a most embarrassing situation if we wanted to hear from Mr. McGrath as to the nature of his complaint if we had to call a member of this Committee to give evidence. That would be an absurd situation and it might well develop in these particular proceedings. I would respectfully suggest that these gentlemen consider their positions, just in the light of the common, natural justice of the situation.

**Mr. McGrath:** I am not concerned with the fairness of the situation. I am certainly concerned with what is technically right or wrong. Certainly it is not my conduct that is under examination here. I think the honourable gentleman who made that remark did not mean to imply that, but that is what he said. It is not my conduct that is under investigation. It is the conduct of those people who are responsible for compiling the Second Report of the Standing Committee on Transport and Communications. Consequently I have every right to sit on this Committee to cross-examine witnesses and to suggest to the Committee what witnesses should be called. I would suggest, since I raised the complaint in the first instance, that it would be most appropriate that I be in this position to do so.

**Mr. Hogarth:** Mr. Chairman, I would like to correct the suggestion that the honourable member has just made that I referred to his conduct. I said that we are investigating the conduct of a committee. We do not know yet whose conduct we might be investigating, and surely the members of that committee in decency, would not expect to sit in judgment of what happened there, and at the same time would not expect to give evidence before this Committee, sitting on this Committee.

**The Chairman:** First I would like the honourable members to read the terms of ref-

erence. Some additional copies will be distributed right away.

In answer to the point of order raised by Mr. Sullivan I must refer the honourable members to the terms of reference of the House which simply say:

That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

• 1115

I do not need to read it now, but as far as we are concerned, at the beginning of the deliberations I do not see how, in those circumstances, we could ask some honourable members to readjust or to think about their own position on this Committee and I would like to refer the honourable members to Beauchesne's Parliamentary Rules and Forms in the fourth edition, page 54, section 66, which simply deals with what we may call the interest which qualifies or disqualifies a member from voting, either in the House or in committees.

Article (1) says that :

66. (1) The interest which disqualifies a member from voting in the House must be immediate and personal, separately belonging to the person whose vote is questioned.

I think, Mr. Sullivan, in fairness to Mr. McGrath, that this simply disposes of the point of order you have raised and I believe, as far as I am concerned right now, that I have to rule this point of order not founded on those grounds and I think if there is any other matter that has to be raised, we will deal with the precise purpose of this meeting today.

As Mr. Nesbitt has mentioned, we had a Subcommittee on Agenda and Procedure meeting on December 18 and it was agreed at that time that we would have this meeting this week to have all the exhibits filed and then discuss together what witnesses we would like to hear, relevant to the terms of reference referred to us by the House of Commons, and I do not believe it would be very appropriate to engage in a very wide debate on those matters. I want to read the report of



the Subcommittee on Agenda and Procedure that was prepared by Mr. Thomas, our Clerk.

The Sub-committee agreed that, owing to the illness of the Chairman of the Standing Committee on Transport and Communications, Mr. Gustave Blouin, the next meeting of the Standing Committee on Privileges and Elections should be held after the Christmas recess. The date was tentatively set at Tuesday, January 21, 1969.

The Chairman stated that the first item of business would be to have the Clerk of the Standing Committee on Transport and Communications, Mr. Robert Normand, ...

who is here to my right,

... appear and table as exhibits certified copies of

(1) The Order of Reference before the Standing Committee on Transport and Communications;

(2) The printed Minutes of Proceedings and Evidence of the Standing Committee on Transport and Communications.

I was informed that those Minutes have been circulated among all the members of this Committee and if there is anyone here who has not already received the Minutes of the Proceedings and Evidence of the Transport and Communications Committee, we will have them distributed right away.

(3) The second report of the Standing Committee on Transport and Communications to the House.

which is precisely the report on which there has been the motion by the House referred to us for study. Is it agreeable to the members that we have Mr. Normand file those exhibits and that the exhibits except, of course, the printed Minutes of Proceedings, appear in the minutes of today's proceedings? The Order of Reference has already been circulated and would be considered Exhibit No. 1.

The printed Minutes of Proceedings and Evidence of the Standing Committee would be considered as Exhibit No. 2.

**Mr. Sullivan:** I so move.

Motion agreed to.

**The Chairman:** Then we would like to have Mr. Normand, who acted as the Clerk of the Transport and Communications Committee. Mr. Normand, do you have the true copy of ...

**Mr. Robert Normand (Clerk of the Standing Committee on Transport and Communications):** Yes, Mr. Chairman, these are official copies.

**The Chairman:** Is it the second report of the Standing Committee that you are filing now?

**Mr. Normand:** The second report is right under the printed issues, Mr. Chairman, in French and English as was printed in the *Votes and Proceedings*.

**The Chairman:** Is it understood, then, that when we refer to the second report of the Standing Committee on Transport and Communications, which was discussed in the House of Commons, we refer to the *Votes and Proceedings* of the House of Commons, No. 56, where this second report has been printed? Is it agreed?

• 1120

**Some hon. Members:** Agreed.

**The Chairman:** Then while we have the meeting of this Committee right now, I would request your advice on the way we should proceed, how we should deal with this matter. I will hear suggestions of every hon. member who wishes to speak. Mr. Nesbitt?

**Mr. Nesbitt:** It is just a suggestion, Mr. Chairman, but since we have just had the Minutes tabled by Mr. Normand it might be an opportunity for members to look over the exhibits. Also, I understand that Mr. Blouin is still ill, and perhaps having gone this far—after hearing other suggestions, of course—it might be well, perhaps, to adjourn after the evidence and the exhibits are tabled until we have had a chance to look at them.

**The Chairman:** I think this suggestion is very well taken, referring to Mr. Blouin. I have received a letter from him. He left the hospital a few days ago and he will be available here by February 10, but not before that time. Mr. Blouin got in touch with me and requested the opportunity of being heard before the members of this Committee.

Since he was the Chairman of the Transport and Communications Committee, I think we owe him the opportunity of appearing here and being in a position to answer any questions that could be asked him. Mr. McGrath?

**Mr. McGrath:** Mr. Chairman, since you mention Mr. Blouin as certainly one of the principal witnesses, I think consideration by



the Committee should also be given to calling the government House Leader to ask him to explain his references on page 3587 of *Hansard* for December 6. He was replying to my question which reads as follows:

Would the house leader advise the house what is the position of the resolution that was passed by the committee dealing with the decision of the Canadian Transport Commission allowing the Canadian National to abandon rail passenger service in Newfoundland, which was not incorporated in the first report of the committee to which I referred in my original question?

**Mr. Macdonald (Rosedale):** I have not studied this; I am advised the resolution was passed but that it was out of order.

I would like to know where Mr. Macdonald got this advice and in order to determine that I think the Committee should call Mr. Macdonald as a witness.

**Mr. Sullivan:** Mr. Chairman, this is a purely political football. That is far outside the terms of reference as I see it.

**Some hon. Members:** No, no.

**Mr. Richard:** Mr. Chairman, I suppose every member should have the privilege of stating how we should proceed in this matter. I do not care how you proceed, but there is an awful lot of time between now and February 10, and since you have a steering committee I am sure the steering committee should meet and decide on the procedure. If we are going to do it here and now before the steering committee meets that is not very good.

**Mr. McGrath:** Mr. Chairman, with great respect, I make these suggestions because I am not a member of the steering committee. Certainly it is my understanding that the steering committee will consider what witnesses they will call and what procedure we will follow. I merely make this suggestion for the consideration of the steering committee when it does meet.

• 1125

**The Chairman:** The idea of asking you gentlemen for suggestions is so that we can take those suggestions into consideration and study every one of them in the subcommittee when we meet after this meeting.

**Mr. McGrath:** There are a number of other suggestions I would like to make as well, Mr. Chairman. In calling witnesses, I suggest that

the Clerk of the Transport and Communications Committee be called as a witness. I suggest also that the Chief of the Committee and Private Legislation Branch be called as a witness to explain what seems to be the unusual delay in printing the Minutes of Proceedings and Evidence, No. 6. There was a considerable delay in that evidence being printed and I would like to have an explanation of this unusual delay.

**The Chairman:** Mr. McGrath, I do not want to interfere with your remarks but...

**Mr. McGrath:** It is a suggestion, Mr. Chairman; that is all.

**The Chairman:** I know that it is a suggestion, but I would not like you to say that it is an "unusual delay" since we did not hear the evidence.

**Mr. McGrath:** That is merely my opinion and that is why I want to call the witness.

**The Chairman:** I would accept your phrasing, in saying "the delay for", but "the unusual"—it might be usual after you hear the evidence of those people.

**Mr. McGrath:** Well, you can delete the word "unusual".

**Mr. Jerome:** Mr. Chairman, of course we are just making suggestions of how we would proceed, but I was under the impression that we were inquiring into the reason for the omission of a certain resolution in the Committee. I cannot understand how it would seem relevant to that question to look into the impressions of the government House Leader, or of the impressions of anybody else for that matter, nor do I see how it would be relevant to that question to look into the length of time that was involved in printing the reports of the Proceedings of that particular Committee.

Neither of those questions appear to me to be relevant. I assume that we would proceed to examine the Chairman of the Committee who, one would expect, would be in a position either to assume responsibility for what goes in the reports or at least to indicate to us whose responsibility it is to control the contents of the reports. Once we are able to isolate the area of responsibility in that regard, we should then be able to find out the reason for the omission of the resolution.

Having found that out, it would appear to me that the work of this Committee in respect of this particular matter is complete.



The length of time that it takes to report the Proceedings, or the impressions of any other members of this House or other people as to what took place or what did not take place have, in my opinion, absolutely no relevancy whatsoever to the question that is before us, which is absolutely and clearly defined by the terms of reference that have been circulated here this morning.

If we are talking about suggestions for the steering committee, it would seem to me that the first suggestion would be to arrange a meeting where we examine the Chairman of the Transport and Communications Committee, and if at the end of that meeting there appears to be any loose ends that have to be covered through any other proceedings, we might then proceed, but I would certainly not consider it relevant to have any other witnesses at the first meeting until after we have heard from the Chairman.

**The Chairman:** Yes, Mr. Skoberg?

**Mr. Skoberg:** Mr. Chairman, I think it is very clear and I can not understand the position taken by some of the members that we should not ask for, say, the House Leader to be present. It says:

...to determine the reason for the omission.

• 1130

and if you read what Mr. McGrath said on page 3587 of *Hansard* of December 6th, there is an indication there that this may be the real reason why it never appeared in so far as the second report is concerned. I am of the opinion that the Chairman's position is very clear as recorded in the Transport and Communication's Minutes, and I have no hesitation in saying that his position is absolutely clear and there is nothing wrong with his position in this regard. We examine the evidence that we see before us.

As far as suggesting that we have the Chairman of the Transport and Communications Committee as a first witness only is concerned, I believe this really has nothing to do with it because very clearly before us in print is the position he has taken and the action that was taken in that Committee. However, what is not clear—nor is it in print—is the action that was taken by the House Leader. I believe this is a more important witness to have before this Committee than the Chairman of the Transport Committee in this particular situation.

I do appreciate the position you have taken, Mr. Chairman, in asking for suggestions from the Committee about who should be called. I think it is a remarkable position for you to take, and to criticize the suggestions that are being made really is a disservice to this Committee at this particular time.

**Mr. McGrath:** Mr. Chairman, I would just like to comment briefly on the question of relevancy regarding the suggestions I made. I think it is very relevant that the House Leader be called to give evidence before the Committee. For example, I think you will agree, Mr. Chairman—certainly Dr. Ollivier will agree—that the procedure was most unusual for a Committee Report to be tabled in the House and for concurrence; there was no concurrence moved in the Report which is the normal procedure. I would like to know why concurrence was not moved in the Report, and surely the House Leader would have something to do with this.

Regarding my suggestion on the printing of the evidence that certainly is relevant because how could I examine the resolution which I moved and which was passed by the Committee until I had a chance to examine a transcript of the evidence? My suggestion is that there was a delay in the printing of the evidence, what seemed to me to be an unusual delay. I want to find out the reason for this delay in the printing of the Evidence, especially when the evidence contained certain contentious issues.

**The Chairman:** I will let Mr. McGrath know right away the answer to this, but I think it would be relevant for us to have the evidence of the delay it takes for those people to print all the Minutes of Proceedings of all the committees of the House, but I do not see any... Yes, Mr. Southam?

**Mr. Southam:** I think we should try to keep within the terms of this reference or we are going to be here on this one thing until June if we are going to let all these little side issues come into the thing. We have the complainant here so he should have worded his motion a little bit differently if he wanted to go into all these things.

**The Chairman:** We are still on suggestions from the hon. members and those will be scrutinized by the steering committee. Yes, Mr. Richard?

**Mr. Richard:** There is only one thing, Mr. Chairman, and that is to remind Mr. McGrath that it is not correct to say that when the



Chairman of a Committee presents a report to the House he asks for concurrence. That does not happen in half of the cases. But that is just...

**Mr. McGrath:** Do you mean it is not usual to ask for concurrence in the Committee Report?

**Mr. Richard:** Not a report that is going to raise... You know very well if you have been chairman that chairmen have the privilege of moving concurrence. They ask their Committees for direction usually; I did anyway. When it was felt that moving concurrence would give rise to a debate and the Committee was of the opinion that this was not the time because they had further reports to put in later, they moved concurrence at the appropriate time when it was felt that it was going to be discussed and it should be.

**Mr. McGrath:** But when the Report contains a recommendation for the Committee to do certain things, surely then the committee chairman must ask for concurrence of the House because, in effect, he must ask for permission of the House for the committee to do what is incorporated in the Report.

**Mr. Richard:** Well, you have many instances, Mr. McGrath. The Chairman for example, wanted to sit in the afternoon and they did not move concurrence because they knew that would give rise to a debate and they waited for an opportune time to do it.

• 1135

**The Chairman:** This is a very interesting point that could be discussed later on, but I believe it is not quite relevant to the kind of suggestions I would like to hear from hon. member as to...

**Mr. Hogarth:** Mr. Chairman, I think Mr. Jerome's suggestion is extremely sound. If we hear from the Chairman of the Committee in question first, it might well be that the whole matter and the terms of reference will be cleared up without the necessity for calling any further witnesses.

There are some things that concern me, naturally, about this matter, but it would appear to me that if there is a simple explanation for it the Chairman can come forward and give it, and then the Committee can file its report. If, after hearing his evidence, we decide that the matter should be broadened or pursued further, surely it is open to the Committee to make suggestions to the Chair that this be done.

For instance, it may be that if we call the government House Leader to explain his remarks in *Hansard*, we might also want to call Mr. McGrath who evidently pressed the Committee Chairman to put a motion before the Committee that was not seconded, according to my reading of the exhibit, and it would appear to me that we should hear from the Committee Chairman first.

**Mr. McGrath:** A motion in Committee does not have to be seconded, Mr. Chairman.

**Mr. Hogarth:** All these things can come out during the discourse in this Committee; whether it does or does not I do not think we should argue today. It can all come out during the discourse with respect to the activities in question.

**The Chairman:** Mr. Skoberg?

**Mr. Skoberg:** Mr. Chairman, I would like to move at this time that the suggestions made by the members of this Committee be referred to the steering committee for their recommendation for a future meeting.

Motion agreed to.

**The Chairman:** Are there any other suggestions?

**Mr. McGrath:** I have one suggestion, Mr. Chairman. The outcome of this examination may have a bearing on the work of the Committee on Transport and Communications. This Committee met this morning and decided that it was going to begin its tour of the Atlantic Provinces on February 16 and I would suggest to you, Mr. Chairman, that the steering committee bear this in mind in laying down its schedule of meetings for this Committee.

**The Chairman:** We will discuss the matter with the steering committee. I think you have raised a very appropriate question. If we are to hear some witnesses other than Mr. Blouin then I believe we do not need to have Mr. Blouin here while we hear the other witnesses. He can give evidence and later on have a look at the Minutes of Proceedings. If, as was requested, the steering committee decides to hear Mr. Normand who was the Clerk of this Committee, then we may have a meeting next week. Then the steering committee will decide whether the Leader of the House should appear before us and if so this could be next week.



When Mr. Blouin is back here about February 10 we may dispose of the whole matter between February 10 and February 15. In my view it is not a very complicated one because the only thing we have as terms of reference, I just remind hon. members, is the reason for the omission of the resolution adopted on November 28. It is simply this. We must know all the relevant facts, but I would

remind hon. members that when we start our deliberations we will have to refer to these terms of reference and stick to them.

**Mr. Sullivan:** I move we adjourn then, Mr. Chairman, if it is in order.

**The Chairman:** Committee adjourned?

**Some hon. Members:** Agreed.

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remains for members that when we start our deliberations we will have to refer to these various references and stick to them.

Mr. Sullivan: I move we adjourn then, Mr. Chairman. It is in order.

The Chairman: Committee adjourned.

Some hon. Members: Aye.

...divided the various members and... they had that... Mr. Sullivan... the Chairman... the Committee... the Report...

...But when the Report... the Committee... the Report... the Report...

Mr. Sullivan: Well, you have many... Mr. McLeod: The Chairman... the Report... the Report...

The Chairman: This is a very interesting... the Report... the Report...

Mr. McLeod: Mr. Chairman, I think... the Report... the Report...

...the Report... the Report... the Report... the Report...

...Mr. Blouin is back here about February... the Report... the Report...

The Chairman: In order, Mr. Chairman... the Report... the Report...

...the Report... the Report... the Report... the Report...

The Chairman: Mr. Skoberg?

Mr. Skoberg: Mr. Chairman, I would like to... the Report... the Report...

...the Report... the Report...

The Chairman: Are there any other... the Report... the Report...

Mr. McGrath: I have one suggestion, Mr. Chairman... the Report... the Report...

The Chairman: We will discuss the matter... the Report... the Report...



HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

*Chairman:* Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

THURSDAY, JANUARY 30, 1969

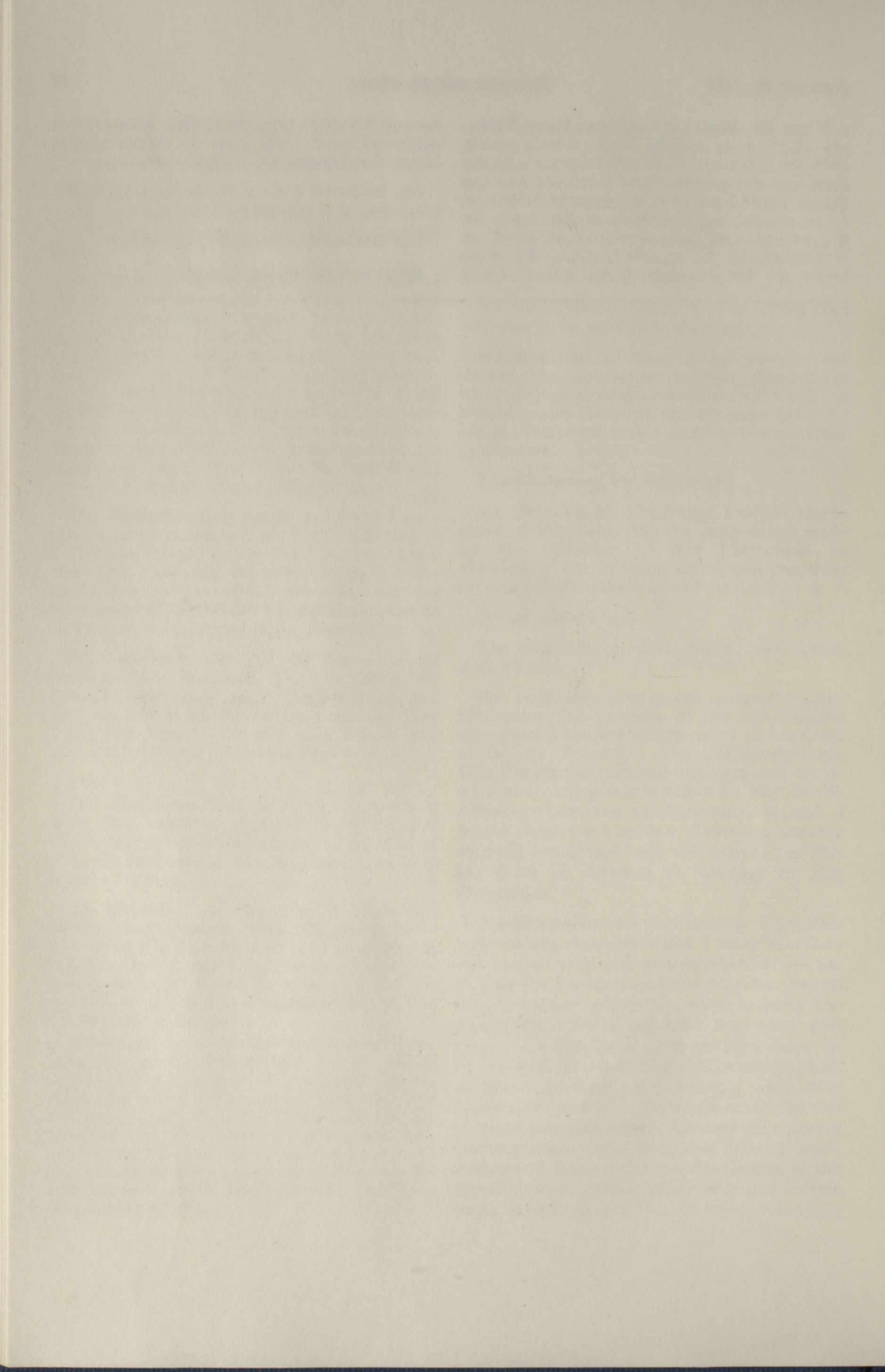
*Respecting*

Second Report of the Standing Committee on Transport  
and Communications

WITNESSES:

*(See Minutes of Proceedings)*

THE QUEEN'S PRINTER, OTTAWA, 1969





HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

Chairman: Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

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THURSDAY, JANUARY 30, 1969

*Respecting*

Second Report of the Standing Committee on Transport  
and Communications

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WITNESSES:

(See *Minutes of Proceedings*)

THE QUEEN'S PRINTER, OTTAWA, 1969

STANDING COMMITTEE

ON

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

Forest,  
Fortin,  
<sup>1</sup> Goode,  
Hogarth,  
<sup>2</sup> Lundrigan,  
MacGuigan,

McGrath,  
<sup>3</sup> Murphy,  
Nesbitt,  
Richard,  
Ritchie,  
Rose,

Skoberg,  
Sullivan,  
Trudel,  
Valade,  
Woolliams,  
Weatherhead—(20).

(Quorum 11)

Edouard Thomas,  
*Clerk of the Committee.*

Pursuant to Standing Order 65(4)(b),

<sup>1</sup> Mr. Goode replaced Mr. Portelance on January 30, 1969.

<sup>2</sup> Mr. Lundrigan replaced Mr. Peddle on January 30, 1969.

<sup>3</sup> Mr. Murphy replaced Mr. Kaplan on January 30, 1969.

Respecting

Second Report of the Standing Committee on Transport  
and Communications

WITNESSES:

(See Minutes of Proceedings)

MINUTES OF PROCEEDINGS  
ORDER OF REFERENCE

TUESDAY, December 10, 1968.

*Ordered*,—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

*Resolved*,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALISTAIR FRASER

*The Clerk of the House of Commons.*

On a motion by Mr. Richard, the Committee agreed to table as Exhibit IV the memorandum dated January 29, 1968 from the Chief of Committees and Private Legislation Branch "Deity—Printing of Minutes of Proceedings and Evidence".

The questioning of the Chief of Committees and Private Legislation Branch being completed, the Committee then questioned Mr. Normand on the Minutes of Proceedings and the Second Report to the House of the Standing Committee on Transport and Communications.

Moved by Mr. Jerome at 12:37 p.m. and

Agreed,—That the Committee adjourn to the call of the Chair.

Edouard Thomas,  
*Clerk of the Committee.*



ORDER OF REFERENCE

Tuesday, December 10, 1968

Ordered—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 28th, and which reads as follows:

Resolved—That the Canadian Transport Commission be requested to postpone the implementation of its decision to suspend railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

Alexander MacLennan

The Clerk of the House of Commons

Forbes,  
Fortin,  
Goode,  
Hogarth,  
Landry,  
MacGillivray,

Murphy,  
Nesbitt,  
Richard,  
Ritchie,  
Ross,

Shaw,  
Sullivan,  
Tudor,  
Vadeboncoeur,  
Woolhiser,  
Weatherhead—(2)

(11 members)

Edouard Thomas,  
Clerk of the Committee.

Pursuant to Standing Order 55(4)(b),

\* Mr. Goode replaced Mr. Portelance on January 30, 1969.

\* Mr. Landry replaced Mr. Piddie on January 30, 1969.

\* Mr. Murphy replaced Mr. Kaplan on January 30, 1969.

# MINUTES OF PROCEEDINGS

THURSDAY, January 30, 1969.

(4)

The Standing Committee on Privileges and Elections met this day at 11.09 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Forest, Fortin, Goode, Hogarth, Jerome, Laflamme, Lundrigan, MacGuigan, McGrath, Murphy, Nesbitt, Richard, Sullivan, Trudel, Weatherhead, Woolliams—(16).

*Also present:* Messrs. Bell, Carter, Marceau, Pilon, Prud'homme.

*Witnesses:* Mr. Antonio Plouffe, Chief of Committees and Private Legislation Branch; Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications.

The Chairman read a memorandum addressed to him by the Chief of the Committees and Private Legislation Branch on the delays in the printing of Minutes of Proceedings and Evidence, in particular, Issues Nos. 6, 7, 8 and 9 of the Standing Committee on Transport and Communications.

On a motion by Mr. Richard, the Committee agreed to table as Exhibit IV the memorandum dated January 29, 1969 from the Chief of Committees and Private Legislation Branch "Delay—Printing of Minutes of Proceedings and Evidence".

The questioning of the Chief of Committees and Private Legislation Branch being completed, the Committee then questioned Mr. Normand on the Minutes of Proceedings and the Second Report to the House of the Standing Committee on Transport and Communications.

Moved by Mr. Jerome at 12.27 p.m. and

Agreed,—That the Committee adjourn to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.

# MINUTES OF PROCEEDINGS

Thursday, January 20, 1960

(2)

The Standing Committee on Privileges and Elections met this day at 11:00 a.m., the Chairman, Mr. Ovide Lacombe, presiding.

Members present: Messrs. Forest, Fortin, Goode, Hogarth, Jerome, Laframme, Landry, McGeeney, McQuinn, Murphy, Nesbitt, Richard, Sullivan, Trudel, Westhead, Williams—(16).

Also present: Messrs. Bell, Carter, Marceau, Pilon, Proulx.

Witnesses: Mr. Antonio Proulx, Chief of Committee and Private Legislation Branch; Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications.

The Chairman read a memorandum addressed to him by the Chief of the Committee and Private Legislation Branch on the delay in the printing of Minutes of Proceedings and Evidence, in particular, issues Nos. 6, 7, 8 and 9 of the Standing Committee on Transport and Communications.

On a motion by Mr. Richard, the Committee agreed to table as Exhibit IV the memorandum dated January 20, 1960 from the Chief of Committee and Private Legislation Branch "Delay—Printing of Minutes of Proceedings and Evidence".

The questioning of the Chief of Committee and Private Legislation Branch being completed, the Committee then questioned Mr. Normand on the Minutes of Proceedings and the Second Report to the House of the Standing Committee on Transport and Communications.

Moved by Mr. Jerome at 12:27 p.m. and

Agreed—That the Committee adjourn to the call of the Chair.

Edward Thomas  
Clerk of the Committee



EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, January 30, 1969.

The information relating to the French edition is as follows:

• 1109

**The Chairman:** Gentlemen, I see that we have a quorum.

Among the suggestions that were made at the last meeting—we had a steering committee meeting last Tuesday—I think first among the questions raised there is one that could be disposed of regarding the matter raised by Mr. McGrath concerning what he called the unusual delay in the printing of the Minutes of the Transportation and Communications Committee.

We have here Mr. Plouffe who is Chief Clerk of Committees for the printing of the Minutes. I would first like to read the memorandum that was prepared by his staff and signed by Mr. Plouffe which simply reads as follows:

• 1110

I refer to the proceedings of your Committee at the meeting of Thursday, January 23rd, in the course of which Mr. McGrath mentioned that the delay in the printing of minutes of proceedings and evidence of the Standing Committee on Transport and Communications was "unusual".

I have had a check made from my printing register for all committees at this session and on the list hereunder you will see the number of days which elapse between the date of the meeting and the printing of each issue for five (5) committees:

|   | English |
|---|---------|
| Public Accounts .....                         | 12.3    |
| Indian Affairs and Northern Development ..... | 11      |
| National Resources and Public Works .....     | 7       |
| Transport and Communications ..               | 8       |
| Health, Welfare and Social Affairs            | 6       |

French

|   |      |
|---|------|
| Public Accounts .....                         | 34   |
| Indian Affairs and Northern Development ..... | 24.5 |
| National Resources and Public Works .....     | 19   |
| Transport and Communications ..               | 13   |
| Health, Welfare and Social Affairs            | 22   |

Mr. McGrath, after having looked at this report, if you have or anyone has any relevant questions to ask of Mr. Plouffe who is in charge of this Committee...

**Mr. McGrath:** I would just like to ask one question.

**The Chairman:** Yes, Mr. McGrath.

**Mr. McGrath:** I would like to ask him how long it took to print each set of evidence of the Transport and Communications Committee? Can you find that out for us?

**Mr. Antonio Plouffe (Chief, Committee and Private Legislation Branch):** Mr. Chairman, I have this information. Concerning Issue No. 6 of Transport, the date of the meeting was November 28, 1968. It was sent to the Printing Bureau on December 9, 1968, and it was received on December 13, 1968.

**Mr. McGrath:** May I interrupt you here? Does that not seem to be a bit of a delay in getting the evidence to the printer, from November 28 to December 9? Did you say that it did not go to the printer until December 9?

**Mr. Plouffe:** That is correct, sir.

**Mr. McGrath:** All right. Will you just proceed with the others and then we can make comparisons.

**Mr. Plouffe:** The reasons for all delays cannot be all attributed to the Committee Reporting services. This service is a related service to our branch and I am informed that it varies from one committee to another because they run into some difficulties. As



you know, all evidence is taped and sometimes they have difficulty in listening to the questions and answers; it is not always very clear. Another reason would be the interpretation. It has to be revised and integrated.

**Mr. McGrath:** Well, could we perhaps get on with this and could you tell us how long it took to have Issues No. 7 and No. 8 printed?

**Mr. Plouffe:** For Issue No. 7. The meeting of December 3, 1968 was sent on December 11, 1968 and received on December 13, 1968. For Issue No. 8, the meeting of December 6, 1968 was sent on December 11, and received on December 13, 1968. For Issue No. 9, the meeting of December 9, 1968 was sent on December 13, 1968 and received on December 13, 1968.

• 1115

**The Chairman:** Yes, Mr. Nesbitt?

**Mr. Nesbitt:** Could Mr. Plouffe give us any indication—I know perhaps it is not his direct responsibility—why on some occasions the tapes were sent to him the day that they were produced, as in the last case mentioned, and other days there was a delay of 12 days in receiving the printing?

**Mr. Plouffe:** As I stated before, from one meeting to another the Reporting services who transcribe the tapes do not have the same problems. Apparently at the last three meetings everything went fine. There might have been less French spoken and, therefore, less translation and revision. The copy went to the Printing Bureau earlier and it came back earlier.

**Mr. Nesbitt:** I think there is one thing perhaps some of the members are a little hazy on. When you at the Printing Bureau receive things for printing, are they in typewritten form or do you receive the tapes and then take the material off the tapes?

**Mr. Plouffe:** Sir, all proceedings are taped downstairs at the Reporting services. The tapes are transcribed and the evidence is in typewritten form; then it is revised and sent to the Bureau in typewritten form by my staff.

**Mr. Nesbitt:** Who does the revising?

**Mr. Plouffe:** The Reporting Services have a staff of editors and they do the editing.

[*Interpretation*]

**The Chairman:** Mr. Fortin.

**Mr. Fortin:** When our witness spoke of translation, he inferred that when there are few French-speaking members who speak during Committee meetings, the transcription goes faster. Does he mean that this is so because there are too few translators from French into English and from English into French?

**Mr. Plouffe:** Mr. Chairman, under the circumstances, there is no doubt that since we have interpretation there have been personnel problems. I am told that there have been more translators and interpreters hired and that more will be hired, in order to speed up the preparation and the printing of the text.

All these personnel, these equipment, printing workload and accommodation problems for personnel are now under review by the officials of the House including, I suppose, the Speaker. I am under the impression that everything possible is being done to obtain satisfactory results.

**Mr. Fortin:** Mr. Chairman, I do not wish to inflict any injury on our witness and throw blame on his work, but I am highly interested in this subject and this may be why this impression is mistaken, if such is the case. Since when has the study been undertaken concerning the revision of the translation and reporting services staff and personnel?

**Mr. Plouffe:** I cannot give you a precise date but these matters that I have outlined for you have been under study since quite some time and are under thorough consideration since the adoption on December 20, of the new Standing Orders.

**Mr. Fortin:** Thank you.

**Mr. Trudel:** Mr. Chairman, will Mr. Plouffe's memorandum, that you read to us a while ago, be included among the minutes of today's proceedings?

[*English*]

**The Chairman:** Do you think it appropriate that we have this memorandum printed as an Appendix to today's Proceedings?

• 1120

**Mr. Hogarth:** We have Exhibits 1, 2 and 3. Could this not be Exhibit 4?

[*Interpretation*]

**The Chairman:** The members of the Committee must put forward a motion.



**Mr. Forest:** Mr. Chairman, I have a question. The figures you have given indicate that it takes less time for the transcription of the proceedings of the Committee on Transport and Communications. I think you said eight and a half or nine and a half days. Is this an average calculated on the basis of past experience?

**Mr. Plouffe:** It is a fairly accurate average that might vary by a day, more or less, but it is rather accurate.

[English]

**The Chairman:** I believe Mr. Plouffe has prepared the time taken to print minutes of many committees so that we can have a notion of the time it takes to have the printings. I believe that after having had this memorandum we can excuse Mr. Plouffe.

I do not think we are out of our jurisdiction if we want to inquire into the kind of work that has to be done at the printing office since we have the answer to the question raised by Mr. McGrath, but if there are no other relevant questions...

**Mr. Woolliams:** I would like to ask a question. With reference to the Transport and Communications Committee, were all the proceedings taken by tape or was there a shorthand reporter there?

**Mr. Plouffe:** As you know, on November 28, the House did not sit. I am subject to correction, but at the meeting of November 28 I believe there were shorthand reporters, that is, those shorthand reporters who work on the floor of the House. They were assigned to committees. All the other meetings were taped.

**Mr. Woolliams:** Do I take it that on November 28, the evidence was not only taped but recorded by shorthand reporters?

**Mr. Plouffe:** I believe, it was not taped.

**Mr. Woolliams:** Well then, really the proceedings did not come from a tape. It came from a shorthand reporter.

**Mr. Plouffe:** As I say, subject to a check, but that is my impression.

**Mr. Woolliams:** I wonder if you could check on that. It seems like a very simple thing. I think we are spending a little time. I do not know just why we are dealing with that unless there is something in the proceedings that has been left out. That is the only thing

I am concerned about and once it is covered, that ends it. But if it was taken by shorthand then surely all we have to do is ask the shorthand reporter if that is a proper statement of the evidence taken at the Committee on November 28, and if it was not taken by shorthand, then we should be able, if anybody has any question about anything being left out, to have the tape played.

**The Chairman:** Mr. Woolliams, that could be a very interesting matter, but I do think at this time that we should consider just the simple question of asking if it was incorrectly reported or not. If there is anyone who thinks or believes that something was said that is not in the report, then we can perhaps inquire. But we could say this of any report that could be made.

**Mr. Plouffe:** I must say I am now informed that all four meetings were taped.

**Mr. Woolliams:** Is the tape still in existence?

**The Chairman:** This will be checked.

**Mr. Woolliams:** Have you any objections if anybody on this Committee wanted to have the tape played to have that tape played, if they wanted to go in privately and hear it to make certain whether it is correctly recorded or not. Anybody can make an error. Sometimes even the most able people in the *Hansard* reporters can make an error. And if somebody has any suggestions that something was left out, Mr. Chairman, would they have the privilege and the right to go in and hear the tape played? And then they could check the report of November 28 which is No. 6, so there would not be any problem in that regard.

• 1125

**The Chairman:** Yes, I believe such, but if there is any member who believes that as a member of this Committee he was incorrectly reported in the proceedings, then he could raise the matter. But on general grounds like this, I believe that we are quite far from our jurisdiction and the terms of reference in which we have to operate right now.

**Mr. Woolliams:** Well, of course, the terms of reference, with the greatest respect, Mr. Chairman, are these. The terms of reference are clear, and the fact is if anybody has any suggestion, and I have not, because I was not on the Committee so I do not know what took place, but there must be some reason for this



line of questioning. And with the greatest respect, if someone does feel that way, all I am asking is could they go in and hear the tape?

**The Chairman:** Yes.

**Mr. Hogarth:** Mr. Chairman, Mr. McGrath was present at the meeting on November 28, as appears in Exhibit 2, and I was just wondering if he has any observations as to whether or not, so far as he is concerned, to his memory there was anything left out that we should perhaps have included if there were mistakes made.

**Mr. McGrath:** No. That is not the evidence as far as I can see.

**The Chairman:** Mr. Hogarth, are you through?

**Mr. Hogarth:** Yes, I am through. I am just asking Mr. McGrath...

**Mr. McGrath:** Yes, Mr. Chairman, I have no comments to make. The evidence was accurate as far as I am concerned. My questioning was merely to see if there was any reason for the delay in printing the evidence. I have heard from Mr. Plouffe, and that is all.

[Interprétation]

**The Chairman:** Thank you very much, Mr. Plouffe. Mr. Fortin?

**Mr. Fortin:** Mr. Chairman, I would like to know what has been decided, with regard with Mr. Woolliams' suggestion, because the interpretation is a little slow?

**The Chairman:** Mr. Woolliams made a suggestion that if any Member sitting on the Committee on Transport and Communications considers that he has been incorrectly reported, he would be able to listen to the tape. But no member has complained of having been incorrectly quoted in the report of the Committee on Transport and Communications. If someone brings up the matter or considers that he was incorrectly quoted, he will then be able to listen to the taped proceedings. But, no one has raised the question.

[English]

We have here Mr. Robert Normand, who is the Clerk of the Transport and Communications Committee. I would invite Mr. Normand who is here, to receive the relevant questions that you would ask of him.

**Mr. Nesbitt:** Perhaps, to save a bit of time, Mr. Normand could tell us first of all, did he

prepare a draft report, a draft of the second report of the Committee for eventual submission?

**Mr. Robert Normand (Clerk, Transport and Communications Committee):** Yes, Mr. Chairman, I prepared a draft.

**Mr. Nesbitt:** At whose request did you prepare the draft?

**Mr. Normand:** I prepared the draft according to the instructions received from the Committee at the meeting held on November 28.

**Mr. Nesbitt:** How were these instructions given to you, Mr. Normand?

**Mr. Normand:** The Subcommittee on Agenda and Procedure recommended—may I read this Mr. Chairman?

**Mr. Nesbitt:** That would be better.

**Mr. Normand:**

The Subcommittee on Agenda and Procedure of the Standing Committee on Transport and Communications met at 11 o'clock this morning. The Chairman, Mr. Blouin, presided.

I will dispense with the members.

Your Committee agreed unanimously to the following decisions and recommendations.

The first four points dealt with agenda.

5. That the Committee report to the House asking that the scope of the Order of Reference dated October 16, 1968, be enlarged authorizing the Committee to study:

(a) Transportation problems of the Atlantic Provinces.

(b) Claims of the Great Slave Railway Company against the Canadian National Railway Company.

• 1130

This report of the steering committee was approved, and I prepared the second report according to this.

**Mr. Nesbitt:** Did you prepare the report automatically, or were there any specific instructions from the Chairman or the members of the Committee to draft it?

**Mr. Normand:** There were no special instructions, Mr. Nesbitt. I prepared this



according to the instructions from the Committee.

**Mr. Nesbitt:** After you prepared this draft report, to whom did you submit the report?

**Mr. Normand:** I put this in a file, and I deposited this on Mr. Blouin's desk.

**Mr. Nesbitt:** To the best of your memory, what took place after that as far as the report is concerned? Was it brought before any group of members, as far as you can recall? What happened to it then?

**Mr. Normand:** I would like to be nailed down a little tighter, Mr. Nesbitt. This question implicates a few things. If you mean this report was studied by the steering committee, it was.

**Mr. Nesbitt:** It was, with those two recommendations in it.

**Mr. Normand:** That is right.

**Mr. Nesbitt:** Can you recall the date when this took place?

**Mr. Normand:** Yes, sir. On November 26. That is correct, November 26. The steering committee held its meeting on November 26, and the report was concurred in on November 28.

**Mr. Nesbitt:** I just want to take one step at a time. Who was present at the Steering Committee on that occasion?

**The Chairman:** On the Steering Committee on the 26.

**Mr. Normand:** Mr. Blouin, Mr. Mahoney, Mr. Schreyer, Mr. Serré and Mr. Thomas from Moncton.

**Mr. Nesbitt:** I see.

**Mr. Normand:** A total of five.

**Mr. Nesbitt:** And then you say after that the report was submitted to the Standing Committee on Transport. When was this submitted to that Committee?

**Mr. Normand:** November 28 sir.

**Mr. Nesbitt:** November 28. Was the report prepared originally by yourself, and then, having been, as you say, approved by the Steering Committee, was it discussed by the Standing Committee on Transport?

**Mr. Normand:** I prepared the second report to the House following the meeting which was

held on November 28 and then I submitted the whole thing to Mr. Blouin. It was deposited on his desk for his signature and tabled in the House on December 3.

**Mr. Nesbitt:** There is some confusion as far as I am concerned; perhaps it is my misunderstanding of it. Originally you prepared a draft second report of the Committee which you automatically would do as secretary of the Committee. That was submitted first of all to Mr. Blouin, the Chairman. Then on November 26, as I recall you saying, this was examined by the Steering Committee of which certain members were present, as you have told us.

**Mr. Normand:** No, that is not right sir. May I please go through this again. On November 26 the Steering Committee held a meeting and recommended to the Standing Committee on Transport and Communications the following decisions and recommendations. In its report the four first items were naturally just agenda for forthcoming meetings. Item No. 5 was read as follows:

That the Committee report to the House asking that the scope of the order of reference dated October 16, 1968 be enlarged authorizing the Committee to study...

And here we have the two points.

(a) Transportation problems of the Atlantic Provinces.

and (b) the Great Slave affair.

Now, this report of the Subcommittee on Agenda and Procedure was typed and then I submitted it to the Committee on Transport and Communications which was held on November 28 two days later.

**Mr. Nesbitt:** Yes.

**Mr. Normand:** And it was approved. Following this I prepared the second report to the House exactly as the report of the Subcommittee on Agenda and Procedure read.

**Mr. Nesbitt:** And that report was approved at the commencement of the meeting on November 28?

**Mr. Normand:** Well, the report of the Subcommittee on Agenda and Procedure was approved, yes that is right.

**Mr. Nesbitt:** At the commencement of the meeting of the Committee on the 28?

**Mr. Normand:** That is right.



● 1135

**Mr. Nesbitt:** Then at the conclusion of the Committee meeting on that day you then drafted a report for the Chairman, Mr. Blouin?

**Mr. Normand:** That is right.

**Mr. Nesbitt:** Did you discuss the contents of the report with Mr. Blouin?

**Mr. Normand:** No, sir. I prepared the report according to instructions that I received at the Committee and I put this on his desk for his signature.

**The Chairman:** Would you refer—I am sorry, Mr. Nesbitt.

**Mr. Nesbitt:** It is all right, certainly, Mr. Chairman.

**The Chairman:** I would just like you to refer to the kind of instructions that you received from the Standing Committee. You said that you received instructions from the Committee to prepare this report. Could you read it?

**Mr. Normand:** Mr. Chairman, if I may go through this on page. . .

**The Chairman:** Simply refer to the page.

**Mr. Normand:** Yes. On page 72, Issue No. 6, right hand column. Maybe I should start with the statement that was made—by Mr. Douglas.

**Mr. Douglas:** That is what I was going to ask. I understood you were going to ask for an order of the House to permit us to deal with these claims.

We were talking about claims at this time.

**The Chairman:** Yes, we are. Next Tuesday a report will be presented to the House.

Following this Mr. Nesbitt:

**Mr. Nesbitt:** I presume, then, that between now and Tuesday, Mr. Chairman; the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

Now the Chairman:

**The Chairman:** That is correct. That report will be presented to the House on Tuesday. Is that agreed?

Some hon. Members: Agreed.

**Mr. Hogarth:** Mr. Chairman.

**The Chairman:** Yes, Mr. Hogarth.

**Mr. Hogarth:** I notice on page 108 of the same volume of the proceedings of the Committee on November 28 that the resolution with which we are concerned in these proceedings was moved by Mr. McGrath. On page 109 it was voted on by the Committee. Just for the record that resolution was:

That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

Was there ever a resolution of the Committee that that be reported to the House?

**Mr. Normand:** I never had any precise instruction from the Committee; that is to say, I did not receive any precise resolution for the Committee to report this resolution to the House.

**Mr. Hogarth:** When resolutions are passed in Committee, is it the normal procedure when they have further resolutions that such resolutions be reported to the House if they want them included in any report?

**The Chairman:** I am just asking myself, Mr. Hogarth, if this question could be asked of the witness.

**Mr. Hogarth:** I will withdraw the question, because I appreciate that might have legal implications.

**The Chairman:** Yes, Mr. Woolliams.

**Mr. Woolliams:** I just want to bring this to your attention, and I think I can come to grips with this problem very quickly so we can expedite this matter. I do not see any reason to play around the edges. On Votes and Proceedings of the House of Commons of Canada No. 56 on December 3, 1968 at 2.30 o'clock p.m. it says:

Mr. Blouin, from the Standing Committee on Transport and Communications, presented the Second Report of the said Committee, which was read as follows:



Your Committee recommends that its Order of Reference be enlarged allowing it to consider the following:

I am not going to worry about anything but the thing we are here concerned with.

1. The problems of transportation in the Atlantic Provinces.

I suggest to you, Mr. Witness, that the problems in reference to transportation in the Atlantic Provinces certainly are connected with this resolution which my friend Mr. Hogarth has already read in, which in brief says:

That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation...

Was this resolution and its recommendations left out, in your opinion, in the Second Report which was filed and became part of the record of the House of Commons?

**Mr. Normand:** No.

**Mr. Woolliams:** All right. Would you now read from the Second Report where the resolution is in that report.

**Mr. Hogarth:** Mr. Chairman, I think the witness is not responding to the question, because you see the report was obviously left out. The resolution was obviously left out of the Report and I think my friend wants to know why. Is that correct?

**Mr. Woolliams:** Yes. First of all I want to know if it was left out. I think it is correct the answer would be "yes"; and secondly, if it was left out, which is very good and I appreciate Mr. Hogarth who has come to very serious grips with the problem, why it was left out?

**The Chairman:** This is the matter, but you can draw your own conclusion, Mr. Woolliams. First, I would say—

• 1140

**Mr. Woolliams:** I am asking if he knows. We can draw inferences as long as we like, but if this witness said it was left out because the Steering Committee wanted it left out, or because the Steering Committee did not meet and they wanted it in but the Chairman left it out, or somebody in the Committee said it should be left out, I want to find out that

evidence. If the answer is that it was suggested by the Steering Committee and the Steering Committee was composed of members of all parties, I think then we have come to grips with the matter. But here is what the member said, and this is why the Speaker ruled. Mr. James McGrath said this:

My question of privilege is based on the fact that the resolution adopted by the committee on November 28 was, in my view, deliberately omitted from its report to the house on November 29; that it constitutes an important part of the committee's recommendation to visit the Atlantic provinces, and thereby infringes upon the rights and privileges of myself and the other members of that committee who by majority vote moved its adoption.

That is the reason I have asked the question. Now I would like to re-state that question. Was it left out in the second report?

**Mr. Normand:** I did not receive any instructions from the Committee to report the resolution to the House.

**Mr. Woolliams:** And is that the reason it was left out?

**Mr. Normand:** It was not left out; I simply did not receive any instructions to report it in.

**Mr. Woolliams:** Who gave you those instructions?

**Mr. Normand:** Nobody—I did not receive any instructions from the Committee to report this resolution to the House.

**Mr. Woolliams:** Is it not a fact, with our knowledge of committee workings, that gentlemen in your capacity who hold such jobs—and you do an excellent job—generally prepare the report and then the report is examined by the steering committee? Actually, the hard work of drafting is done by yourself.

**Mr. Normand:** It has been studied by the steering committee, Mr. Woolliams.

**Mr. Woolliams:** All right but before you drafted the report did the steering committee make suggestions to you, or did you just draft a report without any instructions whatsoever?

**Mr. Normand:** I drafted the report according to the instructions received from the Committee on November 28.

**Mr. Woolliams:** And what were those instructions?



**An hon. Member:** He has already referred to them.

**Mr. Woolliams:** Now I want to hear this.

**The Chairman:** This is the precise point. I do not mind if the witness repeats what he has already said.

**Mr. Jerome:** This is the third time we have been over it.

**Mr. Woolliams:** All right. Where are those instructions found, and what were they?

**Mr. Normand:** Page 72, right-hand column, starting with the Chairman:

Yes, we are. Next Tuesday a report will be presented to the House.

Then Mr. Nesbitt says:

I presume, then, that between now and Tuesday, Mr. Chairman; the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

The Chairman: That is correct. That report will be presented to the House on Tuesday. Is that agreed?

Some hon. Members: Agreed.

**Mr. Woolliams:** All right. Now you have established that and I thank you very much.

This motion that we are talking about that was omitted does deal with transportation of the Atlantic Provinces, does it not?

**Mr. Normand:** Yes, sir.

**Mr. Woolliams:** And that resolution was moved subsequent to those proceedings that you have read from on page 72, was it not?

**Mr. Normand:** Three hours later, yes.

**Mr. Woolliams:** That is right. And you would agree with me, I am sure, that the resolution in question does concern the problems of transportation in the Atlantic Provinces—because Newfoundland is a part of the Atlantic Provinces and there is no doubt about it that when we are dealing with transportation the railways are an important part of transportation for Newfoundland.

**The Chairman:** Mr. Woolliams, I have no objection to your asking any relevant ques-

tions of the witness but I do not think you should argue the subject itself with him.

• 1145

**Mr. Woolliams:** I am not being argumentative; I am asking. This is my question: Do you consider the resolution requesting that the Committee visit Newfoundland before there is any change in transportation in so far as the railways are concerned a part of the problems of transportation of the Atlantic Provinces.

**Mr. Normand:** The resolution is worded in such a way, yes, sir.

**Mr. Woolliams:** Right. So that the instructions you read from on page 72 really instructed this Committee to deal with the Atlantic Provinces' problem as to transportation, and as this resolution is dealing directly with transportation then I would say that your instructions were such that it should have been included in that report. Is that not correct?

**The Chairman:** I am not going to allow such questions to be asked of the witness. It is part of our duty to make this decision, Mr. Woolliams, not the Clerk.

**Mr. Woolliams:** Well I am asking his opinion. He drafted the report.

**The Chairman:** I will not allow these questions. We are not here to ask of this witness any questions of opinion.

**Mr. Woolliams:** Well, let me put it this way. He is an expert witness but let me put it this way—and if you rule me out of order...

**Mr. Hogarth:** Wait a minute.

**The Chairman:** No, Mr. Woolliams. You can rephrase your questions but I will not allow you to ask of the witness any questions regarding his own opinion. He is not here for that reason.

**Mr. Woolliams:** Well having drafted the report to assist the Committee did you consider in drafting it that that resolution dealt with the problem of transportation in the Atlantic Provinces?

**Mr. Normand:** I realized that this resolution deals with problems of the Atlantic Provinces but, furthermore, I also realized that I did not receive any instructions to report it to the House from the Committee.



**Mr. Woolliams:** But your instructions did say that the Committee's second report should include the problems of transportation in the Atlantic Provinces, and the stopping of railroads or a decision in that regard would be a matter dealing with the Atlantic Provinces. In drafting the report did you take that into consideration?

**Mr. Normand:** I only acted upon instructions received from the Committee, Mr. Chairman, which is clearly defined in what I read a while ago.

**Mr. Woolliams:** I take it then that the resolution, as far as you are concerned was not reported because you did not feel it was part of your instructions.

**The Chairman:** I am not going to allow these questions.

**Mr. Woolliams:** Well, good gracious, that is the whole point.

**The Chairman:** Mr. Woolliams, the witness is not here to express his own feelings about what should be done or not. On many occasions Mr. Normand has answered very precisely to precise questions you asked, but I would think that you personally believe too that he is not here to give his own opinion.

**Mr. Woolliams:** Well, may I speak on a point of order?

It seems to me, Mr. Chairman, that we have a resolution which instructed the Committee—found on page 72, and we have another resolution, on the same date of November 28—and of course it is very broad in its sense; the problems of transportation in the Atlantic Provinces. Now the problem meeting the Committee at that moment, from reading the reports very carefully, was not the question of ships and harbours—not even the question of busses; the whole problem was that the Canadian Transport Commission be requested to postpone the implementation of a decision to abandon railway service. There was a suggestion, and it may have gone as far as an order, that the railway service in Newfoundland be abandoned. Now what surely the Committee passed, and it was approved by the majority of the Committee at that time, was that before that decision be made, affecting the transportation in the Atlantic Provinces, that the Committee visit Newfoundland. Now if that is not important and if that is not in the terms of reference in reference to Votes and Proceedings, then I do not know why we are sitting here—we are

wasting our time. I am merely asking the witness, with the greatest respect—and I mean this, sir. He drafted the Committee report. It is my experience over the years that those gentlemen who do that do an excellent job. Sometimes we may not agree with it—we may want to delete something or add something. I am merely asking him if, in his instructions he received on page 72, he considered that resolution a problem of the transportation in the Atlantic Provinces; if he did, that was part of his instructions, therefore why was the resolution left out? That is all I am asking him. Surely that is a relevant question, surely that is necessary so that we here can come to a proper decision on reasonable evidence as reasonable men.

**Mr. Hogarth:** Mr. Chairman, is my understanding correct, that this is a point of order?

**The Chairman:** No, no.

**Mr. Hogarth:** He made it a point of order.

**The Chairman:** I am going to allow the question as rephrased.

• 1150

**Mr. Woolliams:** I appreciate that, Mr. Chairman, and before he answers I want to say that you are being most fair and courteous.

Witness, you have heard the question. Can you tell us in Committee then why the resolution was omitted from the report when I have suggested it is part of the problems of transportation of the Atlantic Provinces? Can you give us the answer to that?

**Mr. Normand:** Mr. Chairman, I can only state that I did not receive any instruction from the Committee to report it in the House?

**Mr. Woolliams:** Did you consider it part of the Atlantic transportation problem in preparing the draft of the report?

**Mr. Normand:** Well, I had to because it was in the minutes, although I also considered that I did not receive any instructions to report it in.

**Mr. Woolliams:** Now this may not be a proper question for you to answer, but in preparing your report—there are motions adopted and passed by every committee and, of course, they are important parts of the proceedings—do you consider an instruction or a motion carrying instructions important



enough to include in a report when you are drafting it? Is that your general practice?

**The Chairman:** Mr. Woolliams, this might be a matter of law but I think, as in a council of war or committee, they speak by resolution. However, as Clerk of this Committee you must realize, I believe, that he has to follow the instructions he receives from this very Committee—and the only instructions that can be given to a Clerk is by a resolution.

**Mr. Woolliams:** With the greatest respect, Mr. Chairman, the instructions were given before the Committee heard the evidence. Then, after the evidence—may I finish, Mr. Hogarth, and then I am prepared to listen to you.

**Mr. Hogarth:** I do hope you do.

**Mr. Woolliams:** I am not finished. I have never been sarcastic with you, and I do not intend to start this morning.

**Mr. Hogarth:** That is fine.

**Mr. Woolliams:** I would appreciate your giving me the kind of hearing that I intend to give you.

**Mr. Hogarth:** I was merely going to...

**Mr. Woolliams:** I am now going to speak on a point of order. Here we have instructions, and again I say they are very clear—"Request that the Committee, at some date agreed by the House, visit the Atlantic Provinces". Subsequent to page 72, some hour or half an hour later, a resolution was passed dealing with the very instructions and yet it was not included in the report. It was not included, with the greatest respect to the witness, in the draft report. He said he followed instructions. If the abandonment of the railways in Newfoundland is not a problem of the Atlantic Provinces then nothing is a problem.

I submit that it is certainly a part of the instructions. If it is not, then I am at loss to understand.

**The Chairman:** Order, please.

Mr. Woolliams, you are indicating to the witness that he should have considered the importance of the problem. The testimony he has already given before us has given no indication whatsoever relative to the importance of the relevant facts that could have been put in some further resolutions passed.

The Clerk has simply stated that he received instructions to prepare a draft report that was submitted to the Chairman for tabling in the House. This is what he says.

I do not think it is appropriate to ask of him any questions relative to judging the importance or the non-importance of such other matters as could have been discussed later on.

**Mr. Woolliams:** Perhaps I could add it in my next question. I take it it was left out of the report because you did not feel you were instructed either by the instructions given at page 72 or later, or at any time, that it should be included in the report? Is that your evidence?

**Mr. Normand:** The resolution in question was not put in the report for the reason I have stated previously and which I will repeat now, that I did not receive any precise definite instructions from the Committee to report this resolution to the House, or to include it, for that matter, in the second report.

**Mr. Woolliams:** Were you present when your draft report was considered by the Chairman or when the steering committee considered it?

**Mr. Normand:** Yes.

• 1155

**Mr. Woolliams:** Did anyone on the steering committee suggest that the resolution we are dealing with be omitted or be included in your report?

**Mr. Normand:** The sub-committee had its meeting prior to November 28.

**Mr. Woolliams:** In other words then, the instructions relative to the report were given before the full evidence was heard on November 28? Yet the report really covered all the evidence of November 28, did it not?

**Mr. Hogarth:** How could it?

**The Chairman:** This is a matter for judgment; it is not a matter of fact.

**Mr. Woolliams:** Was there any other report? Your instructions are given at page 72, and considerable evidence was given after that. Was there any other report that dealt with this resolution, that you know of?

**The Chairman:** Which one?



**Mr. Woolliams:** The resolution in reference to the Transportation Committee's visiting the Atlantic Provinces before they abandoned the railways in that Province?

**Mr. Normand:** I am sorry, sir; I fail to understand your question.

**Mr. Woolliams:** All right; I will put it very clearly. Your instructions in reference to your report were given to you, or can be found, at page 72. The resolution dealing with the abandonment of the railways in Newfoundland is to be found on page 108, which is subsequent to the instructions we are talking about.

**Mr. Normand:** That is right, yes, sir.

**Mr. Woolliams:** Was this motion in question on page 108 included in a third report, or in any other report, subsequent to the second report?

**Mr. Normand:** No, sir.

**Mr. Hogarth:** Has there been any other report?

**Mr. Woolliams:** Was all the evidence that was given after page 72, and any instructions, ignored by you when you drafted the report on the date of November 28?

**The Chairman:** I do not believe it is fair Mr. Woolliams, to use the word "ignored".

**Mr. Woolliams:** Well, omitted; not looked at, or not used?

**The Chairman:** He is not there to judge.

**Mr. Woolliams:** I am merely asking this: Did you use any of the evidence before the Committee given on November 28 after the instructions were laid down at page 72 of No. 6 of the Transport and Communications Committee? There are 108 pages of evidence. That means that 36 pages of evidence and motions and proceedings were recorded after the instructions found on page 72. Was any of the evidence contained in those 36 pages, including the motion, used in drafting a report?

**Mr. Normand:** Mr. Chairman, I wish to submit, very humbly, that for the Clerk of the Committee to act he needs a motion. And in preparing my second report to the House I acted upon a motion of the Standing Committee on Transport and Communications which is found in the Minutes of Proceedings and backed up on page 72; but I did not receive

any instructions to report anything else to the House.

**Mr. Woolliams:** I read again from 72, also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces.

When one looks at the motion that we passed, or adopted, by the Committee at page 108, it deals with the very thing that the instructions dealt with, but it merely says that we do not abandon railways until the Committee visits Newfoundland.

When there is a request that the Committee at some date agree to visit the Provinces and one reads that together with the further instruction in the motion on page 108, that the Committee should visit before the railways are abandoned, that, to me, should surely be part of the instructions.

I come now to my next question: Did any one on the steering committee, or any member of this Committee, before the report was filed in the House of Commons, ever suggest that that motion on page 108 of the proceedings on November 28 be made part of that report?

**Mr. Normand:** No, Mr. Chairman.

**Mr. Woolliams:** Did anyone suggest to you that it be left out of the report?

**Mr. Normand:** Again, no, Mr. Chairman.

**Mr. Woolliams:** How many people considered your report before it became part of the proceedings of the House of Commons?

• 1200

**Mr. Normand:** The report...

**An hon. Member:** How does he know?

**Mr. Woolliams:** Because he was at the steering committee.

How many are members of this Committee?

**Mr. Hogarth:** In his presence?

**The Chairman:** He cannot answer these questions. He said that he prepared the draft report and put it on Mr. Blouin's desk.

**Mr. Lundrigan:** Mr. Chairman, on a point of order?

**The Chairman:** Yes.

**Mr. Lundrigan:** Should not the witness indicate that he cannot answer the question. This, to me, would be the proper...



**The Chairman:** Well, I must . . .

**Mr. Lundrigan:** Mr. Chairman, may I finish my point of order?

**The Chairman:** Yes.

**Mr. Lundrigan:** I think there has been ample evidence here this morning of a bit of coaching on the part of a number of hon. members—and I would even say the Chair—as to the evidence being submitted by the witness. I think it is quite obvious that if the witness cannot answer the question, if he does not have the evidence to support his position, that he should then be allowed to make that statement.

**The Chairman:** The witness is here but he is not here to answer any questions that are not judged to be relevant questions by the Chairman. This is my duty and I intend to continue on this ground.

**Mr. Lundrigan:** Mr. Chairman, I appreciate your responsibility in that regard and I think it is quite proper to rule a question out of order, but to indicate to the witness that perhaps he does not have the evidence to answer the question—which was indicated a moment ago—I do not think is ruling the question as the Chair should. Nobody is disputing your ruling as to whether the question is in order. I think that is the responsibility of the Chair.

**The Chairman:** If the questions which are ruled out of order could be rephrased in such a way that the witness could answer them, I will allow them.

**Mr. Lundrigan:** Mr. Chairman, I think it should be ruled that question is not in order and that it should be rephrased, rather than ruling that the witness does not have the evidence to answer the question. That is my point of order.

**Mr. Woolliams:** Did Mr. Macdonald, President of the Queen's Privy Council for Canada, every suggest . . .

**Mr. MacGuigan:** On this same point of order, I think it is quite clear when you rule the witness does not have the evidence on which to answer the question that in effect you are ruling the question is out of order. I think that is the answer to the hon. member's question. You are making such a ruling. You may not be using that exact formula, but that is the effect of it.

**Mr. Lundrigan:** My point of order was directed to the Chairman and I accept the

Chairman's decision. If we have a second chairman with us, then I think this should be indicated to the group.

**Mr. Richard:** Anybody is allowed to speak here.

**Mr. MacGuigan:** Mr. Chairman, I think we are all entitled to make submissions to the Chair, not just members of the opposition party.

**An hon. Member:** Go ahead and make your submission.

**Mr. Woolliams:** I am sorry that we have had this interruption. I will preface my question this way. On page 3587 of *Hansard* Mr. Macdonald (Rosedale) said:

I have not studied this; I am advised the resolution was passed but that it was out of order.

Did Mr. Macdonald or any member of this Committee or of the House of Commons ever suggest in your presence at any time when this report was under consideration by the Steering Committee or the Chairman that the resolution be left out because it was out of order?

**Mr. Normand:** No, sir.

**Mr. Sullivan:** I am sure that is the answer. We do not have to go on for another half an hour.

**Mr. Woolliams:** Mr. Chairman, if my good friends came here to block the evidence, to cover up everything and sweep it under the carpet, it is obvious by the interruptions that they have made this morning that they are not really interested in finding out what is going on.

**The Chairman:** I rely on the goodwill of all the members of this Committee to confine their remarks to the facts and the evidence which has already been given. I do not think it would be worthwhile for any one of us to enter into an argument. Mr. Woolliams has asked questions of the witness and the witness has answered. If there are other relevant facts, let us go on.

**Mr. Woolliams:** Yes, but with the greatest of respect, Mr. Chairman—and you have not done it—when I am asking questions the hon. members across the way who belong to the Liberal Party in the government are saying, "We have had that answer, we know the answer". That was the first time I put the



question in reference to Mr. Macdonald and the first time I put the question in reference to the Steering Committee, and then we have these remarks to the effect that the questions were asked previously and they were not relevant to the issue. In my opinion they are relevant. I am going to abide by your ruling. I may not agree with your ruling; that is my privilege. I have my rights in this Committee. I came here with a certain degree of responsibility. They may have come here with a certain degree of responsibility and instructions, but I am merely asking this witness sir, with the greatest respect, certain questions to find out why a motion did not become part of a report in the House of Commons.

• 1205

**Mr. Hogarth:** I have listened to this—

**Mr. Woolliams:** Well, of course—

**The Chairman:** Order, please.

**Mr. Woolliams:** Mr. Hogarth is not interested in the evidence.

**Mr. Hogarth:** I am fascinated by the evidence.

**Mr. Woolliams:** He is interested in keeping the facts under the table.

**The Chairman:** Order, please.

**Mr. Hogarth:** I am fascinated by the evidence. However, I might say that this witness has explained with abundant clarity why that resolution was not included in the report. I do not see why we have to go on.

**Mr. Woolliams:** Mr. Hogarth has said it is abundantly clear. With the greatest respect, I think it is abundantly not clear, and I have a right to my opinion. He has a right to his opinion.

**The Chairman:** If you have any other questions, Mr. Woolliams—

**Mr. Woolliams:** I have other questions but when I am putting them I do not need these kinds of interruptions or these kinds of suggestions from the hon. member, Mr. Hogarth.

**Mr. Sullivan:** Mr. Chairman, I would just like to add that as this question has been answered once we should not go over it four or five times. I am suggesting, with respect, that the last member has gone over everything that Mr. Nesbitt went over, and then he has done so two or three more times. I do not think this should be a platform. We are here

to make a finding, not to listen to a witness being abused.

**Mr. Woolliams:** With the greatest respect, on the point of order, I have not abused this witness. I respect this witness. I respect his word. I suggest with the greatest respect, that Mr. Nesbitt did not ask any of the questions I have asked.

**The Chairman:** I do not see any point of order in this. We will not go any further. Mr. Woolliams, do you have any other questions to ask the witness?

**Mr. Woolliams:** I want to proceed. When the report went to the Steering Committee, after you drafted it, was there any discussion by anybody at the Steering Committee level in reference to the motion that was passed by this Committee and which is found on page 108?

**Mr. Normand:** Mr. Chairman, this report was not referred to the Steering Committee.

**Mr. Woolliams:** That ends it. Was it referred to the Chairman of this Committee?

**Mr. Normand:** It was put on his desk.

**Mr. Woolliams:** Right. Did you have any discussion with him in reference to the report after you put it on his desk?

**Mr. Normand:** Let us just say that he did not call me.

**Mr. Woolliams:** Right. Thank you very much. I do not want any more answers.

**Mr. Jerome:** Witness, may I just ask you one or two questions. You have already told us in your evidence this morning that you drafted this report on the basis of instructions that have been made public. Was the report that was ultimately tabled in the House of Commons in the form in which you prepared the draft, or to your knowledge were any substantial changes made in it in the interval?

**Mr. Normand:** It was made exactly as I prepared it, Mr. Chairman.

**Mr. Jerome:** Thank you. That is the only question I have.

**The Chairman:** Mr. Fortin.

[Interpretation]

**Mr. Fortin:** Thank you, Mr. Chairman. I have only a few questions to ask. Can the witness tell us if, normally, the instructions



given to him by the Committee are in writing or oral?

**Mr. Normand:** The instructions given to the Clerk of the Committee are given through resolutions. And the Clerk is bound by the resolutions that are adopted during the meeting.

**Mr. Fortin:** Is it the same case as far as the Subcommittee is concerned?

**Mr. Normand:** It is exactly the same thing, Mr. Chairman. The report of the Subcommittee is drafted according to the instructions of the Subcommittee and then submitted to the Committee.

**Mr. Fortin:** When a Committee holds a meeting, is everything that is said published in the public report?

**Mr. Normand:** That depends. Are you talking about the subcommittee or the Committee meeting?

**Mr. Fortin:** My question deals with both the subcommittee and for the whole Committee.

**Mr. Normand:** Mr. Chairman, for the subcommittee, nothing is taped. But on the other hand, the meeting of the Committee itself is taped.

**Mr. Fortin:** When you have to have a report adopted, and when the Subcommittee does not sit, who adopts it?

**Mr. Normand:** Would you please rephrase the question?

**Mr. Fortin:** Suppose that as Clerk, you have to prepare the report of the Committee you have to submit it afterwards to the Subcommittee to have it adopted, and the Subcommittee does not sit, who adopts the report?

**Mr. Normand:** If you are speaking of the Subcommittee, on Agenda and Procedure, the report it makes, if it makes one, has to be adopted by the Committee. If it is not submitted to the meeting, . . .

• 1210

**Mr. Fortin:** Had the report tabled on Mr. Blouin's desk been adopted beforehand?

**Mr. Normand:** At the Committee meeting, I prepared the report according to the instructions given to me during the meeting of the Committee held on the 28th of November.

**The Chairman:** The meeting of the Committee.

**Mr. Normand:** Yes, during the Committee meeting of November 28.

**Mr. Fortin:** Would you tell me, Mr. witness, if I take a practical example what happens? In the record of the 6th of December proceedings No. 8, it says:

Resolved—That nomination be closed.

It states:

The vote on a show of hands resulted in a tie.

It seems that a vote had been taken. Then you explained who voted for and who voted against. The result is 9 to 9. Then, you concluded:

After discussion, no decision having been reached on the main motion and nine members having walked out. . .

You took notes of the Committee's proceedings, you are the Committee clerk and you report the facts as they occur. Tell me what becomes of these notes you have just taken?

**Mr. Normand:** As far as the 6th of November session is concerned, which is in the No. 8 issue of the Proceedings, when we selected the Chairman of the Committee of Transport and Communications, the report was drawn up and when the nine members withdrew the meeting was adjourned.

**Mr. Fortin:** In your experience then does the resolution carry when there is a tied vote? I know it is not that important.

**Mr. Normand:** It does not carry, Mr. Fortin.

**Mr. Fortin:** So the motion is dropped and the committee goes on with its proceedings?

**Mr. Normand:** No, it adjourns.

**Mr. Fortin:** It adjourns?

**Mr. Normand:** Yes.

**Mr. Fortin:** So you send the whole thing for adoption and printing.

**Mr. Normand:** Exactly, Mr. Chairman.

**Mr. Fortin:** In other words, it is not you who sends this report for printing of translation?

**Mr. Normand:** I only report what happens at the meeting.



**Mr. Fortin:** Do you send the work to Mr. Plouffe's department?

**Mr. Normand:** Do you mean to the printers'?

**Mr. Fortin:** Yes.

**Mr. Normand:** I do all the preliminary work. I prepare the envelopes and preliminary pages and then wait for the evidence to be sent along. When I get the record of the evidence I send everything to the printers'.

**Mr. Fortin:** In other words, does the Chairman of the Committee before presenting his report to the House, does he say that the report is correct and accurate, or does he comment on it, or does he take the report and table it in the House without consulting you?

**The Chairman:** Could you be more precise, Mr. Fortin. You may ask whether after having prepared the report, the Chairman made comments on that particular report rather than going...

**Mr. Fortin:** I think we are dealing with an exception. And I want to establish what happens normally, so that I can decide whether this in an exception to the rule or not?

**The Chairman:** Fine.

**Mr. Fortin:** After you have prepared your report and submitted it to the Chairman of the Committee, before he tables it in the House or presents it to the House for adoption, does he normally make any comment on it to you?

**Mr. Normand:** Let us say that if everything is all right, I hear no more about it. If there is an error then the Chairman will get in touch with me and tell me: "Such and such a thing does not appear to be right."

• 1215

**Mr. Fortin:** And in this particular case, you feel everything was right?

**Mr. Normand:** Let us say that I got no telephone call from the Chairman.

**Mr. Trudel:** Mr. Chairman, I want to clarify one point only. I think three members questioned the processing of the report prepared by the witness. One said that the report was prepared and then submitted to the Chairman, but there were no further meetings. It was presented in its original form with no corrections. Can the witness confirm this?

**Mr. Normand:** Right. I prepared the report, put it on Mr. Blouin's desk in the presence of his secretary. And that was the last I heard of it.

**Mr. Trudel:** There was no meeting to discuss the contents of the report. You submitted it for signature only?

**Mr. Normand:** Right.

**Mr. Trudel:** Thank you.

[English]

**The Chairman:** Are there any other questions to Mr. Normand?

[Interpretation]

**Mr. Fortin:** One question, Mr. Chairman. After Mr. Blouin presented his report to the House for adoption certain events took place in the House concerning that report. Certain members then made statements and raised a question of privilege. Did Mr. Blouin get in touch with you after that?

**Mr. Normand:** No, Mr. Chairman.

[English]

**Mr. Lundrigan:** Mr. Chairman, I have a supplementary question. The witness has said "Let us just say that I received no telephone call from the Chairman" and again, a little later, identically the same statement, "Let us just say that I received no telephone call from the Chairman". Let me just ask, did the witness receive any communications at all from the Chairman, or was he in any way involved in any discussions with the Chairman regarding his draft report which formulated the second report which was accepted by the House?

**Mr. Normand:** Mr. Chairman, I am sorry. I must have misled the members while answering this question. I should have answered, "no", shortly—no phone calls, no communications whatsoever, nothing.

[Interpretation]

**Mr. Fortin:** Mr. Chairman, I personally am ready to hear Mr. Blouin.

[English]

**The Chairman:** Are there any other questions that could be asked?

**Mr. Lundrigan:** Mr. Chairman, I have another similar question. Did the witness in any way contact the Chairman of the Com-



mittee subsequent to the placing of the report on the desk of the Chairman?

**Mr. Normand:** No, Mr. Chairman, I did not try to reach Mr. Blouin.

**Mr. Lundrigan:** Mr. Chairman, I am not sure who I could ask this question of but in the event of an error in judgment which may be made by a Clerk, is there any recourse to members of the Committee or members of the House of Commons concerning corrective procedures which could be adopted?

**The Chairman:** Well, there is an obvious recourse. After this very resolution was passed at the end of the meeting on November 28, at the following meeting the Committee could have requested the Chairman to table another report in the House.

**Mr. Lundrigan:** At the following meeting.

**The Chairman:** Yes.

**Mr. Hogarth:** Mr. Chairman, I would like to raise a question with this witness that I do not think is on the record. Was the state of the proceedings of this Committee such that further reports were anticipated? I am referring to November 28; this was not a final report, was it? Was the state of proceedings such on November 28 that further reports were going to be made from this Committee to the House? Did you anticipate that? This was not a final report, that is what I am getting at.

**Mr. Normand:** Oh, no.

**Mr. Hogarth:** So further reports would be anticipated after November 28?

**Mr. Normand:** Well, if the Committee has an Order of Reference in front of it, it can submit further reports...

**Mr. Hogarth:** Yes.

**Mr. Normand:** ...but the state of affairs after was that when the estimates were recalled to the House, no Order of Reference was before the Committee.

**Mr. Hogarth:** I appreciate that, but the point I am making is that after November 28, after the resolution of Mr. McGrath was passed by the Committee, there were still further reports contemplated from this Committee on the terms of reference it originally had. Is that not so, or do you know?

**Mr. Normand:** I cannot say at this stage, Mr. Chairman. I do not know.

**Mr. Jerome:** Mr. Chairman, I suppose we should determine whether we are finished with this witness. It appears that we are.

• 1220

**The Chairman:** I was going to ask the members if they had any other questions to ask Mr. Normand.

**Mr. Woolliams:** I just have one more question. To follow up from what Mr. Hogarth said, which is in line with what the witness has said in reference to my question, as the report was not referred to the standing committee and was not referred to the steering committee, to the best of your knowledge, having read the report that was finally filed in the House of Commons, were there any omissions from or additions to your original draft?

**Mr. Jerome:** I asked him that and he said, "no".

**Mr. Normand:** No omissions, sir.

**Mr. Woolliams:** Were there any additions?

**Mr. Normand:** No.

**Mr. Lundrigan:** Mr. Chairman, may I ask the witness just one last question? Does he, in fact, say that there was an error in judgment as to the interpretation of instructions on the final report?

**The Chairman:** This is a matter for us to decide. I would allow you to ask the question of Mr. Normand of whether he followed the usual practice as Clerk of this Committee. This question, I think, would be more precise and more appropriate than asking him if he made an error in judgment.

**Mr. Lundrigan:** I am asking, simply, Mr. Chairman, if he would say that the instructions did indicate that he should have reported the resolution.

**Mr. Normand:** I did not receive any instructions from the Committee to report this resolution to the House, Mr. Chairman—I repeat again.

**Mr. Lundrigan:** Mr. Chairman, he does answer my question by saying that there was no error in judgment; he interprets this as meaning that the instructions were not given. That is what he is actually saying.



[Interpretation]

**Mr. Fortin:** After the Clerk has his report adopted and has it sent to the printer, does he receive a copy from the printer for adoption and to check whether it is consistent?

**Mr. Normand:** You mean if the printed copy is adopted as such?

**Mr. Fortin:** Yes.

**Mr. Normand:** No, Mr. Chairman.

**The Chairman:** Mr. Forest.

**Mr. Forest:** A brief preliminary question. How long have you been Committee Clerk?

**Mr. Normand:** Nine to ten years.

**Mr. Forest:** The Chairman said the question would be in order. Did you follow the normal procedure, as you do as a rule, in making the report of the Committee proceedings?

**Mr. Normand:** I followed the usual procedure, Mr. Chairman.

[English]

**The Chairman:** Mr. Nesbitt?

**Mr. Nesbitt:** One very brief final question. Could the witness tell us or give us any explanation as to why, after he drafted the report under the instructions that he felt he had, the draft report was not submitted? It was only submitted to the Chairman and not to the steering committee and not to the standing committee.

**The Chairman:** In all fairness to the witness, Mr. Nesbitt, if you refer again to page 72 you will see that this draft report was, in the end, in the hands of the Chairman at the time and there were precise instructions, precisely related in the report—

**Mr. Nesbitt:** Perhaps you misunderstand my question, Mr. Chairman.

**The Chairman:** I might, yes.

**Mr. Nesbitt:** On page 72 it is quite clear there are certain specific instructions given by the Committee to the Secretary to draw up a report and then certain events took place afterwards at the place of the meeting. After the meeting, presumably, the Secretary of the Committee drafted a report which, as he has told us, he submitted to the Chairman, Mr. Blouin. I am merely asking if, after he submitted his draft report to the Chairman, he could give us any reason—maybe he cannot, I

do not know—why that draft report was not submitted to a meeting of the steering committee and then subsequently to a meeting of the standing committee.

**Mr. Normand:** Mr. Chairman, I can only say that the Chairman of the Committee should be the one to answer this.

**Mr. Woolliams:** I think that is a good idea.

**The Chairman:** Mr. MacGuigan?

**Mr. MacGuigan:** Mr. Chairman, is it the normal procedure for a report which has already been approved by a steering committee and then by the committee to be further submitted, beyond the Chairman, to the steering committee?

**Mr. Normand:** Not that I know of, sir, unless it is a crucial report—a very lengthy report, for example on the crisis in Nigeria; but aside from this, for routine reports, not that I know of, sir. I am sorry—not that I know of.

**Mr. McGrath:** Did you consider this particular report routine?

**The Chairman:** We all understood that it was not routine.

• 1225

Thank you, Mr. Normand.

**Mr. Jerome:** Mr. Chairman, if we have finished with this witness, there has been some indication that there is a desire to hear the Chairman, Mr. Blouin, which seems natural. I understand that Mr. Blouin is expected back in Ottawa about February 10. I wonder if members of this Committee might agree at this time the Committee adjourn until such time as Mr. Blouin arrives in Ottawa so that he can be heard. Is that not a sensible way to proceed?

[Interpretation]

**Mr. Fortin:** Mr. Chairman, I agree with the Member's remarks. I think we have enough facts on hand to question Mr. Blouin to the best advantage.

[English]

**The Chairman:** Before I put this motion for adjournment, Mr. Jerome, we have here Mr. Ollivier. I realize that it is 12.30 p.m. There were some suggestions made in the steering committee on Tuesday that we call on Mr. Ollivier, who is the legal adviser of the House of Commons, if some members had any questions to ask of him about the usual rules and



so on. Because of the time, it might be more appropriate to adjourn and if, later on, we decide to ask questions of Mr. Ollivier, then we could advise the steering committee that we would like to have him with us. I want to thank him for having been here this morning.

Is this meeting adjourned? Yes, Mr. MacGuigan.

**Mr. MacGuigan:** I just want to say that while I am quite agreeable to adjournment, I

do not want to be taken to agree to calling Mr. Blouin. It seems to me that we now have the evidence we need. We have found the reason. The Clerk has testified that he prepared the report; that the final report in the House is the report he prepared; that he received no instructions from anybody and I believe we have the reason.

**The Chairman:** As there has been a motion made, this meeting is adjourned.

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The Chairman: As there has been a motion made, this meeting is adjourned.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

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TUESDAY, FEBRUARY 11, 1969

THURSDAY, FEBRUARY 13, 1969

Second Report of the Standing Committee on Transport  
and Communications

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WITNESSES:

*(See Minutes of Proceedings)*

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INCLUDING THIRD REPORT TO THE HOUSE

THE QUEEN'S PRINTER, OTTAWA, 1969



## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Ovide Laflamme

*Vice-Chairman:* Mr. James Jerome

and Messrs.

|                      |                        |                        |
|----------------------|------------------------|------------------------|
| <sup>1</sup> Cafik,  | MacGuigan,             | Skoberg,               |
| <sup>2</sup> Deakon, | McGrath,               | <sup>5</sup> Sullivan, |
| Forest,              | Murphy,                | Trudel,                |
| Fortin,              | <sup>3</sup> Peddle,   | Valade,                |
| Goode,               | Richard,               | Woolliams—(20).        |
| Hogarth,             | Ritchie,               |                        |
| Lundrigan,           | <sup>4</sup> Schreyer, |                        |

(Quorum 11)

Edouard Thomas,  
*Clerk of the Committee.*

Pursuant to Standing Order 65(4) (b),

- <sup>1</sup> Mr. Cafik replaced Mr. Weatherhead on February 11, 1969.
- <sup>2</sup> Mr. Deakon replaced Mr. Sullivan on February 11, 1969.
- <sup>3</sup> Mr. Peddle replaced Mr. Nesbitt on February 10, 1969.
- <sup>4</sup> Mr. Schreyer replaced Mr. Rose on February 11, 1969.
- <sup>5</sup> Mr. Sullivan replaced Mr. Deakon on February 13, 1969.

WITNESSES:

(See Minutes of Proceedings)

INCLUDING THIRD REPORT TO THE HOUSE

MINUTE BOOKS  
THURSDAY, February 15, 1968

ORDER OF REFERENCE

TUESDAY, December 10, 1968.

Ordered,—That the Second Report of the Standing Committee on Transport and Communications be referred to the Standing Committee on Privileges and Elections to determine the reason for the omission of the resolution adopted by the Committee on November 28th, from the Second Report of the Committee presented to the House on November 29th, and which reads as follows:

Resolved,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

ATTEST:

ALISTAIR FRASER,  
The Clerk of the House of Commons.

Edward Thomas,  
Clerk of the Committee.



## REPORT TO THE HOUSE

THURSDAY, February 13, 1969

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

### THIRD REPORT

Pursuant to its Order of Reference of Tuesday, December 10, 1968, your Committee had the Second Report of the Standing Committee on Transport and Communications under consideration, to determine the reason for the omission from the Report of a certain resolution adopted by that Committee, which Report was presented to the House on December 3, 1968.

This matter having been raised in the House as a question of privilege and the Speaker having ruled that there was a prima facie case of privilege, it remained for your Committee to decide:

1. If there was a question of privilege involved, and
2. The reason for the omission of the resolution referred to above.

Your Committee held four meetings and heard the following witnesses:

Mr. Antonio Plouffe, Chief of the Committees and Private Legislation Branch;

Mr. Robert Normand, Clerk of the Standing Committee on Transport and Communications;

Mr. Gustave Blouin, M.P., former Chairman of the Standing Committee on Transport and Communications;

Dr. Maurice Ollivier, Law Clerk and Parliamentary Counsel.

Your Committee reports that the reason for the omission is that it was never moved and concurred in that the said resolution adopted by the Standing Committee on Transport and Communications be part of its Second Report.

An act which constitutes a breach of privilege being, inter alia, disrespect to the House, disobedience to its orders, or interference with its procedure, your Committee, in consequence of what has been said, is of the opinion that there has been no breach of privilege.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 3 to 5 inclusive*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,  
*Chairman.*

## MINUTES OF PROCEEDINGS

TUESDAY, February 11, 1969.

(5)

The Standing Committee on Privileges and Elections met this day at 4.05 p.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Cafik, Deakon, Forest, Fortin, Hogarth, Jerome, Laflamme, MacGuigan, McGrath, Murphy, Ritchie, Schreyer, Skoberg, Trudel, Woolliams (15).

*Also present:* Messrs. Allmand, Deachman, Portelance.

*Witnesses:* Mr. Gustave Blouin, M.P.; Dr. P. M. Ollivier, Law Clerk and Parliamentary Counsel.

The Committee questioned Mr. Blouin concerning the proceedings and the Second Report to the House of the Standing Committee on Transport and Communications.

The Committee questioned the Law Clerk and Parliamentary Counsel concerning legal aspects of its Order of Reference dated December 10, 1968.

Moved by Mr. Jerome and

*Agreed*—That this Committee report to the House of Common pursuant to the terms of reference of the Order of the House dated, Tuesday, December 10, 1968, on the basis of evidence received to this date.

The amendment of Mr. McGrath to this motion—

That the resolution dealing with rail passenger in Newfoundland adopted by the Standing Committee on Transport and Communications be included in the Committee's Second Report now before the House—  
was ruled out of order by the Chair.

At 5.50 p.m., the meeting adjourned to the call of the Chair.

THURSDAY, February 13, 1969.

(6)

The Standing Committee on Privileges and Elections met this day at 11.10 a.m., *in camera*, the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Cafik, Forest, Fortin, Goode, Hogarth, Jerome, Laflamme, MacGuigan, Murphy, McGrath, Peddle, Skoberg, Sullivan, Trudel (14).

The Committee considered a draft Third Report to the House and instructed the Chairman to present it at this day's sitting.

At 11.30 a.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.



MINUTES OF PROCEEDINGS

TUESDAY, FEBRUARY 11, 1898.

6981 21 FEBRUARY, 1898

The Standing Committee on Privileges and Elections met this day at 4.05 p.m., the Chairman, Mr. Ovide Leflamme, presiding.

Members present: Messrs. Cairns, Deacon, Forest, Fortin, Hogarth, Jerome, Leflamme, MacQuinn, Murphy, McGuire, Peddie, Skober, Sullivan, Tisdal, Woodhouse.

Witnesses: Mr. Gustave Blodin, M.P., Dr. P. M. Olivier, Law Clerk and

Parliamentary Counsel. A second bill in regard to the... The Committee questioned Mr. Blodin concerning the proceedings and the Second Report to the House of the Standing Committee on Transport and Com-

munications. The Committee questioned the Law Clerk and Parliamentary Counsel... Moved by Mr. Jerome and

proposed that this Committee report to the House at 10 o'clock on Tuesday, December 10, 1898, on the basis of evidence received to this date.

The amendment of Mr. McGuire to this motion was adopted. The resolution being with all amendments in New Brunswick adopted by the Standing Committee on Transport and Communications be in-

cluded in the Committee's Second Report now before the House. At 8.50 p.m. the meeting adjourned to the call of the Chair.

The Standing Committee on Privileges and Elections met this day at 11.10 a.m., in camera, the Chairman, Mr. Ovide Leflamme, presiding.

Members present: Messrs. Cairns, Fortin, Goode, Hogarth, Jerome, Leflamme, MacQuinn, Murphy, McGuire, Peddie, Skober, Sullivan, Tisdal.

The Committee considered a draft Third Report to the House and instructed the Chairman to present it at this day's sitting. At 11.30 a.m., the Committee adjourned to the call of the Chair.

Eduard Thomas  
Clerk of the Committee.

## EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, February 11, 1969

bers of the Committee want to put. That is all, sir.

[English]

**The Chairman:** Thank you very much, Mr. Blouin. I should inform the members that Mr. Blouin has had an opportunity of reading the transcript of our earlier deliberations so he is aware of what has been said prior to this. I will allow any member who wants to do so to ask a question. Mr. McGrath?

**Mr. McGrath:** Mr. Chairman, first of all I want to welcome Mr. Blouin back. I am glad to see that his health has been restored; he looks considerably better than he did the last time we saw him.

**Mr. Blouin:** Thank you.

**Mr. McGrath:** I say that sincerely. I am glad to note that he has read the transcript of the evidence, especially the evidence of our last meeting, because it is certainly our wish that this matter be brought to a conclusion as quickly as possible. I know everybody is getting a little impatient with it, and perhaps this is due in no small way to the fact that Mr. Blouin unfortunately was detained due to illness, and obviously he is the chief witness.

My first question, Mr. Chairman—and I would welcome any supplementaries to it—has to do with Mr. Normand's evidence. When Mr. Normand, the Clerk of the Committee, laid the draft of the second report of the Committee on Transport and Communications on your desk, did you read it?

[Interpretation]

**Mr. Blouin:** Yes, Mr. Chairman, I did read it carefully.

[English]

**Mr. McGrath:** Did you read it before it was presented to the House?

[Interpretation]

**Mr. Blouin:** Yes, I read it.

[English]

**Mr. McGrath:** Did you note the omission of the resolution in question, more particularly

• 1604

**The Chairman:** Gentlemen, we now have a quorum, and I think it would be appropriate to start right away. Last week we heard the Clerk of the Transport and Communications Committee, Mr. Normand. At the last steering committee meeting, as you know, it was decided to hear Mr. Blouin who was at the time the Chairman of the Transport and Communications Committee. He was away for the reasons you know, and we are really glad to have him with us here this afternoon.

I must repeat what I have already said, that Mr. Blouin requested earlier that he appear before the Committee to answer any questions you may wish to ask him. This meeting is open and Mr. Blouin is here. We are really glad to have you with us, Mr. Blouin, and I hope you can answer any questions you be asked within the terms of reference of this Committee.

• 1605

[Interpretation]

**Mr. Blouin (Former chairman of Committee on Transport and Communications):** First of all, I thank you Mr. Chairman, and I take this opportunity to address my thanks to some members of the Committee who sent me best wishes during my two stays in hospital.

[English]

**Mr. McGrath:** Mr. Chairman, could we just hold off until we get our translation ear pieces in order.

**The Chairman:** Yes.

[Interpretation]

**Mr. Blouin:** Are they operating now?

I am sorry about this delay in coming to give evidence before this Committee. As the Chairman stated a few minutes ago, and as you are all aware, this delay was caused by my recent illness and I can do nothing about it. I am here in flesh and bone and I am quite ready to answer the questions that the mem-



the resolution dealing with the Newfoundland rail transportation?

[Interpretation]

**Mr. Blouin:** In so far as I know, there was no omission not any change.

[English]

**Mr. McGrath:** I am sorry, Mr. Chairman; I must raise a point of order. We are having trouble with the simultaneous translation.

**The Chairman:** This one I have is working very well; perhaps you could use some other set.

**Mr. McGrath:** I seem to have it now.

**Mr. Woolliams:** It was off for a little while.

**Mr. McGrath:** Could I repeat the question, and could Mr. Blouin repeat his answer, Mr. Chairman? When he read the report did he note the omission of my resolution passed by the Committee on November 28 dealing with rail passenger service in Newfoundland?

• 1610

[Interpretation]

**Mr. Blouin:** In so far as I know, Mr. Chairman, there was absolutely no omission if you are referring to the second report. There was no omission of any resolution in the second report which was to be submitted in the House, absolutely not.

[English]

**Mr. McGrath:** Mr. Chairman, Mr. Blouin said there was no omission, in his opinion, of the second report. May I ask him what became of the resolution passed in the Committee on November 28, presumably on which the second report was based?

[Interpretation]

**Mr. Blouin:** You mean to say the resolution?

[English]

**Mr. McGrath:** The resolution that was adopted by the Committee on November 28.

[Interpretation]

**Mr. Blouin:** So, this resolution, if I remember, did not appear in the second report that was to be submitted to the House.

[English]

**Mr. McGrath:** Mr. Blouin, the second report did contain a recommendation to study prob-

lems of transportation in the Atlantic Provinces. is that right?

**Mr. Blouin:** Yes.

**Mr. McGrath:** In your opinion, was not the resolution I referred to related to the recommendation of the Committee to study transportation in the Atlantic Provinces? I will repeat the resolution:

Resolved,—that the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

[Interpretation]

**Mr. Blouin:** This resolution, if I remember correctly, was submitted at the very last minute at the session of November 28th. In so far as I know, none of the members of the Committee on Transport and Communications requested that this resolution be included in the second report. We must remember that, previously, two other resolutions were included in the second report and were reported to the House in the normal way.

[English]

**Mr. McGrath:** Why omit this resolution if you included the other two resolutions?

[Interpretation]

**Mr. Blouin:** They were never omitted, there was no change made whatsoever.

[English]

**Mr. McGrath:** If it was not included, surely it must have been omitted.

[Interpretation]

**Mr. Blouin:** Normally, this resolution would have been discussed at subsequent sittings and would have been presented in the normal way to the House through the third report. It's as simple as that.

[English]

**Mr. McGrath:** Mr. Blouin, this resolution . . .

**Mr. Hogarth:** Mr. Chairman, may I speak on a point of order. Surely the question as to whether or not this resolution should or should not have been contained in the second report, is a question of parliamentary law, is it not? Can we not get the advice of Dr. Ollivier as to whether by parliamentary law that should or should not have been included?



**Mr. McGrath:** Mr. Hogarth, let me continue with my line of questioning.

**The Chairman:** Order, please. A point of order has been raised. This very point might be part of our discussions later on, but I see no objection to Mr. McGrath asking questions of Mr. Blouin. Mr. Blouin can give the explanations as he sees fit to give them. But I do not see that there is any point of order right now.

It is part of the evidence. He has been the Chairman of this Committee. Mr. McGrath has, I think, a right to question, and I think Mr. Blouin should answer the questions.

**Mr. McGrath:** May I proceed then, Mr. Chairman?

**The Chairman:** Yes, Mr. McGrath.

**Mr. McGrath:** Mr. Blouin, the resolution dealt with a decision of the Canadian Transport Commission, the implementation of which was due to start, if my memory serves me correctly, on December 6. Consequently the resolution was of some urgency. In your opinion, did you not feel that because of the urgency of the resolution it should have been reported to the House?

• 1615

[Interpretation]

**Mr. Blouin:** Yes, I understood the importance of the resolution. Certainly, I did. If there is anyone who is aware of transportation problems in the Atlantic Provinces, it is certainly I, because I am a neighbour of the Atlantic Provinces, and we have about the same problems in transport and communications. But the Chairman doesn't decide, on his own, on putting a resolution into a report to be tabled in the House. It must be submitted to the Committee. And show me a case where a member of the Committee requested that a resolution of that nature be submitted to the House in the second report.

[English]

**Mr. McGrath:** Yes, Mr. Chairman, I will do that. The Committee passed the resolution by a vote of six to five. In other words, they adopted the resolution, which meant they wanted it to be adopted by the Committee and be recommended to the House. Surely this must have been clearly implied in the adoption of the resolution.

**The Chairman:** Mr. McGrath, I do not want the...

**Mr. McGrath:** Mr. Blouin raised the question.

**The Chairman:** I agree. I have realized this; I did not interrupt you until you were through, but I want to inform you that I do not want you and the witness to go into an argument about what will be the purpose of our deliberations after we have heard the full evidence.

**Mr. McGrath:** Mr. Chairman, I can come precisely to my point. I want to know why Mr. Blouin did not report my resolution to the House.

**The Chairman:** This is a valid question.

[Interpretation]

**Mr. Blouin:** There was never any omission in presenting this resolution in the second report. As you know, Mr. Chairman, in order to present a resolution, the Committee must request that the resolution be submitted to the House. And I might quote here what was mentioned during this particular meeting of November 28:

**MR. SCHREYER:** Mr. Chairman, did you assign a date for that last item?

**THE CHAIRMAN:** Assign a date?

**MR. SCHREYER:** Did you assign a date? Have you fixed a date for these claims to be brought before the Committee?

**THE CHAIRMAN:** No, we did not fix any date. Everything depends on whether we will be finished with the estimates.

**Mr. Woolliams:** Which page?

**Mr. Blouin:** Page 72, November 28 in the report number 6.

**THE CHAIRMAN:** The Clerk points out that we also have to wait the order of the House.

**Mr. Douglas,** who was a member of the Committee:

**MR. DOUGLAS:** That is what I was going to ask. I understood you were going to ask for an order of the House to permit us to deal with these claims.

**THE CHAIRMAN:** Yes, we are. Next Tuesday a report will be presented to the House.

**MR. NESBITT:** I presume, then, that between now and Tuesday, Mr. Chairman, the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against



the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

**THE CHAIRMAN:** That is correct. That report will be presented to the House on Tuesday. Is that agreed?

And all the members of the Committee were in agreement. So there was never any question of putting the resolution in the second report.

[English]

**Mr. McGrath:** All right. Did you call a meeting of the steering committee to consider my resolution?

[Interpretation]

**Mr. Blouin:** No, that report was tabled in the House the 3rd of December, and the next day I was ill.

[English]

**Mr. McGrath:** We are talking about the 28th now; we are talking about the 28th, the day the resolution was adopted. From the time the resolution was adopted until the report was tabled in the House, did you call a meeting of the steering committee? If not, why not?

[Interpretation]

**Mr. Blouin:** You mean to say between the 28th of November up to the 3rd of December? Yes, I think there was a meeting of the steering committee.

• 1620

[English]

**Mr. McGrath:** I want to know what was the date of the steering committee between the time my resolution was passed on the 28th, and the time the report was presented to the House on the 3rd of December. I want to know the time and place of the steering committee meeting and who was in attendance.

[Interpretation]

**Mr. Blouin:** I haven't got the date with me. Was it the same day? I know there were two meetings of the steering committee but I don't have the exact date.

**Mr. Fortin:** One or two?

**Mr. Blouin:** I don't know whether the Clerk of the Committee has the date. All I know is that there were two meetings of the Steering Committee between those two meetings.

[English]

**Mr. McGrath:** Is the Clerk of the Committee here? Could you check with him?

**The Chairman:** I will have that checked right away, Mr. McGrath.

**Mr. Woolliams:** May I ask a supplementary?

**The Chairman:** Yes, Mr. Woolliams.

**Mr. Woolliams:** Before I do that, may I just digress for a moment. I particularly welcome him back, and I am glad to see him in good health. I think you and I suffered the same ailment at some time and so I have complete sympathy with you. I think one of the main things is to avoid stress because that could undo any progress you have made.

**Mr. Blouin:** Thank you very much.

**Mr. Woolliams:** Now I want to ask you just a few questions which will be supplementary to Mr. McGrath's question. I am sorry I was late. I was at the Conference.

While they are checking the date of the steering committee—you say there were two meetings—could you tell the Committee, and I think this is important, whether there was any member of the Progressive Conservative Party at that steering committee, if there was a notice of that meeting, and where the meeting was held in reference to this particular resolution passed by the Committee dealing with railway transportation or transportation in Newfoundland?

[Interpretation]

**Mr. Blouin:** Yes, Mr. Chairman, I remember very well that at those two meetings of the subcommittee there were 5 members, among whom there were Conservative Party members. I do not remember the exact dates, but those meetings took place in my office, after notices had been distributed by the Clerk of the Committee, as is normally done.

[English]

**Mr. Woolliams:** Were there any of our party there at those meetings?

[Interpretation]

**Mr. Blouin:** Yes, yes.

[English]

**Mr. Woolliams:** Who were those members?

[Interpretation]

**Mr. Blouin:** I remember Mr. Thomas (Moncton). Mr. Nesbitt had been summoned



but had himself replaced. I summoned him myself twice. He apologized for not being able to attend the Steering Committee meeting. He had delegated Mr. Thomas (Moncton).

[English]

**Mr. Woolliams:** An I take it then that Mr. Thomas and Mr. Blouin attended both those meetings.

[Interpretation]

**Mr. Blouin:** Yes, so far as I know.

[English]

**Mr. Woolliams:** And was the report read to that steering or subcommittee? Was the whole report given to them and read to them?

**Mr. McGrath:** The draft of the second report.

**Mr. Woolliams:** Yes, the draft before presenting it to the House of Commons—at those meetings.

[Interpretation]

**Mr. Blouin:** So far as I know, yes. The reports were read and approved. But, I do not know if those meetings took place before the 28th of November, or after. I am not quite sure.

[English]

**Mr. McGrath:** Before December 3 of course.

**Mr. Woolliams:** You go ahead and ask him if you want. I do not mind. The thing is I just wanted to follow that through.

I think I can clarify it very quickly. Mr. McGrath's statement is very simple. Was the meeting before the 28th or after? If it was before, well, of course you could not discuss the resolution, and if it was after, was it before the report was filed in the House of Commons. That is important too.

[Interpretation]

**Mr. Blouin:** I think it was before the 28th of November.

[English]

**Mr. Woolliams:** Then really after the resolution was passed in reference to the Newfoundland railway—and that is in Volume 6 of November 28—there was no meeting of the steering committee where they considered the draft report or the final report that was filed in the House of Commons?

[Interpretation]

**Mr. Blouin:** No, I do not think so.

[English]

**Mr. Cafik:** A supplementary here, if I may?

**Mr. Woolliams:** If I could just follow this one through, then I am through.

**Mr. Cafik:** All right.

**Mr. Woolliams:** Now we might as well follow it through. Was the report ever submitted to the whole Committee as a whole before it was filed in the House of Commons—the second report?

• 1625

**Mr. Blouin:** The second report? The second report was presented to the steering committee, as far as I know.

**Mr. Woolliams:** But was it ever submitted to the whole Committee as a whole, here, like we are sitting today, for approval?

**Mr. Blouin:** For approval?—

[Interpretation]

Yes, I think so. On reading, you will see here—This was submitted to the Committee as a whole since Mr. Nesbitt replies, here. Therefore, I presume—

[English]

**Mr. Woolliams:** What day was that, sir?

[Interpretation]

**Mr. Blouin:** The 28th of November.

[English]

**Mr. Woolliams:** November 28.

**Mr. McGrath:** Before the evidence was taken on November 28?

**Mr. Blouin:** Yes.

**Mr. Woolliams:** So that that report then was submitted to the whole Committee as a whole before the evidence of November 28 was taken.

**Mr. Blouin:** What are you saying?

**Mr. Woolliams:** The draft report was submitted to the Committee as a whole prior to the evidence of November 28, was it not?

**Mr. Blouin:** Yes.

**Mr. Woolliams:** Right. So that the report then, although submitted to the Committee, which did not contain the resolution we are talking about was really submitted to this Committee before it was even passed or adopted by the Committee. Is that correct, or



am I in error about that? You correct me if I am wrong, Mr. Chairman.

**The Chairman:** No, Mr. Woolliams. What I want to point out to you is that in the Minutes of Proceedings there is a full report of the steering committee meetings that were held before the meeting of November 28.

**Mr. Woolliams:** I know but I am not dealing with this now. I probably did not make my point. Do you mind if I just speak to you, Mr. Chairman, for a moment?

**The Chairman:** Yes, go ahead.

**Mr. Woolliams:** My point is this, that the witness has said—and if he was in error he could correct it certainly by his evidence—but as I take it, they had a meeting of the steering committee prior to the meeting of November 28. Then I asked him if the report as a whole that was finally filed—that is the report we are dealing with in the House of Commons and that is now before the House of Commons—was ever submitted to the Committee as a whole for consideration, and he said yes, but it was submitted before taking the evidence of November 28. So the resolution could not get into that report if the report was—

**The Chairman:** Order.

**Mr. McGrath:** Mr. Chairman, I am going to raise a point of order—

**Mr. Woolliams:** Well, let me just finish speaking—just let me finish. I am not concerned about that. Mr. Chairman, I just want to say to my good friends here—I did not come here, particularly when Mr. Blouin is a good friend of mine, because my next question is going to be quite serious—I did not come here to prosecute him or persecute him. He is a gentleman, he is a good Member of Parliament and, as far as I know—I was not on his Committee—I have always found him a fair-minded chairman. So that there is no reason for them to get exuberant about it. I want to be polite and I am going to be a gentleman. Now the thing that I would like to ask him, in view of his answers to Mr. McGrath, is this. We are not here to chastise you, particularly after being a sick man, but have you any objection, as the former Chairman of the Committee when this resolution was passed and because of the difficulties that seem to arise from the evidence, of it now being included in the report in question? I might bring to your attention why I make

that suggestion—and I was not on the Committee, like my friends, and they no doubt have this knowledge and I have not got it. I came in later. At page 72, I am going to read this part which you read, sir.

I presume, then, that between now and Tuesday, Mr. Chairman; the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

Because the resolution that was omitted, rightly or wrongly—and I am not dealing with that point—dealt with the visitation to the Atlantic Provinces so that no decision would be made until the visit was over, have you any objection to it now being included in that report?

**Mr. Hogarth:** Mr. Chairman, on a point of order, this witness cannot be expected to answer something that would be entirely up to that other Committee.

**The Chairman:** If, Mr. Hogarth, you could allow me to answer Mr. Woolliams, because I precisely see the point.

The only objection, Mr. Woolliams, I have to your question in this regard is the fact that I do not think that it could be appropriate that we could ask Mr. Blouin to speak on behalf of the Transport and Communications Committee as a whole because I realize that the Committee itself should speak for this, but not Mr. Blouin.

I am not going to rule your question out of order but I remind you that whatever Mr. Blouin could say on this is irrelevant to what we have to do here.

• 1630

**Mr. McGrath:** But, with respect Mr. Chairman, it is within the terms of reference of this Committee to recommend that this resolution be incorporated in the second report which is still before the House. Is that not correct?

**Some hon. Members:** No. no.

**The Chairman:** Just a minute. I would like to see where it has been recommended, Mr. McGrath.



**Mr. McGrath:** I am asking the question. I am not making the point...

**The Chairman:** If this Committee could recommend—but I must say that we...

**Mr. McGrath:** Yes. How do we dispose of it otherwise?

**The Chairman:** Well, the only thing we have to report back to the House is simply the terms of reference for which we are here.

**Mr. Woolliams:** I wonder, Mr. Chairman, if I might answer what you say? There might be something to it. What I am trying to come to is this. There is a complaint that this motion was left out. There were instructions given to the Committee on a report that apparently was prepared before the resolution took place.

**The Chairman:** Yes.

**Mr. Woolliams:** I have been here too long in the House of Commons to be unfair to Mr. Blouin or anybody else in the House of Commons or anywhere else. I just want the facts. I have talked to Mr. Blouin and I am quite pleased with what he said in the evidence. I am very happy with it. All I am saying is this. There was a resolution that is very important to Newfoundland. Surely nobody in this Committee is going to be so partisan—I am not—as to suggest, when it was so important to the Province of Newfoundland, that here was a resolution omitted because Mr. Blouin said the report was considered before the resolution was passed; that we could not include it in some report before the House of Commons. I cannot believe any of the members of the House of Commons would object to such a thing if it was done because the report was considered before all the evidence was considered. That seems to be—I am not saying this in the wrong sense—very irregular and that seems to be the grievance of the people where this resolution was left out. All I understand the people of Newfoundland to want is to get the resolution before the House. What have they got to fear? If there is nothing wrong with it why can we not correct it?

**The Chairman:** Mr. Woolliams, the matter of importance is not at issue. It is a matter of sticking with the terms of reference. Mr. Olivier may correct me, but I would suggest as an answer to your question that if the members of the Transport and Communications Committee want this resolution to be reported

to the House in a report, the only thing they have to do is to meet and pass a resolution to this effect and instruct the Chairman accordingly.

**Mr. Woolliams:** Mr. Chairman, we are a different committee but I am asking this question. You heard what the Chairman said and he is being most helpful. If this Committee is suggesting to the Committee on Transport and Communications that either it be included in the report that is now before the House—and it could be amended—or included in a third report, would you have any objection to this resolution's being included in a report? Would you have any objection, as the former Chairman of the Transport and Communications Committee?

[*Interpretation*]

**Mr. Blouin:** Mr. Chairman...

**Mr. Fortin:** Mr. Chairman, on a point of order.

**Mr. Chairman:** Yes, Mr. Fortin.

**Mr. Fortin:** Personally, I think it is beyond our scope. Our terms of reference are clearly indicated here and were set forth to us by the Clerk of the House. I do not think that we, as members of the Committee on Privileges and Elections, can tell our colleagues of the Committee of Transport and Communications to do this and do that, to have breakfast in the morning and to dine either in the evening or at noon in order to live properly.

If we are going to conduct our discussions on that level, Mr. Chairman, we might as well go back to the constitutional conference or to the House to discuss the Omnibus Bill because we shall be wasting our time here.

[*English*]

**Mr. Woolliams:** I do not want to go back to the constitutional conference. The Chairman ruled that...

[*Interpretation*]

**The Chairman:** No, Mr. Woolliams, a point of order has just been raised.

Insofar as I am concerned, the question put by Mr. Woolliams is hypothetical, but instead of discussing points of order of this nature indefinitely, I would rather allow the question and allow Mr. Blouin to answer. I know it is a hypothetical question because that is not what we are here to discuss, but if it can throw



some light on the situation, then I can allow the answer.

• 1635

[English]

**Mr. Deakon:** Mr. Chairman, I respectfully submit that this question is completely irrelevant to this issue. The terms of reference specifically state that this Committee is to determine the reason for the omission of this resolution from the report. There was an accusation made in the House, which is on page 3735 of *Hansard* dated December 10, 1968, in a statement made by Mr. James A. McGrath, St. John's East.

My question of privilege is based on the fact that the resolution adopted by the Committee on November 28 was, in my view, deliberately omitted from its report to the house...

**The Chairman:** I am sorry, Mr. Deakon, but I must ask the members to proceed in an orderly way. There were questions of Mr. Woolliams to Mr. Blouin which I consider hypothetical but I suggested if Mr. Blouin wanted to answer to clarify some points that may be indirectly relevant it would be preferable to allow the questions.

**Mr. Woolliams:** I wonder if you would answer the question.

[Interpretation]

**Mr. Blouin:** Mr. Chairman, upon my soul and conscience, there has never been any omission or change in the resolution which Mr. Woolliams mentioned.

What happened was that this resolution which he talks about was supposed to be discussed at subsequent meetings and was to be the object of a specific request from the Committee of Transport and Communications for submission to the House. If, as in the normal course of events a member of the Committee had made such a request this resolution would have been submitted to the House along with the third report, in accordance with normal procedure. This is more or less the reply to the question.

**The Chairman:** And those are the reasons, Mr. Blouin.

[English]

**Mr. McGrath:** Mr. Chairman, may I supplement, please? During the course of the evidence it was made abundantly clear that the matter was of some urgency because the

implementation of the decision referred to in the resolution was to take place in fact on December 6, 1968. There would be a gradual phasing in of buses and phasing out of the passenger trains to conclude in April of this year. This made the matter of some urgency. Also, at the conclusion of our meeting on November 28, 1968—and the evidence will indicate this—there was no suggestion that this resolution would be considered at any subsequent meeting. It was inferred quite clearly that this resolution formed a part of the second report which was considered at the beginning of the evidence because it dealt with the recommendation of the Committee to study problems of transportation in the Atlantic Provinces.

**The Chairman:** I realize, Mr. McGrath, that you wanted to make your point. If you have any questions to ask of Mr. Blouin I will allow them but actually you are arguing.

**Mr. McGrath:** I am not arguing, Mr. Chairman, I am just stating facts as I see them.

**The Chairman:** They are valid points perhaps but no one, including Mr. Blouin, has ever questioned the importance of the matters contained in the resolution that was passed at the end of the meeting on November 28, but again we are not here for that. We are here to listen to the reasons why this resolution was not submitted in the report tabled in the House on December 3, 1968, and I really believe, if I may say so to you members of this Committee, that Mr. Blouin has already answered the questions as to why he did not include it.

**Mr. Woolliams:** Mr. Chairman, I wonder if I might continue. I could be very short if I did not have so many interruptions.

**Mr. Cafik:** Mr. Chairman, on a point of order, it seems that these questions are all in the form of supplementaries and we have had supplementaries now for well over half an hour.

**The Chairman:** I am going to allow Mr. Woolliams a few more questions and then I will recognize you, Mr. Cafik.

**Mr. Woolliams:** Did you ever consider, Mr. Blouin, that this resolution at any time was out of order?

**Mr. Blouin:** No.



**Mr. Woolliams:** Then when Mr. Macdonald, the President of the Privy Council, on page 3587 said:

...I am advised the resolution was passed but that it was out of order.

You never told the President of the Privy Council it was out of order.

[*Interpretation*]

**Mr. Blouin:** I never even saw the leader of the House, so I could not have...

[*English*]

**Mr. Woolliams:** I see. Then he said:

Under the circumstances I take it that it is null and has no effect, but I have not examined the question.

Do you take the position that the President of the Privy Council takes?

• 1640

**The Chairman:** I am sorry, Mr. Woolliams, I missed your question. Would you like to repeat it?

**Mr. Woolliams:** My question is very simple: that the President of the Privy Council takes the position that the resolution was out of order and, in fact, he says it was null and void. Somebody has just heckled me, as I am asking the question, and said, "It is out of order", meaning my question. I would say this to you: we are trying to find out why it was left out of the report. You have given us one answer. I am not dissatisfied, but I am prepared to probe just a little further as to why it might have been left out, apart from yourself. The fact is, the President of the Privy Council says this resolution is out of order and you said that you do not agree with him. Did you ever tell him it was out of order or give him any instructions in that regard?

[*Interpretation*]

**Mr. Blouin:** I did not say I was not in agreement with him. I said I had never even seen the leader of the House, so he could certainly not have given me any instructions, since I never saw him. He never attempted in any way to influence me or to give me instructions. I never even saw him.

[*English*]

**Mr. Woolliams:** Do you suggest today, as former chairman of that Committee, that that resolution was out of order?

[*Interpretation*]

**Mr. Blouin:** No, because I had accepted this motion as Chairman of the Committee, at the very last minute of the meeting of November 28.

[*English*]

**Mr. Woolliams:** I am finished now.

**The Chairman:** Mr. Cafik?

**Mr. Woolliams:** I am sorry for taking so much time but we had quite a few interruptions.

**The Chairman:** Yes.

**Mr. Cafik:** Mr. Chairman and Mr. Blouin, I have a number of questions here. First of all, in order to get a couple of facts straight in connection with the motion made by Mr. McGrath, at the time Mr. McGrath made his motion toward the end of this meeting on transport did he ever make a motion to have this motion included in the second report to the House of Commons?

[*Interpretation*]

**Mr. Blouin:** No, not as I know of.

[*English*]

**Mr. Cafik:** Did he ever make a motion to have it referred to the Steering Committee for consideration to be included into the second report to the House of Commons?

[*Interpretation*]

**Mr. Blouin:** No, not that I know of.

[*English*]

**Mr. Cafik:** In other words, there was nothing unusual about his motion to indicate that he wanted it in the second report to the House of Commons?

[*Interpretation*]

**Mr. Blouin:** Absolutely not, that I know of.

[*English*]

**Mr. Cafik:** Now, may I ask a second question? As chairman of that Committee, and bearing in mind that the original terms of reference given to the Committee by the House of Commons were to study the revised estimates of the Canadian Transport Commission, would you consider that the motion put forward by Mr. McGrath—which was not directly related to the estimates, in my personal view—was in order and dealing with the matter before the Committee, or was it deal-



ing with a matter that was not before the Committee?

**Mr. McGrath:** It was dealing with the recommendations incorporated in the second report which opened the proceedings of that meeting.

**Mr. Cafik:** Excuse me.

**The Chairman:** Order, please.

**Mr. Woolliams:** On a point of order.

**The Chairman:** Yes, Mr. Woolliams.

**Mr. Woolliams:** He has already answered that he was of the opinion that the motion was in order, so I am really at a loss to see why you discredit your own friends.

**Mr. Cafik:** I am not discrediting. I am asking, in view of this, whether it is within the terms of reference.

[Interpretation]

**Mr. Blouin:** Mr. Chairman, if I may reply, I repeat what I stated to Mr. Woolliams. At the end of the meeting of the Committee on Transport and Communications on the 28th of November, 1968, I accepted the resolution submitted by Mr. McGrath. It was put to the vote and was approved. That resolution was thus properly in order. Only what happened is that no one in the Committee requested that it be put in the second report to the House because there were already two other resolutions which preceded that one. So that is why it was never submitted to the House. And normally, after a subsequent meeting, that resolution would have been submitted to the House in the third report. It is as simple as that.

• 1645

[English]

**The Chairman:** Just before you continue, Mr. Cafik, I want to clarify a point that was raised earlier by Mr. McGrath and Mr. Woolliams concerning the precise dates of the Subcommittee meetings that were held. Mr. McGrath, if you look at issue No. 7 of the *Minutes of Proceedings and Evidence* you will see that there was, in fact, a meeting of the Transport and Communications Steering Committee at 1.30 p.m. on November 28; that is a few minutes after your motion was passed by the committee and the report says—I think you have the minutes and can look at them—that the members present were

Messrs. Allmand, Blouin, Nesbitt, Serré and Skoberg. I do not want to read what was decided in the report; this refers, at the bottom of the page, to the meeting of the Steering Committee held on December 3 where the members present were Messrs. Allmand, Benjamin, Blouin, Carter, Corbin—no, I am sorry, this was the full Committee. This is the answer to the questions you have asked. I do not know precisely the time of the Subcommittee meeting that was held after this meeting. I am sorry, Mr. Cafik, but I wanted to clarify that point.

**Mr. Cafik:** Yes. The reason that prompted me to ask the last question about the legality of the motion put forward by Mr. McGrath is that it strikes me—and I am not a member of that Committee—that the actual resolution in the second report to the House of Commons was a resolution asking that the scope of the Committee be expanded to allow it to look into the problems and to study the problems of the Atlantic Provinces and so on. It seems to me that your resolution was to act as though the Committee had already expanded its sphere of activity.

**Mr. McGrath:** On a point of order, Mr. Chairman. The member of the Committee is giving an opinion and I submit that that is out of order. He is supposed to direct his questions to the Chair or to the witness and not give opinions to the Committee.

**Mr. Cafik:** Yes.

**The Chairman:** I am sorry, Mr. Cafik. Gentlemen, as Chairman, I would like to have you in my confidence for a few minutes. I do not think we should spend time on points like that. I would remind hon. members that the opinions you have, personally, after you have read the evidence, will be part of the report we will be making. I think we should ask Mr. Blouin, precisely, for relevant facts related to the terms of reference, that is to say, the reason for the omission. This was asked a few minutes ago and I would ask Mr. Cafik and all hon. members to please try to avoid asking the witness his opinion on any subject. We have our own opinions; we can make all the suggestions we wish to make.

**Mr. Cafik:** No, but the point I was trying to bring out, and I am not trying to express my own personal view, is whether the Committee felt it was necessary then to expand its terms of reference in order to look into these other



larger areas that are contained in your second report?

**The Chairman:** This, again, is up to the members of the Transport and Communications Committee to decide.

**Mr. McGrath:** With great respect, Mr. Chairman, the hon. member has not even read the second report; otherwise he would not put that question. The second report recommends that the Committee study the problems of transportation in the Atlantic Provinces. My resolution was related to it.

**Mr. Cafik:** Excuse me. On a point of order.

**The Chairman:** Yes.

**Mr. Cafik:** That resolution asks that the terms of reference be enlarged.

**An hon. Member:** Read it for him; he cannot read.

**Mr. Cafik:** All right, I will read it.

That the Committee report to the House asking that the scope of the Order of Reference dated October 16, 1968, be enlarged authorizing the Committee to study:

(a) Transportation problems of the Atlantic Provinces.

(b) Claims of the Great Slave Railway Company against the Canadian National Railway Company.

Now, if you already had terms of reference to do that, why would the second report have asked for those terms of reference?

[*Interpretation*]

**Mr. Blouin:** Mr. Chairman, may I reply?

• 1650

**The Chairman:** Certainly.

**Mr. Blouin:** I think that what Mr. Cafik says is true. There was a request to extend the terms of reference of the Committee so that it could go and study the problems in the Atlantic Provinces. Very well. But Mr. McGrath's resolution has nothing to do directly with the other resolution submitted previously. It was another resolution which was entirely separate. It was a third resolution.

[*English*]

**The Chairman:** Are you through, Mr. Cafik? Do you have some other questions?

**Mr. Cafik:** Just a moment, Mr. Chairman.

**Mr. McGrath:** Mr. Chairman, may I just say one thing to resolve this matter? Would the Committee give consideration to reporting to the House recommending that this resolution be incorporated in the second report? That would resolve it very simply.

**Mr. Woolliams:** Yes, what is wrong with that?

**Mr. McGrath:** Why do you want to keep this resolution out of the House?

**The Chairman:** Order, please.

**Mr. Hogarth:** I can see the Transport Committee considering that such a resolution be made but we are not on the Transport Committee, and I honestly do not quite know what the resolution, in substance, is all about. It might be perfectly valid that it go before the House—I do not know—but if I were on the Transport Committee I would certainly consider it.

**Mr. Woolliams:** Mr. Chairman, I just want to say this: It does seem to me—and I am going to speak on behalf of the Whip—that here he is being examined; this was left out of the report; we are sent here to find out, but there is a very practical suggestion. I do not like playing funny games. I did not come here to play funny games and the only reason we are here really is to find out why it was left out; really why we are here is to get it in a report and get it before the House of Commons.

Why can we not be like gentlemen and Canadians and work for the Crown the same as the rest of the nine provinces? We can rise right now and forget about it and say to the other Committee, why not be big about it and say, "we have left it out, maybe it was an accident, the way things worked out, or an omission. Put it in before the House of Commons so Newfoundland's transportation system is protected." That is all I am interested in.

Mr. Blouin and I are good friends and he knows that, and his wife is a good friend of mine and I am not going to sit on this Committee, by any means, and see him chastised by either the friends over here or friends there. The mistake that was made was not his fault. All we want is action and that is what the row is about. These gentlemen here, including Mr. Hogarth—he is talking about the rules of Parliament as if he has been here since Confederation. I would say to him,



everybody gains experience; some take longer than others and he is no exception.

**An hon. Member:** Some never learn.

**Mr. McGrath:** The second report is still before the House, Mr. Chairman, so my resolution is...

**The Chairman:** I really... Yes, Mr. Deachman?

**Mr. Deachman:** In lieu of what has just been said by Mr. Woolliams, will Mr. McGrath retract his statement of December 10 regarding this being a deliberate omission?

**The Chairman:** I am really sorry, gentlemen, but I must inform you again that we have to continue our deliberations according to the rules, and I suggest to you that we are bound by the terms of reference that were referred to us by the House of Commons.

**Mr. McGrath:** Why do you not put the suggestion I made?

**The Chairman:** I beg your pardon?

**Mr. McGrath:** Why do you not put the suggestion I made to the Committee and resolve it once and for all?

**Mr. Jerome:** Because you fellows were instructed to keep the resolution out of the House.

**An hon. Member:** No, I am sorry...

**An hon. Member:** Mr. Chairman, I...

**The Chairman:** Order, please!

**Mr. Jerome:** Mr. Chairman, I wonder if members might be able to agree at this stage that we have finished with the witness. I think that that would be a positive step.

**An hon. Member:** No, I would...

**The Chairman:** I am sorry, Mr. Jerome, but I have a list of hon. members who indicated to me that they wanted to ask questions of Mr. Blouin.

**Mr. Jerome:** I simply wanted to suggest at this time, Mr. Chairman, that it seemed even those who were most actively engaged in questioning the witness—and I believe their questions were not only active but quite proper—covered the field very thoroughly in their questions of the Clerk, initially, and of Mr. Blouin today.

As a result of those questions it is clear to me, at least, that we have arrived at the answer to the question we were instructed to determine and at this stage I suggest to hon. members of the Committee that we have now got the answer and I do not know what more questioning will accomplish. I realize that you, the Chairman, want to ensure that everybody has a chance to speak, but in the interests of expediting this enquiry it seems to me that the reason has been clearly given. Everybody understands it and repeating the same questions over and over again is really not going to benefit any of us.

• 1655

I would also remind the members of this Committee, as I did earlier in the proceedings, that there is now a Standing Committee on Procedure and Organization and if members of this Committee, as I think some of them do, feel aggrieved by virtue of the fact that something was left out—they feel aggrieved; whether or not they place any blame on an individual member of the House they feel aggrieved—surely the proper thing to do would be for this Committee to report its reason, which is now plainly evident, to the House which would complete the matter before this Committee.

Then if it were necessary to take this matter further it could be put before the Standing Committee on Procedure and Organization with the request that the procedure of committee work which is going to become increasingly important be reviewed by that committee in the light of determining some rules as to what should and what should not be included in reports to the House from standing committees and the manner in which this should be done.

**Mr. McGrath:** Mr. Chairman, the honourable gentleman's point is very well taken, but he left out a very important part. He still has not suggested how we are going to dispose of this resolution. Is it to be left in limbo? I will bring it to a head. I move a motion. I am going to make a motion, Mr. Chairman.

**The Chairman:** I am sorry, but before you make a motion I want to recognize other hon. members who want to ask questions. They have the same privileges that I have already allotted to others, and at this time I recognize Mr. Skoberg.



**Mr. Skoberg:** Mr. Chairman, at the last meeting of the Committee of Privileges and Elections I attended it was suggested that possibly the House Leader could be asked to attend as a witness. I am just wondering whether or not this was followed up by the steering committee, particularly when you read the statement that he made in the House, and under the circumstances I take it that it is null and has no effect. Mr. Macdonald said:

**MR. MACDONALD (Rosedale):** I have not studied this; I am advised the resolution was passed but that it was out of order.

Mr. Chairman, I would ask whether or not the steering committee did take into consideration this statement?

**The Chairman:** If I may answer this, I would like first to tell hon. members that it might have been logical for this Committee to hear Mr. Macdonald if any of the witnesses we have heard had either suggested or intimated that Mr. Macdonald had anything to do with the presentation of the report that has been referred to us, but since both Mr. Normand and Mr. Blouin say that at no time did they have any communication with Mr. Macdonald before this report was tabled in the House, I really believe that at this time it is quite useless for us to have Mr. Macdonald because we cannot speak for what happened after December 3. We can speak only on the terms of reference and the reasons why this motion was not included in the report tabled in the House on December 3.

If you want a legal opinion, Mr. Ollivier is here. I do not mind, if it is the wish of the members of the Committee, our having Mr. Macdonald here to give his own legal opinion, but we have here the Parliamentary Counsel of the House of Commons.

**Mr. Skoberg:** If I may add something, Mr. Chairman, and then I will finish, there is no question at all that Mr. Blouin believes that the motion we have before us is quite in order. That was the end, as far as I am concerned, of Mr. Blouin. He has fulfilled his obligation to this Committee here as far as a witness is concerned but the statements of Mr. Macdonald, as recorded on page 3587 in *Hansard* on December 6...

**The Chairman:** What date?

**Mr. Skoberg:** December 6, 1968, page 3587, is exactly the question that we have before us

29207-2½

at this particular time. He said that this was not in order. Now, who told him it was not in order and why did he say it in the House of Commons? I believe he is the man who should have the answer...

**The Chairman:** Yes, Mr. Skoberg, but I still repeat again, what does it have to do with the reason why the motion presented by Mr. McGrath was not included?

**Mr. Skoberg:** This is exactly the question Mr. Macdonald should answer to this Committee and not Mr. Blouin.

**The Chairman:** I do not think it is in the terms of reference that we have to deal with.

**Mr. Skoberg:** Did the steering committee decide against having any witnesses other than Mr. Blouin?

**The Chairman:** We did not decide against having any witnesses but personally this is the opinion I have and I really believe in good faith that we must remain within the terms of reference under which we have to act; otherwise there is no use in having any meeting. Mr. Normand and Mr. Blouin have both given their evidence before us and since neither Mr. Normand nor Mr. Blouin had ever been in touch with Mr. Macdonald before this report was tabled, I think it is useless and outside our terms of reference to have Mr. Macdonald give his legal opinion on what he thinks about it. We are here for this.

• 1710

**Mr. Woolliams:** May I speak to this, Mr. Chairman, before you make such a categorical ruling. Mr. Macdonald says this:

**MR. MACDONALD (Rosedale):** I have not studied this; I am advised...

Now we have the statement of Mr. Blouin. In any kind of committee or any kind of board or hearing if someone says "I am advised" which would appear... Mr. Blouin said he did not advise him.

**An hon. Member:** No.

**Mr. Woolliams:** I am not saying he did but somebody has advised him and I want to know who advised him, when he was advised and what is this kind of advice that caused the problems we have today.

**MR. MACDONALD (Rosedale):** I have not studied this; I am advised...

**The Chairman:** Mr. Woolliams, I will allow you to ask these questions of Mr. Ollivier, if he wants to answer.



**Mr. Woolliams:** I want Mr. Macdonald here and if you are ruling against me, then do you know what we have done? We have just wasted my time and the Committee's time and everybody's time because there must be something somebody is hiding. Why are you, as Chairman, making a categorical ruling before we have even made a submission?

**The Chairman:** I am sorry, Mr. Woolliams. I am not making any ruling. I would just like to repeat what I have already said; that I strongly believe that within the terms of reference we have to study and as Chairman of this Committee, that with the reference made by Mr. Skoberg to hear Mr. Macdonald we will lose our time completely, because it is completely out of order in a sense that what Mr. Macdonald could have said on December 6, since neither Mr. Normand nor Mr. Blouin had ever talked to him before the tabling of this report, is completely irrelevant of the terms of reference we have.

**Mr. Woolliams:** With the greatest respect, I disagree with you.

**Mr. Jerome:** Mr. Chairman, I am prepared to test this by putting a formal motion before the Committee at this time that subject to any further questions of Mr. Blouin, this Committee receive no further evidence because it has already answered the question it set out to answer and that it rise and report to the House of Commons. I am prepared to put that motion and have it tested.

**Mr. McGrath:** Report what?

**Mr. Jerome:** Report the answer that it has received to the question, which is the reason the motion was left out is because—the answer given by the Chairman and the Clerk—the Clerk in preparing the draft report did not include the motion and the Chairman was not of the opinion that it would be included.

**Mr. McGrath:** Is that a motion?

**Mr. Jerome:** Yes it is.

**The Chairman:** If there is a motion it has to be put in writing, but while you make it I would...

**Mr. McGrath:** If that is a motion I will move an amendment, Mr. Chairman.

**Mr. Woolliams:** We have no seconder yet.

**An hon. Member:** We do not need a seconder.

**Mr. Hogarth:** For those of us who have not been here since Confederation, we learned that at one of these meetings.

**Mr. Allmand:** Mr. Chairman, I have a supplementary question.

**The Chairman:** Yes, Mr. Allmand?

**Mr. Allmand:** Just to clarify some things with the Committee, I would like to...

**The Chairman:** I am sorry, Mr. Allmand; you are not a member of this Committee.

**Mr. Allmand:** No, and I...

**The Chairman:** Before I can hear you I think it would be appropriate to hear some other members that have requested...

**Mr. Allmand:** It is very brief and it would clarify a lot of things.

**The Chairman:** I am sorry, but...

**Mr. Allmand:** I am the one who told Mr. Macdonald it was out of order.

**The Chairman:** However, I ask Mr. Fortin.

[*Interpretation*]

**The Chairman:** Mr. Fortin?

**Mr. Fortin:** Thank you, Mr. Chairman. I have some questions to put to Mr. Blouin and also to Mr. Ollivier, who, I think, will not only enlighten me, but also certain members of this Committee.

Mr. Blouin, was the contentious resolution presented or not?

**Mr. Blouin:** What do you mean by "presented"?

• 1705

**Mr. Fortin:** The one Mr. McGrath has spoken of.

**Mr. Blouin:** He submitted his motion to the Committee and as Chairman of the Committee, I accepted it. It was put to the vote and the motion was passed. The proceedings were in order.

**Mr. Fortin:** Thus, you are saying two things: the resolution was presented, and it was adopted by the majority.

**Mr. Blouin:** Yes.

**Mr. Fortin:** And the resolution was in due form.



**Mr. Blouin:** Yes.

**Mr. Fortin:** Mr. Ollivier, in the proceedings number 7, Tuesday, December 3, we read on page 7—4:

#### REPORT TO THE HOUSE

Tuesday, December 3, 1968.

The Standing Committee on Transport and Communications has the honour to present its

#### SECOND REPORT

And then it says:

Your Committee recommends that its Order of Reference be enlarged, etc.

Mr. Ollivier, from your experience, without prejudicing the present debate, could you explain to me how it is, first of all, that this recommendation be there? Without necessarily naming the author, where does it come from? And, when it is presented, how does one decide whether or not it is in accordance with regulations, and how does one decide whether it can be submitted to the House or not? Is my question clear?

**Dr. Ollivier (Law Clerk and Parliamentary Counsel):** Yes, your question is clear. I will begin from the end. You asked me whether the question was in order or not. I was convinced that it was not in order, but I did not go to the Committee to state that. As Mr. Allmand, later on stated verbally to Mr. Macdonald, that I did not believe that this motion was in accordance with regulations. On the other hand, even if the motion were not in order, it does not contravene the regulations because of the fact that it was adopted by the Committee and no one has objected to it. That does not mean, however, that I am convinced that it should have been in the second report.

At the meeting of the 28th of November, we considered the resolutions that had been adopted on the 26th of November, I believe, by the Steering Committee, and then they were adopted. And after these resolutions were adopted and sent back again to the Steering Committee for drafting of the report, another motion was adopted. But this other motion did not go any further because no one proposed that this resolution be sent to the Steering Committee, that it be drafted in due form and then submitted to the House.

**Mr. Fortin:** Let us keep to that, Mr. Ollivier. If I refer to page 7-6 in the same proceedings report, I read as follows:

December 3, 1968—Mr. Warren Allmand,  
—That the resolution passed at the meeting of the Standing Committee on Transport and Communications—

The said resolution read as follows: "be now rescinded." And I put the same question to you as I did a minute ago, concerning this resolution. What makes it acceptable and such that the Chairman is obliged to submit it to the House or not? Do you understand my question?

**Dr. Ollivier:** Yes. The Chairman would be obliged to submit to the House those reports that were adopted. When a Committee has ceased its sittings, a subcommittee is set up, a Steering Committee which is to write down in due form all the resolutions that had been adopted and which the Committee intends to have reported to the House. On November, 28th, there was a study of what the Steering Committee had previously adopted, and these two resolutions were reported to the House in: *The first report of the Subcommittee on Agenda*. It was those two paragraphs that the Committee had to consider and report to the House and everyone was in agreement. Subsequently, at the very end of the sitting, a new resolution was adopted that of Mr. McGrath. I do not think it is important to know whether that resolution was in order or not. I am convinced it was not in order and I said so to Mr. Macdonald and perhaps also to Mr. McGrath.

As that resolution was adopted at the last minute, it was not sent to the Steering Committee to be written up and to be reported. No one proposed this. This does not mean that it could not have been part of a subsequent report. But there was no need for it to be included in the report of that particular day.

• 1710

[English]

**Mr. McGrath:** According to that the whole report is out of order.

**The Chairman:** Mr. McGrath, I still recognize Mr. Fortin. He has some other questions.

[Interpretation]

**Mr. Fortin:** Thank you, Sir.

Mr. Ollivier, I am asking you a very clear and specific question: In a Committee, do you need to have a definite request for a resolu-



tion to be submitted to the House through the Chairman?

**Dr. Ollivier:** No, unless the Committee decides that it must be part of the report. Actually, there must be two motions: a motion to adopt a recommendation of a regulation, and another motion to propose that it is included in the report to the House.

**Mr. Fortin:** Now let us deal with the contentious point, Mr. Chairman. When I ask for a vote, in Committee, is this a specific request to have the subject of that vote submitted to the House? In this specific case, the vote was six against five. That is excellent, it comes to the assistance of the transport industry in Newfoundland. But this is not the problem. According to parliamentary procedure, does that vote not necessarily mean that it's outcome must be submitted to the House?

**Dr. Ollivier:** No, there are good many votes taken in Committee that are not reported to the House. You can adopt any number of recommendations in a Committee and then decide to form a Steering Committee entrusted with preparing the report that will then be approved. Thus, on November 28, resolutions were adopted that had been adopted in previous sittings. Then it was said that these resolutions must be part of the report, then this was put to the vote and decided accordingly. Thus, these resolutions were voted on twice. The first time, when they were drafted, and the second time, when it was decided that they would appear in the report. Now, the final resolution was adopted at the very last minute, and I understand that the Steering Committee met about half an hour later.

**Mr. Fortin:** My last question, Mr. Chairman, and it is for Mr. Blouin. At the very outset, Mr. Blouin told you that two other resolutions had been submitted at the same meeting, which was proof of your good faith. Would you please tell me exactly when you were asked by the Committee to refer these resolutions to the House?

**The Chairman:** Page 72.

**Mr. Blouin:** On page 72. Thank you for your assistance, Mr. Chairman. If you refer to page 72, Mr. Fortin, in volume 6, there is a very explicit statement. Mr. Douglas, first of all, states:

That is what I was going to ask. I understood you were going to ask for an order of the House to permit us to deal with these claims.

He dealt with the previous resolutions.

[English]

**The Chairman:** Yes, Mr. Schreyer?

**Mr. Schreyer:** On a point of order, I would like to have read to the Committee the exact motion that was moved by Mr. McGrath and which was voted on and passed.

**The Chairman:** It is at the end of the...

**Mr. Schreyer:** It is on page 100.

**Dr. Ollivier:** I have it here.

**Mr. Schreyer:** I would like to have it read from the minutes.

**Dr. Ollivier:** Yes. It reads:

Resolved,—That the Canadian Transport Commission be requested to postpone the implementation of its decision to abandon railway service in Newfoundland until such a time as the Committee travel to Newfoundland to study the transportation problems of the Atlantic Provinces.

**Mr. Schreyer:** Mr. Chairman, has it occurred to you that there is no reference at all in that motion to the Committee making a reference to the House of Commons. I know what Mr. McGrath's intentions are, but where in this motion that was voted on is there any reference to the Committee asking the House for any kind of expansion of authority?

**The Chairman:** Mr. Schreyer, this is precisely the point that Mr. Fortin wanted to ask Mr. Blouin about.

**Mr. Schreyer:** The reason I ask that, sir—and I am still on this point of order—is that if you look at the motion that Mr. McGrath was going to move, which appears at page 107 of the Minutes of November 28, you will see that the motion he intended to move, and which he read to the Committee was never put to a vote. It was quite a different motion that was put to a vote.

**Mr. Allmand:** What column does that appear in?

**Mr. Schreyer:** It appears in the right-hand column on page 108. There you will see the actual motion that was voted on and passed.

• 1715

This motion, of course, makes no reference to the House of Commons. There is no require-



ment by the Committee to include it in its report to the House of Commons. There is nothing there, and therefore I do not see what the question of privilege is.

**The Chairman:** I agree.

**Mr. Schreyer:** On the other hand, if Mr. McGrath had moved his first motion and it had passed and had not been included in the Committee report, I would say there was a question of privilege. I therefore think it is important that we note very clearly that it is quite a different motion that was finally put to a vote. There is nothing in the motion that requires the Committee...

**Mr. McGrath:** If you read the report you will see that it refers to transportation in the Atlantic provinces.

**The Chairman:** Order, please. Are you finished, Mr. Schreyer?

**Mr. Schreyer:** I have read the minutes.

**Mr. McGrath:** Obviously you have not.

**Mr. Schreyer:** On a question of privilege, Mr. Chairman, the hon. member says I have not read the minutes. I was in the Committee until November 28.

**The Chairman:** You raised this point, Mr. Schreyer, and I think it might be wise, before we make our report to the House, if we were to first study this matter and decide if there has been any breach of privilege and to explain the reasons this resolution which was presented by Mr. McGrath was not included in the report. This is the very point we have to decide. It might be part of our deliberations within the next few minutes if we can finish with the witnesses, and both Mr. Fortin and Mr. Blouin have some questions to ask of Dr. Ollivier.

[*Interpretation*]

**Mr. Fortin:** I had a question, and when I was interrupted, the witness wanted to reply. Can he now reply?

**Mr. Blouin:** I was going to say to Mr. Fortin, Mr. Chairman, that it is clearly mentioned here, it was I who replied to the Chairman of the Committee on Transport and Communications as follows:

Yes, we are. Next Tuesday a report will be presented to the House.

Then, Mr. Nesbitt, who was also on the Committee, said:

I presume, then, that between now and Tuesday, Mr. Chairman, the first report of this Committee will be prepared for submission to the House and that it will contain a request to have a hearing on the claims against the CNR concerning the Great Slave Lake Railway and also a request that the Committee, at some date agreed by the House, visit the Atlantic Provinces?

I replied:

That is correct. That report will be presented to the House on Tuesday. Is that agreed?

The Committee was in agreement. Everyone agreed, and I did as follows: I presented those two resolutions in the second report to the House of Commons.

**Mr. Fortin:** So, the resolution that does not appear in the second report—and in my opinion, it should not—is not there because such a procedure was not followed in the case of this resolution. Is that so?

**Mr. Blouin:** That is correct.

**Mr. Fortin:** Thank you, Mr. Blouin.

[*English*]

**The Chairman:** Gentlemen, does anyone have any further questions to ask? Mr. Hogarth.

**Mr. Hogarth:** I have a question. Mr. Blouin, I will be very brief. As you probably do not know except by reference to the evidence, the Committee met again on Friday, December 6, which was apparently the day before that you had been removed from the Committee by reason of your illness. Is that correct?

**Mr. Blouin:** That is correct, yes.

**Mr. Hogarth:** Has any other reason been given to you why you were taken off that Committee?

[*Interpretation*]

**Mr. Blouin:** No, never. I left hurriedly because I had a haemorrhage. I was very concerned and I went to see my physician who put me in the hospital. And I advised the whip's office that I would be absent. There was absolutely no other reason beside the illness itself.

[*English*]

**Mr. Hogarth:** It was substantially at your request then that you be removed because of your illness. Is that correct?



**Mr. Blouin:** That is correct.

**Mr. Hogarth:** I am referring to page 151 of the Minutes of December 6 of the Transport and Communications Committee, and this is what was said by one of the hon. members there:

—Now how can we proceed when your government fired the Chairman by last night by removing him from the Committee.

I take it that you were not fired.

[*Interpretation*]

**Mr. Blouin:** As far as I know, I was not dismissed from the Committee.

[*English*]

**The Chairman:** I am sorry, Mr. Hogarth, but this is part of the Minutes of the Transport and Communications Committee and I do not think it would be appropriate for us to enter into all of the discussions that took place in that Committee.

• 1720

**Mr. Hogarth:** Except, Mr. Chairman, there is an allegation here that this man was removed for what was evidently subsequently referred to as hanky-panky, and I just want to clear the man's reputation. I do not know, perhaps there is some evidence that we can get to show that there was hanky-panky, or something. I want to know from the Chairman if he was fired or not.

**The Chairman:** I agree with your point, but it might be taken some other place. For the time being, please...

**Mr. Hogarth:** Mr. Chairman, we have gone over this thing from stem to gudgeon, so to speak, and with the greatest respect, this man's reputation was very much in issue that day and it is my respectful opinion that we should get that cleared up, because I do not think it is proper that such allegations be made unless they can be substantiated in fact. I want to find out from the witness if there are any facts to substantiate the suggestion that he was fired.

**The Chairman:** I would recognize this question if this matter had been referred to us by the House of Commons. However, I realize that we must link ourselves with our terms of reference, and after we have got through the reason this resolution was not put in the second report which was tabled in the House

on December 3 we have finished what we have to do. If we go into this it will generate into a large debate. If you feel that Mr. Blouin was wrongly accused of anything, I think he can defend himself at any time in the House of Commons...

**Mr. Hogarth:** I would not want to have to put him in that position.

**The Chairman:** I am sorry, Mr. Hogarth, but...

**Mr. Hogarth:** All right.

**The Chairman:** ...in all fairness I will have to hold this question for the moment.

Are there any further questions?

[*Interpretation*]

**The Chairman:** Thank you, Mr. Blouin. I hope we haven't unduly hurt your feelings?

**Mr. Blouin:** Think nothing of it, Mr. Chairman.

[*English*]

**The Chairman:** Gentlemen, I have a motion I wish to read. If it is moved by Mr. Jerome: That this Committee report to the House of Commons pursuant to the terms of reference of the Order of the House dated Tuesday, December 10, 1968, on the basis of evidence received at this date.

Do you have a seconder, Mr. Jerome?

**An hon. Member:** Sir, you do not need a seconder.

**The Chairman:** I also have an amendment by Mr. McGrath to Mr. Jerome's motion, which reads: That the resolution dealing with rail passenger in Newfoundland adopted by the Standing Committee on Transport and Communications be included in the Committee's second report now before the House.

Mr. McGrath?

**Mr. McGrath:** I would point out, Mr. Chairman, that the Committee's second report is on today's Order Paper.

**The Chairman:** Yes, I agree with you on that. Had I the right to do it I would perhaps act otherwise than to rule this amendment to the motion out of order.

**Mr. McGrath:** Mr. Chairman, may I speak to my amendment?

**The Chairman:** Yes.

**Mr. McGrath:** My question of privilege, in the first instance, and my resolution before the Committee on Transport and Communica-



tions on November 28 were not, as some people might suggest, with a view to creating mischief. It was a resolution that was passed after a long and exhaustive examination of the estimates of the Canadian Transport Commission and of the President of the Canadian Transport Commission, in relation to a decision that the Commission had made allowing Canadian National Railways to phase out the passenger service of the entire Province of Newfoundland, which happens to be the province from which I come.

I, my colleagues and those on the Committee who supported that resolution would like to have it come before the House so that it can be dealt with by the House.

The matter is of some urgency. The Committee on Transport and Communications is going to Newfoundland, in its tour of the Atlantic Provinces, on Sunday, February 16. The resolution calls for withholding the implementation of that decision until the Committee goes to the Atlantic Provinces. Consequently, it has some urgency.

I hope the members of the Committee will look at it in that light, and that you, sir, will allow that amendment to stand. To my mind, this would be the only reasonable way to dispose of my question of privilege.

**The Chairman:** Mr. Schreyer, have you a comment on the amendment?

• 1725

**Mr. Schreyer:** Yes, Mr. Chairman, I want to say very briefly that I support Mr. McGrath's amendment even though we have had some harsh words here.

**Mr. Cafik:** Mr. Chairman, on a point of order...

**The Chairman:** Just a moment; Mr. Schreyer has the floor.

**Mr. Schreyer:** I support the amendment because I think it is logical that the Transport Committee should recommend to the House and to the Canadian Transport Commission that there be no change in transportation services in Newfoundland until after the Transport Committee has had an opportunity to visit Newfoundland and to look at the transportation services there.

For that reason it is, in my opinion, logical to support the amendment.

**The Chairman:** Yes, Mr. Murphy?

**Mr. Murphy:** How is it possible for us to speak to an amendment that is out of order.

**The Chairman:** No; I want to hear from honourable members speaking on the amendment, and then I will make my ruling.

**Mr. Murphy:** I thought you had made the ruling?

**The Chairman:** Yes, I made the ruling, but I allowed Mr. McGrath to make some remarks in explanation of the amendment. Mr. Schreyer?

**Mr. Schreyer:** I support the amendment, because it is logical to do so, in my opinion, but that does not mean that I consider there is to be any legitimate question of privilege before this Committee. I really do not.

**The Chairman:** Yes, Mr. Murphy?

**Mr. Murphy:** Mr. Chairman, no matter what my views on Mr. McGrath's amendment I feel that had he sought to have the matter he raises in his amendment determined by this Committee he should have made it a part of his motion in the House. He did not.

I may be wrong—I am a newcomer here, as earlier described by Mr. Woolliams—but from what little I do know I am sure that had he made that point a part of his motion before the House the Speaker would not have ruled on it as a question of privilege to be determined by this Committee.

Consequently, I do not think that this Committee should attempt to expand its own terms of reference to permit a discussion of this amendment by this back door method when we would not have been given that right by the Speaker in the House.

**The Chairman:** Order, please. I have heard the remarks made and the arguments put but I must repeat that it is not within the scope of our terms of reference to do here what perhaps some other committee could do.

You, Mr. McGrath, are a member of the Transport and Communications Committee. This amendment could be valid there. But if you read again the terms of reference under which I—

**Mr. McGrath:** Of course, we had to move a motion in Committee to get it passed; we have already moved it once, and it has been passed once.



**The Chairman:** Order, order. I think I have listened with great indulgence to members' comments.

**Mr. McGrath:** So have I.

**The Chairman:** Gentlemen, I have to state again, as Chairman of the Committee, that I must rule your amendment out of order, for the reason I was going to give—and I will repeat it—that this motion could be valid some other place but we have to act within the terms of reference that were referred to us by the House of Commons, and with your motion, Mr. McGrath.

If you want some action taken by the Transport and Communications Committee you can go and ask them, but the only thing we have to deal with here is the reason for your motion, passed by the Committee at the end of its deliberations on November 28, not being included in the report tabled in the House on December 3. You have heard the evidence.

I have the motion, and I will read it again: That this Committee report to the House of Commons pursuant to the terms of reference of the Order of the House dated Tuesday, December 10, 1968, on the basis of evidence received at this date.

**Mr. Jerome:** Mr. Chairman, if I may speak to that motion, the purpose of it is to take us back to the terms of reference of the Order of the House of Tuesday, December 10, 1968, which as we have heard repeated *ad nauseam* up to this point, was to inquire into the reason for the omission of the resolution from the second report of the Committee on Transport and Communications.

The reason to my putting that motion before you now is because it is my respectful opinion that we have found that reason. We have found it in clear and unequivocal language in the answers of the Clerk and in the answers of the Chairman of the Committee. Having found that, I think it is the duty of this Committee to stop now, because we have completed that inquiry. We have our answer, and I think we should make our report.

• 1730

I would hasten to add, Mr. Chairman, that I do not wish, nor do I intend in any way, to abrogate any of the privileges of any of the members of this Committee or of any of the members in the House. We were given a job to do, which was to find a reason. We have

found the reason. Now I believe we should report it to the House. It seems to me that there are certain grievances that have been expressed here which do not die with the report of this Committee. This Committee simply finds a fact and makes its report. Upon the tabling of our report in the House of Commons there may very well be certain members of the house who feel that they have a point of privilege to express to the House, based on the answer contained in our report. If that is the case, then they are certainly free to do so. Furthermore, there are certain actions or recommendations that members can make respecting future proceedings of committees, because Mr. McGrath has raised the very legitimate question, in my personal opinion of how many times he has to move a motion before it gets contained in the report. I do not know. I do not know that and I am sure we should know it, because we are going to do an increasing volume of extremely important work in committees and when we do, I am sure all of us will want to know whether, when a motion is moved, we have to do something other than simply move and carry the motion in order to get it in a report. If we do, what is it?

I really do believe that we have completed the inquiry that we were instructed to conduct. We have found the reason and the proper thing for us to do is to conclude our work and report to the House; and then and there any members who are aggrieved I hope will be encouraged to take the matter through proper channels to find the answers that they want to find which I am sure will enlighten all of us. That is the reason I feel my motion is proper at this time. I really do believe that we have finished our work and that we should report to the House and let those who wish to carry it further from there.

**Mr. Woolliams:** I appreciate the argument that my good friend has made. It is the most logical one this afternoon. There is only one thing that bothers me and I come back to it. We are all members and we should belong to the greatest gentlemen's club there is in Canada, the House of Commons. I am not here to cross-examine or say there may be some question of anyone's credibility, particularly when he is a member of the House of Commons, and particularly when he is a friend of mine. But it does bother me—and I am serious about this—that here is the House Leader, a Privy Councillor, President of the



Privy Council, who says:—I have not studied this; I am advised the resolution was out of order." When the President of the Privy Council made that statement in the House of Commons I got the feeling and I still draw the inference from those words—whatever they mean I do not know—that someone had advised him the resolution was out of order, and naturally I thought that was why it was dragged out of the report and not put in. Now Mr. Blouin has said that in his opinion may be that is not the case—from what he knows about it. But this I would like to know from Mr. Macdonald: who advised him, when he was advised and why he made that statement at page 3587 of December 6. He is a Privy Councillor. It would not take long and I thought the Steering Committee was going to call the President of the Privy Council. It agreed to do so and now he is not here today and I will support that motion providing Mr. Macdonald is called and I think everyone will. We want to get this thing over with. I do not like playing games, but I want to know. I want to know who advised him and what part he had to play in this. He may say: "Well, look. I spoke in a hurry. We all do that; we all make mistakes. I did not mean that it was out of order in that shape. I was talking to some lawyer or someone and I did not know all the terms and conditions of what went on in the Committee." If he says that I will accept Mr. Macdonald's word. But in the meantime he says: "Here I was advised the resolution was out of order," leaving the impression that was why it never got in the report.

My hon. friend over there said he is satisfied. I will be satisfied if Mr. Macdonald tells me. Whatever his answer is I am prepared to accept it as a Privy Councillor.

• 1735

Some of my friends across there have opposed this. If there is nothing wrong and you have nothing to hide—and I do not think we have anything to hide and I do not think you have—you are leaving the impression, in my opinion—and I hope I am wrong—that there is something, that you people are running these Committees because you have a majority—and I am going to speak my mind today—and sweeping these things under the table. There may be nothing wrong with what has happened in this Committee at all, Mr. Chairman. There may be nothing wrong in the fact that the resolution got left out, but I

do not think we can come to that conclusion until the President of the Privy Council has passed that and I ask you, Mr. Chairman, to ask your Steering Committee before you put that motion, because the motion is going to pass. I know exactly how these boys line up. That is why I object to the change in the rules; that is the only reason. It would not be any different if a government other than the Liberal Government were in. I would say to your Conservative members, "You would likely be doing the same thing", or NDP members, or Social Credit members. And I am coming to grips...

**Mr. Fortin:** Not Social Credit members.

**Mr. Woolliams:** Well, you would behave as human behaviour.

Mr. Chairman, surely when I was given to understand that the President of the Privy Council would be called, I want to know why he is not called; and if my hon. friends object to it, would they mind telling me why they object, because there is an inference here that he was advised and he dragged it out of the report.

**The Chairman:** Order, order. Mr. Woolliams, just one moment, please. A few minutes ago I made some comments about the desirability of having Mr. Macdonald. With the evidence we already have it is, in my view, completely useless to have Mr. Macdonald here, but I personally, as Chairman of this Committee, have no objection whatsoever to having Mr. Macdonald called if he had anything to do with the tabling of this report.

I want to express to you in all fairness, in all frankness, that I personally have no objection to calling Mr. Macdonald and asking him some relevant questions about whether he had anything to do with the tabling of this report or with the drafting of this report. But I felt and I still feel that since we have heard both Mr. Normand and Mr. Blouin state that they had nothing to do with Mr. Macdonald, that they did not get in touch with him, that he did not speak to them, there is no use in having Mr. Macdonald appear before the Committee.

[Interpretation]

**Mr. Fortin:** Mr. Chairman, on a point of order. Mr. Ollivier spoke a while ago to Mr. MacDonald and he replied to my question by saying that he had advised Mr. MacDonald. So, I wish to go back to that point. I do not necessarily agree with what the previous



speaker said, but I wish to remind you what...

[English]

**Dr. Ollivier:** I imagine that practically every case that happens has happened before. I was looking for something the other day in *Hansard* but I found something else. On May 2, 1966, Mr. Frank Howard raised the point—he did not raise it under a question of privilege, but he raised it at the late show, that he had made a motion before a Committee, the motion had been agreed to unanimously but had not been reported to the House. And the question of advising came in. I will not read the whole thing because it takes a few minutes, but I will read about three paragraphs of it. Mr. Howard said:

Some two months ago I moved that the committee report to the house, and that the Canada Elections Act be referred to it for study. That motion of mine was carried unanimously in the committee. There was not a whisper of objection to the idea that we should complete the examination begun in 1963.

We waited in vain for the committee to report. The chairman, the hon. member for Northumberland-Miramichi (Mr. McWilliam) who is not here this evening, said in answer to one question of mine that someone had objected to the proceedings of the committee. But this was a unanimous decision. So we must ask ourselves: Who objected, and for what reason?

I will try to make that a little shorter. Then he says:

I submit that it is for that reason the government has refused to carry out the unanimous recommendation of the Privileges and Elections Committee of 1963, that the government has interfered with the privileges of the committee, and did it by having the committee stymied through the chairman. I submit that this has been an unwarranted intrusion into the affairs of the committee.

Now Mr. Bechard, who was then Parliamentary Secretary to Miss LaMarsh, answered:

Mr. Speaker, on Tuesday, March 1, 1966, at the organization meeting of the Committee on Privileges and Elections a motion was made, as stated by the hon. member for Skeena (Mr. Howard), in substantially these words, "that the Cana-

da Elections Act be referred to the committee for study, examination and report."

Then these last words, Mr. Béchard said:

Well, I am told by the chairman of the committee that it was raised, due to the fact that the act was not referred to the committee by the house. The chairman of the committee then requested opinions on the matter, not from the Prime Minister (Mr. Pearson) or the Secretary of State (Miss LaMarsh), but from the Clerk of the House, the parliamentary counsel and the chief of the committees branch. These three officials stated in writing to the chairman that the committee acted beyond its terms of reference.

Since then the chairman of the committee has requested space for the accommodation of another meeting, at which time the opinion of the officers of the house will be brought before members of the committee for consideration and action. I must state that there was no interference by the Prime Minister, the government, or any member of the government.

In this case I myself gave an opinion to Mr. Macdonald. I did not give a written opinion, but I just met him in the hall—and I met some other members too—and said to him that I thought that motion was out of order. I am still willing to debate that, but I do not think it is before the House. Another point is that even if this motion is reported to the House, and is carried in the House, it will not allow you to travel to Newfoundland. You would have to have a new order of reference to the Committee. Even if you accept the report, if it is accepted unanimously in the House, it will not allow you to travel. You will have to have a new reference to the Committee allowing you to travel from place to place.

**Mr. McGrath:** We have that, Dr. Ollivier.

**Dr. Ollivier:** Yes, I know you have had it since, but you did not get it by accepting the report.

[Interpretation]

**Mr. Fortin:** As I was saying a minute ago, on the point of order...

**The Chairman:** Mr. Fortin, would you please wait the time it will take to deal with one question only.



[English]

**Mr. Hogarth:** In the light of Dr. Ollivier's explanation, are you insisting that Mr. MacDonald be called?

**Mr. Woolliams:** No, I will accept Dr. Ollivier's statement. It would have been, in my opinion...

**The Chairman:** Would you speak up close to the microphone, please, Mr. Woolliams.

**Mr. Woolliams:** Excuse me. I will accept Dr. Ollivier's statement if he advised Mr. Macdonald, and if he advised him after the report was filed. That is an answer to this situation. As far as I am concerned I am quite happy about that. But it does seem to me—I want every member to think about this because I am going to be short and I hope you agree with me—as far as I am concerned I do not know of anything I have ever done when I get on these standing committees that I do not think we are trying to build rules to fence ourselves in. We say “this term of reference”, “that term of reference”, “you cannot do that”. We are out here to actually try and govern the country and help the government. These committees—and I back up my honourable friend—have never functioned in the 12 years I have been here. That is my opinion.

I know when we were the government, I know what went on then, and I am not being critical of the government. But it is human nature to stand together like you fellows have this afternoon. If we were the government we would likely be doing it. And as long as you have got committees like that, that is why—and I am maybe using a very rude term—I call this the most “Kangaroo Court”—and that includes myself because I am here—that I have ever taken part in. And that is what is wrong with the committees.

I wish that we could get a different kind of fellowship, that we could get down to the facts and do the job. I am not from Newfoundland as you know, but here they did pass a resolution. They want to have the Committee look into something that is going to happen and happen very soon, so that those people in Newfoundland have railways, have transportation. Or if they do not have railways, have substitutes that will be set up when the railways are taken off. And yet we are wasting time fighting each other on something we want for the good of all Canada,

and there is not one of you who do not agree with me right now.

[Interpretation]

**The Chairman:** Mr. Fortin.

**Mr. Fortin:** Mister Chairman, you said a while ago that Mr. MacDonald had not been advised.

**The Chairman:** I didn't say that. I am sorry if I did not express myself clearly, but I never stated that. I simply repeated what Mr. Normand and Mr. Blouin had said. Both said that in no circumstances did they get in touch with Mr. MacDonald before the report was tabled in the House, and that it was only time lost to ask Mr. MacDonald about the legality of the report. That is what I stated and nothing else.

**Mr. Fortin:** All right.

[English]

**The Chairman:** I want to read the motion first.

**Mr. McGrath:** Mr. Chairman, we are not all trained seals. I did not mean to say that, but you guys do not care about the people who will suffer.

**The Chairman:** Order, please. Before I put the motion I think it would be advisable for us to have some opinion from Dr. Ollivier as to what we have to decide, because this matter has been referred to us as a question of privilege. And with all respect to the motion, we have to decide, I think, if there is a question of privilege. I think it would be appropriate for us to hear from what we should consider our expert.

**Mr. Jerome:** Mr. Chairman, the purpose of my motion was not in any way to restrict what we may do with this report, and I think that that might be a subject for continuing and very meaningful discussion. I simply wanted to establish that we set out to find an answer; we had found it; and it was time to report. Now we might have discussion for quite some time over quite a number of meetings as to what should be contained in the report.

• 1745

**Dr. Ollivier:** I will be very short. I think this was raised in the House as a question of privilege and the Speaker decided that there was a *prima facie* case of privilege. Therefore, I do not think we should drop that. I



think the first thing that this Committee should decide is whether there is a question of privilege or not, because that has not been decided; that has not been resolved. And after that you could answer the second question that was put directly by the order of reference, namely, why the resolution was not reported to the House. That is as simple and as short as I can put it.

**Mr. MacGuigan:** Mr. Chairman, may I ask what the effect of this motion would be. Is the effect of it that we hear no more evidence and that we proceed to discuss what would be in the report, as Dr. Ollivier has suggested?

**The Chairman:** If you want to put your suggestions before the members of the Committee as to what should be contained in the report, we might have to adjourn and have the steering committee make a draft report and submit it to another meeting, maybe tomorrow afternoon or Thursday morning, to have this report approved by the whole Committee.

**Mr. Hogarth:** May we have the question on this motion? There is no need for that motion to be . . .

**Mr. McGrath:** I do not think we need to put the motion. I think we generally agreed not to call any more witnesses. So why put the motion?

**Mr. Cafik:** Let us put the question, Mr. Chairman, and at least we can establish whether we are making some progress.

**The Chairman:** Would you then, if everyone agrees, pass the motion and decide to

refer it to the steering committee for drafting in the report?

**Mr. Hogarth:** I might add to that motion. What does it say?

**The Chairman:** It states:

That this Committee report to the House of Commons pursuant to the terms of reference of the order of the House dated Tuesday, December 10, 1968, on the basis of evidence received at this date.

**Mr. Hogarth:** “. . . and that the steering committee prepare a draft thereof.”

**Mr. Skoberg:** I conclude from that that it will come back here, though, to be authorized by the full committee?

**The Chairman:** Yes, to approve the report.

**Mr. Skoberg:** And this still is not satisfying, though, what Dr. Ollivier has suggested here, as yet.

**Mr. Hogarth:** We will have that in the nature of the report.

**The Chairman:** I am advised, Mr. Hogarth, that we do not have to put in the motion the fact that it has to be referred to the steering committee. I think it should be agreed then that we report to the steering committee by tomorrow, and then we will have another meeting on Thursday morning. So I will put the motion, gentlemen. All those in favour of the motion? All those opposed.

Motion agreed to.

**The Chairman:** The meeting is adjourned until Thursday.





which has been going that this Committee should decide is whether there is a question of privilege or not, because that has not been decided, that has not been resolved. And since that you could answer the second question that was put directly by the order of reference, namely, why the resolution was not reported to the House. That is as simple and as short as I can put it.

Mr. MacGilligan: Mr. Chairman, may I ask what the effect of this motion would be. Is the effect of it that we hear no more evidence and that we proceed to discuss what would be in the report, as Dr. Ollivier has suggested?

The Chairman: If you want to put your suggestions before the members of the Committee as to what should be contained in the report, we might have to adjourn and have the steering committee make a draft report and submit it to another meeting, maybe sometime afternoon or Thursday morning, to have this report approved by the whole Committee.

Mr. Rogatch: May we have the question on the motion? There is no need for that motion.

Mr. MacGilligan: I do not think we need to put the motion. I think we generally agreed not to call any more witnesses. So why put the motion?

Mr. Coffin: Let us put the question, Mr. Chairman, and at least we can establish whether we are making some progress.

The Chairman: Would you then, if everyone agrees, pass the motion and decide to

refer it to the steering committee for drafting in the report?

Mr. Hogarth: I might add to that motion. What does it say?

The Chairman: It states:

That this Committee report to the House of Commons pursuant to the terms of reference of the order of the House dated Tuesday, December 16, 1954, on the basis of evidence received at this date.

Mr. Hogarth: "... and that the steering committee prepare a draft thereof."

Mr. Skoberg: I conclude from that that it will come back here, though, to be authorized by the full committee?

The Chairman: Yes, to approve the report.

Mr. Skoberg: And this still is not satisfying, though, what Dr. Ollivier has suggested here, as yet.

Mr. Hogarth: We will have that in the nature of the report.

The Chairman: I am advised, Mr. Hogarth, that we do not have to put in the motion the fact that it has to be referred to the steering committee. I think it should be agreed then that we report to the steering committee by tomorrow, and then we will have another meeting on Thursday morning. So I will put the motion, gentlemen. All those in favour of the motion? All those opposed?

Motion agreed to.

The Chairman: The meeting is adjourned until Thursday.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

MINUTES OF PROCEEDINGS

STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, APRIL 17, 1969

Concerning

Vote 45 relating to the Chief Electoral Officer.

WITNESS:

*(See Minutes of Proceedings)*

THE QUEEN'S PRINTER, OTTAWA, 1969



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

- |  |            |            |
|--|------------|------------|
| <sup>2</sup> Benjamin,                 | Jerome,    | Peddle,    |
| Cafik,                                 | Laflamme,  | Richard,   |
| Cantin,                                | Lundrigan, | Ritchie,   |
| Forest,                                | Marceau,   | Trudel,    |
| Fortin,                                | MacGuigan, | Valade,    |
| Gervais,                               | Murphy,    | Woolliams. |
| <sup>1</sup> Howard ( <i>Skeena</i> ), | Nielsen,   |            |

(Quorum 11)

Michael A. Measures,  
Clerk of the Committee.

Pursuant to Standing Order 65(4) (b),—

<sup>1</sup> Mr. Howard (*Skeena*) replaced Mr. Skoberg, on February 13, 1969.

<sup>2</sup> Mr. Benjamin replaced Mr. Schreyer, on February 13, 1969.

Concerning

Vote 45 relating to the Chief Electoral Officer.

WITNESS:

(See Minutes of Proceedings)

## MINUTES OF PROCEEDINGS

THURSDAY, April 17, 1969.

The Standing Committee on Privileges and Elections met this day at 11.18 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Cafik, Forest, Fortin, Hogarth, Laflamme, Murphy, Richard, Ritchie, Sullivan (9).

*Witness:* Mr. J. M. Hamel, Chief Electoral Officer.

The Committee questioned the Chief Electoral Officer concerning Vote 45.

At 12.04 p.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.



MINUTES OF PROCEEDINGS

THURSDAY, April 17, 1908

The Standing Committee on Privileges and Elections met this day at 11:18 a.m., the Chairman, Mr. Ovide Latham, presiding. Members present: Messrs. Calk, Fortin, Hovarth, Latham, Mr. Fox, Richard, Ritchie, Sullivan (?).  
Witness: Mr. J. M. Hamel, Chief Electoral Officer.

The Committee questioned the Chief Electoral Officer concerning Vote 18. At 12:04 p.m., the Committee adjourned to the call of the Chair.  
Edouard Thomas, Clerk of the Committee.

Michael A. Leachin,  
Clerk of the Committee.

Present by Standing Order: (1) Mr. Hovarth on February 15, 1908.  
Mr. Hovarth replaced Mr. Richard on February 15, 1908.

## EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 17, 1969

OFFICE OF THE CHIEF  
ELECTORAL OFFICER

|   |           |
|---|-----------|
| Expenses of elections including the salary of the Chief Electoral Officer ..... | \$372,680 |
| 45 Salaries and Expenses of Office  | \$171,000 |
| Total ..  | \$543,680 |

• 1112

**The Chairman:** Gentlemen, is it agreeable that while we are waiting for a quorum we start with Mr. Hamel, who is the Chief Electoral Officer? Then, as soon as we have a quorum, we can have a motion to have those minutes—Is this agreeable?

**Some hon. Members:** Agreed.

**The Chairman:** First, I would like to inform you that yesterday we had a meeting of the Steering Committee whereby we decided to proceed today with the estimates of the Chief Electoral Officer, first and which, I think, we can finish by the end of this meeting. Next week we could start with the case referred to us by the House of Commons and raised by Mr. John Roberts. After we have dealt with the Roberts case, then we could proceed on Thursday next with the matters referred to us by the Leader of the House, Mr. Macdonald. We first have to study the advisability of having a permanent electoral list and second, the Election Act and the four matters in the way it was agreed by the House we should proceed.

I think it is appropriate for those who do not know him, for me to introduce Mr. Jean-Marc Hamel, the Chief Electoral Officer. At our last meeting in the fall, when we studied the estimate for the earlier year Mr. Hamel was asked if he could get the figures for the total cost of the last general election on June 25. Mr. Hamel has prepared complete and detailed figures of those costs by constituency in both English and French and I would ask if they could be distributed.

• 1115

Before we deal with these figures, if you have any questions to be asked of Mr. Hamel, we will, first, proceed with the estimates of the Chief Electoral Officer which you can find on page 357 of the Blue Book, Vote 45.

I will ask Mr. Hamel if he has any comments he would care to make.

**Mr. Jean-Marc Hamel (Chief Electoral Officer):** Merci, Monsieur le Président. Good morning, gentlemen. It is not exactly a statement that I wish to make. I believe, though, I should provide you with some additional background information regarding the estimates of my Office as they appear on pages 357 and 358 of the Blue Book, or for those of you who have this White Book, they are on pages 58, 60 and 61.

You will notice that our budget is divided between two main headings or, as we call them now, activities, namely Administration, which includes the salary of the Chief Electoral Officer—this constitutes one activity—and Expenses of Elections, which is our second activity.

I cannot see that there is some rationale in this presentation since there is considerable overlapping between the two activities or between the two main subjects. However, it has to be presented in this way because the Canada Elections Act as it presently reads provides only that in addition to any sums payable to the Chief Electoral Officer, only the fees and expenses of election officers as well as the expenses incurred for the purchase or printing of election material can be paid out of the unappropriated Consolidated Revenue Fund. Other amounts, that is, amounts required for the payment of the salaries of the staff of the Chief Electoral Officer including the additional staff required at periods of peak activities as well as expenses of administration, have to be appropriated. I



said that there is over-lapping between the two activities, so if you wish, I could later on give you some examples if you are interested.

• 1120

For 1969-70, in the budget that is now for your approval—that is on page 58 of the White Book and 358 of the Blue Book—there is an amount of \$171,000 to be voted while it is indicated that we might—I insist on the word “might”—spend \$350,000 on expenses of elections, that is on statutory items, that latter figure cannot be forecast with any degree of accuracy because there are too many unknown factors over which we have absolutely no control, such as for instance, the number of by-elections that may have to be conducted or the quantity of election material or supplies that will be purchased during the year. I may say that I do not intend to purchase any supplies this year because of the possible changes that might be recommended by the Committee following the study of Mr. Castonguay's report.

For last year, 1968-69, and this is something, I believe, that I must point out, if you look at the book there is an amount of \$165,000 mentioned there as the expenses of administration, but that amount had to be supplemented by an amount of \$170,000 which was granted by the Treasury Board out of the Department of Finance contingencies vote when the general election was called. As I mentioned earlier, the staff has to be paid out of appropriation and since we could not foresee last year that there was going to be a general election, we just budgeted for a regular year. Therefore, we had to go to the Board to obtain additional funds at the time the general election was called, so this \$170,000 will not be found in the book because it was in the estimates of the Department of Finance.

[Interpretation]

As the Chairman told you earlier, you asked me last year to prepare a detailed report on the cost of the last general elections. Copies were distributed. It should be stressed that the amount of \$170,000 that I mentioned a while ago does not appear in this report. In fact, the report includes only statutory expenditures. But since the salaries and current expenses of the office were not included in the Estimates and since these are fairly current expenditures, I did not feel it was necessary to include the additional amount obtained from the Treasury Board for the salaries of supplementary staff.

The last detail, if you will allow me, Mr. Chairman and gentlemen, the complete report, the detailed report of the last general elections, let us say the report I must prepare according to paragraph 6 of Section 56 of the Act, was released by the printers last Monday and I presume that you received a copy during the week.

• 1125

Mr. Chairman, gentlemen, that is all I have to say now. If you have questions, I will be very pleased to try and answer them to the best of my knowledge.

**The Chairman:** Thank you very much Mr. Hamel. Mr. Forest?

**Mr. Forest:** Mr. Hamel, could you give us an idea of your staff for the last election, for this year and for next year?

**Mr. Hamel:** My regular staff is composed of 21 people, 22 including myself. To conduct an election, we have to hire at least one hundred extra people. In fact, during the last election, we hired altogether 140 people. However, some were there for only two weeks or three weeks. This is simply at our headquarters.

As far as electoral districts are concerned these people are paid from statutory funds and their salaries are included in the 13 odd million dollars shown as election cost.

**Mr. Forest:** You are talking only about returning officers?

**Mr. Hamel:** Not only returning officers, but also election secretaries, deputy returning officers, poll clerks, enumerators, revision officers, in other words all the many people who are needed for elections. These people are paid from the statutory item.

Those I hire at headquarters are not paid with the statutory fund. As soon as the election is started, I must apply to the Treasury Board to obtain supplementary funds. These funds are obtained from the Finance Contingencies item, an item for unexpected situations. This is a non-refundable item. This is why I did not have to submit supplementary estimates. Thus this amount does not appear in my estimates even if it is money I have spent. It was spent from the budget of the Finance Department and not from my budget. This may seem paradoxical, but this is the actual case.



**The Chairman:** Mr. Fortin?

**Mr. Fortin:** Mr. Chairman, I presume this will appear in the report from the Department of Finance?

**Mr. Hamel:** Yes, it will appear from the total amount of the item called the Financial Contingencies; I do not know the French translation. It is quite a large item of about \$100 millions, I believe, and is intended for contingencies.

**Mr. Forest:** Normally, this year or next year, your staff will be about 20 people.

• 1130

**Mr. Hamel:** Yes, that is right.

**Mr. Forest:** And when there are no elections, what kind of a job do you do?

**Mr. Hamel:** First of all, to clean up an election takes about a year. The amendments or modifications to the Act which we intend to suggest require quite a lot of work, of drafting and printing. There are by-elections which we cope with. There are elections in the Northwest Territories and the Yukon for which I am Chief Electoral Officer. However these elections are at fixed dates. They were held last in 1967; therefore they will take place in 1970. We also have to prepare for the next General Election, to review all material available, what we have to purchase and also to see what improvements can be brought about in this material, etc.

**Mr. Forest:** In the years between elections, such as this year and next year, do the returning officers remain on your staff? Do they review lists or polling districts in their electoral constituencies?

**Mr. Hamel:** The returning officers, as they are called in the Act, are appointed on a permanent basis, but they are paid only when they do a specific job. I believe it would not be right to ask for them to review their districts when we know that the next election won't take place next month.

This means probably that in 1970 or 1971 these returning officers will have nothing to do except accounts which might still be outstanding, some problems which might catch our attention from the last election, as there are things which are brought to our attention at any time, but they are not paid at all. They have no fixed fees between elections; they don't have to review their districts every year, as in some provinces. They review their

districts only when I ask them to do so. And I ask them to do so when I feel that it is useful or necessary, either before a by-election, for example if a member resigns or if a vacancy occurs in the House of Commons. If we believe there should be a review, then I ask the returning officer to review his districts at that time and as close as possible to the general election coming. With the population movements we have, particularly in urban centres, if it is done one year prior to a general election, this really creates trouble and problems.

[English]

**Mr. Ritchie:** I have some questions on the printing of voters' lists and the remuneration, which may not have been adequate. I would like to ask how you arrive at this. I presume there is a variation in printing costs throughout the various parts of the country and so on. How do you assess the reimbursement of the cost of printing the voting lists? Also, can you tell me if you had any complaints about this?

**Mr. Hamel:** If I understand correctly you are dealing with the printing of the preliminary lists of electors?

**Mr. Ritchie:** Yes.

**Mr. Hamel:** Pursuant to section 60 of the Act, we have what we call a tariff of fees established by the Governor in Council and we have a standard tariff throughout Canada. The printers get a certain amount of money per name on the list, and there is no difference between one area of the country and another. There is only a slight difference in the process used by the printer, it is 16 cents per name if he uses a certain process and 18 cents per name, if he uses another process.

We did not have problems during the election, if I may say so, in the sense that to my knowledge no returning officer had any problem whatsoever finding a competent printer to print his lists. We had the odd complaint after the election to the effect that our rates were not adequate, particularly in some areas of the country; for instance, in large urban centres where the salaries that the printers have to pay are probably much higher than in smaller centres or in rural areas.

• 1135

I may say that we definitely intend to have a look at the tariff of fees before the next general election, and, if necessary, to try to



obtain some expert advice on the best system to compensate adequately the printers responsible for printing our lists. Perhaps I should add that the returning officer is responsible for the selection of the printer. I have nothing to do with this; he selects. The only direction he gets from me—it is in his instructions—is that he should select a printer in his electoral district or near his electoral district; a printer who is competent and has the equipment to do the job required of him.

**Mr. Ritchie:** I do not know much about printing, but do you know if there is a variation in the normal pricing between large centres or is this fairly standard across the country?

**Mr. Hamel:** At the moment our rates are uniform across the country.

**Mr. Ritchie:** You do not actually set these rates. Did you mention by whom they are set?

**Mr. Hamel:** They are set by Order in Council.

**Mr. Ritchie:** Oh yes, but you can set them yourself; that is, you suggest that such and such a fee be considered adequate, is that right?

**Mr. Hamel:** That is correct.

**Mr. Ritchie:** You are going to have a look at them for the next time around?

**Mr. Hamel:** That is correct.

**Mr. Ritchie:** Thank you.

**The Chairman:** Mr. Cafik?

**Mr. Cafik:** Thank you, Mr. Chairman. May I direct a question to the witness in respect of this 1968 general election break-down that has been presented to us this morning? I am looking at the column of returning officers services and expenses. Not being too familiar with this aspect of government, I would like to know why there is such a large difference in certain ridings. For instance, many of them are in the \$5,000 to \$6,000 category and two or three in the Province of Ontario, for instance, that are up in the \$10,000 range. From my experience I cannot see that they are any larger ridings; one is, but one does not appear to be any larger in number. How is that amount determined?

**Mr. Hamel:** The basic fee of the returning officer is based on the number of names on the list of electors. He gets, all in all, I think about 11 cents, 11½ cents per name on the list, plus in urban areas \$1.50 per polling division for his travelling expenses. In rural areas he is reimbursed the actual expenses incurred in travelling in his district for selecting and appointing his enumerators, selecting and appointing polling stations and deputy returning officers and so on.

The main variance would probably come from the difference in the number of names on the list of electors. By and large the number of electors per polling division does not vary that much so in terms of travelling expenses in urban areas there should not be that much difference between two districts which have approximately the same number of electors. Normally they should have approximately the same number of polling divisions; therefore, on that item the returning officer should get approximately the same fee.

Of course, it is quite understandable if you look at York Scarborough, for instance, which has probably twice as many electors...

**Mr. Cafik:** That is understandable.

**Mr. Hamel:** Yes. To take an extreme example, of a rural area it is quite normal for the returning officer in the Northwest Territories to spend quite a lot on travelling expenses because the only way he can get to different places in his district is by chartering aircraft and this is a very expensive mode of travelling. However, this is the only way of travelling, he has no choice. In other places he may use his own car, or some returning officers will travel much less than others. They will mainly do their work over the telephone, or they have people who will do the selecting in various areas in their districts; they will make the appointments and then whoever is appointed will be sworn in by the postmaster or a notary or a lawyer or a commissioner.

• 1140

**Mr. Cafik:** Is the returning officer responsible for all the staff that he may hire during the course of the election? Is that paid for out of his amount of reimbursement, or is that an additional charge?

**Mr. Hamel:** No, it is paid out of an allowance we give him. There is an item in our tariff of fees whereby he gets, I think, four and a half cents for his clerical assistance



plus two cents or two and a half cents for addressing envelopes when mailing preliminary lists of electors to electors.

Some returning officers will hire a small staff on more or less a full-time basis. Others will hire a greater staff, but for very short periods of time. I even know of a few returning officers who used the facilities of some specialized schools, for instance, for addressing envelopes to mail preliminary lists of electors to the electors in his district, or business schools, for instance. But, this is paid out of the allowance we give him for that purpose.

**Mr. Cafik:** What sort of controls do you have on his travel? What controls do you have? Is there a certain allowable mileage allowance, perhaps a certain number of miles he is allowed to travel depending on the nature of his riding or is this just left wide open?

**Mr. Hamel:** He has to submit a detailed account of his travels; in other words, where he went. He may perhaps add the odd mile here and there, but if there is any exaggeration I think it is quite easy for us to pick it up. If he has a relatively small district and he claims he travelled 25,000 miles I think it is quite evident there is something wrong somewhere.

Furthermore, if he happens to spend more than a day travelling he will have to claim for his meals, also, if he spends a night somewhere he has to provide us with a voucher for his hotel. I do not think I am naive enough to say that we can control to the last penny, but I think we can exercise a reasonably adequate control over this kind of travelling.

**Mr. Cafik:** Thank you.

[Interpretation]

**The Chairman:** Mr. Fortin?

**Mr. Fortin:** Thank you, Mr. Chairman. I would like to ask a few questions to the Chief Electoral Officer. I don't know if other people did, but as far as our party is concerned, I had occasion to speak very often to the Chief Electoral Officer during the last electoral campaign and almost everywhere in Quebec. And every time I found out that his services were tremendous, excellent, quick and efficient. Since I am a member of this Committee, I shall congratulate him and his team for all the excellent work he has done. And

it is not enough to criticize, we should also congratulate when congratulations are in order.

Now, I would like to ask a few questions about printing costs of the preliminary electoral lists and official voters' lists.

I am under the impression, Mr. Chairman, I would not like to say anything gratuitously, but what is your opinion about this? As for myself, I feel there is a lot of waste, first of all as far as electoral lists are concerned. Secondly, it has come to my knowledge that many errors have been found because in the

• 1145

many ridings where I have worked, this has been the case.

Thirdly, I have the feeling that the printers selected, are not always the most able ones and always belong to the right party. I think there is a lot of freedom left to the returning officers. During the election, when a complaint has to be made to the returning officers, sometimes we are turned back and told: "You are wrong". Then, nothing else can be said.

I think there is too much freedom given to the returning officers as to the choice of printers. I have some cases in mind, for instance, where two printers could very well do the work. One is a Conservative and the other one is a Liberal. Very often, if the returning officer belongs to the Liberals, the choice is automatic. It does not matter if they have better personnel or better equipment.

On what then is this choice based? Is it left entirely to the freedom of the returning officer? When complaints are made as far as the preliminary or official lists are concerned when errors are found or . . . I even found that complete streets had been forgotten for instance. We had to fight at the last election, in certain Quebec ridings, to have these streets included in the electoral lists.

I think everybody agrees a bit about this, maybe not to the same extent. I think that this question should be cleared up because there seems to be a leak of funds, some waste and people who are profiting at the expense of other people.

**Mr. Hamel:** Mr. Fortin, I thank you for your kind words on my behalf and also on behalf of my personnel who have been quite worthy.



In so far as the problems of printers are concerned, and which you have mentioned, it is in the Act stated quite clearly that the choice of the printer is left to the returning officer. Is there a more efficient way of doing this? I would say that prima facie, there doesn't seem to be any. The returning officer is in a much better position to judge the qualifications of the printers in his riding. If we had only one province or a rather small territory to look after, I think we could do much better. But when you have to operate on the scale of Canada, it is quite hard for us to judge the qualifications of a specific printer. Moreover, time is very limited. If the returning officer has to send his printing outside of the district, whatever the distances right away there are problems, because he will be using time which he should devote to other functions.

When you say that whole streets were missed, as far as missing names of streets or what have you, it may not be the fault of the printer. It could be the fault of the enumerators.

**Mr. Fortin:** Yes.

**Mr. Hamel:** On this subject, it is quite difficult to speak in general terms because the error may have several causes: It may be neglect on the part of the enumerators. As you know, most of those acting as enumerators are efficient, but some of them do not take this work seriously. It may be also a problem arising from the descriptions prepared by the returning officer, not that the descriptions are not complete, but that they are not understood by the enumerators. Also the returning officer may not have had sufficient time to have all the information and instructions given to the enumerators.

This is a very complex question, I think. We are trying to convince the returning officers that they should give adequate instructions to the enumerators. I think most of them are doing this quite well.

• 1150

One last thing comes to my mind. During the last election, the proportion of errors was greater I think than in previous general elections, because this was, in fact, the first election based on the new electoral map. You know, like I do, that the Representation Orders of 1966 has completely changed the electoral map of Canada, a change which has been unknown in the past. I take, for

instance, your riding which I know very well, I think the difference between Lotbinière today and Lotbinière riding in 1965 is great. Let's say that they differ completely. In urban areas, I think it was even more evident. I believe this is why the frequency of errors was higher than in the past.

**Mr. Fortin:** Thank you, Mr. Chief Electoral Officer, about this precision on the enumeration, i.e. everything about the enumeration or the location of electors, in order that they will be voters on orders, do you not think that there should be a revision of all this system so that every voter is treated equitably?

**Mr. Hamel:** I think the question will be studied, presumably, when you will study the report of the Representation Commissioner on the establishment of a central file. If the decision of the Committee and of the House is to continue with the procedure we have now, I presume that we shall have the opportunity to study the present system and to amend it if necessary. There will be certain changes which could improve the present system. At first glance, I do not believe I can propose some specifically. There might be a way of improving for instances the actual revision procedure of lists, especially in urban areas. In rural areas, it is not so serious because the voters which are omitted from the list, apart from feeling somewhat neglected, can still vote under section 46 of the Act, if he is put under oath and accompanied by a witness. In cities, if he is not on the list, he cannot vote. Maybe we could improve our present revision procedure in the sense that we could give it a little more publicity than at present. This is one question I will leave to your discretion for consideration and suggestions. I know that in certain provinces or certain large municipalities, newspapers are used, for instance, to notify voters if their name is missing from the list or if they believe that certain names are missing. These people can contact the returning officer or his deputy, so that the list can be corrected.

At this time, the only method provided is what we call revision notices, which are official documents posted in post office and other public buildings. But, as you know, less and less people go to the post office, especially in cities. So, very few people see these notices. Maybe the procedure could be improved in this regard.



**Mr. Fortin:** In conclusion, Mr. Chairman, I believe that it will be pretty hard to visit the post offices in the future since the Postmaster is closing them.

**The Chairman:** If you will allow me a supplementary question to that of Mr. Fortin. As far as errors are concerned in the voters list, you have referred to the description of the polling divisions. They have to enumerate. If I remember right, you give instructions to your returning officers in each district to describe the polling division sometimes before the election. How much time?

**Mr. Hamel:** This is about what I was saying a while ago. If this could be done right before the election, it would be ideal. However, we

• 1155

do not know at what precise time the election will take place. Let us take the example of 1968, for instance, we asked for a complete revision after the redistribution that is in the fall of 1966 and in the winter of 1967. As a result, the descriptions of districts which were used in 1968 had been established a year at least before the election. But at that time, a lot of changes were made; streets could have changed names or be renumbered. For instance, the Quebec or Niagara Falls areas, during the revision of the districts, there were no structures, no existing structures. When the election was called, the returning officer was reminded that some people were living there now. With my permission a new polling district was established and, once the enumeration is completed, we find 980 persons in this area, where, at the time of the revision, there was nobody living there. And this happens everywhere throughout Canada, in the centre of Vancouver or in the Vancouver area, it is the same.

What we are trying to do, therefore, is to make a revision of those districts, as far as possible to election time. But, this is not always easy to guess the time of the election. We do not want to be caught with descriptions 3 or 4 years old. Quebec people, for instance, know that returning officers must, under the Act, revise their district every year, whether there is a forthcoming election or not. Naturally, this is very costly, but it has certain advantages. In other provinces, the procedure is not the same.

You have talked about descriptions a moment ago, and I talked about this, in relation to the errors on the voters lists. We ask

the returning officers to prepare descriptions as short as possible and as clear as possible. However, it is difficult to give precise instructions, because, what seems to be understood by everyone in one province, may be meaning less for another province. In 1966, for instance, if you look at the description of the electoral district in Newfoundland. I, for myself, do not understand the thing and yet people in Newfoundland understand it. Because, there are a latitude and meridiens in Newfoundland. And for the people in Newfoundland this is quite understandable. But, in other areas, in the west for instance, we make use of lots, numbers of lots which is not done in the Maritimes or in Quebec or Ontario.

So, the only general instruction that we can give to returning officers is to prepare descriptions as clear and as concise as possible, so that everybody understands them.

[English]

**The Chairman:** Are there any more questions? Mr. Forest?

[Interpretation]

**Mr. Forest:** Do all the returning officers throughout the country pass sometimes in Ottawa to learn the trade.

**Mr. Hamel:** In practice, we feel that it is necessary for a new returning officer to spend 3 days, here in Ottawa, three days, during which a little bit of the Act is explained to him, his responsibilities and of course the financial aspect of the election, the expenses to which he is entitled, the expenses that we pay directly and that are acceptable to us etc.

• 1200

To give you a concrete example, since the new electoral map of 1966, a lot of returning officers, who were already working in other ridings, have been named in new electoral districts. They already had the experience of 2 to 5 previous elections. These people were called to Ottawa, but for one day only, because they knew their trade already. The only thing we had to explain to them was their new electoral district, the boundaries, for instance, what it was composed of, the number of voters in that riding, the number of people coming from other ridings, the parts of his district which were transferred to another riding, etc.

**Mr. Forest:** As far as the boundaries of the ridings are concerned, I understand this does not depend directly on you, but on the Representation Commissioner. Do you make



recommendations to him in the light of your experience? For instance, during the last election, you found out that certain polls or municipalities were divided in an unpractical way. Do you make any recommendations to him for the next election in respect of the boundaries of the riding?

**Mr. Hamel:** Officially, no. And I doubt very much that the Commissioner himself may make recommendations, because the boundaries are the responsibility of each Provincial Commission. Under the present Act, the Commissioner is a member of those commissions. Each commission is absolutely autonomous. And this was established by the Act passed by Parliament in 1964, but each commission, established for each of the provinces, is absolutely autonomous. The Representation Commissioner, himself, is only a member of these commissions. And, I think this is entirely their role.

**Mr. Forest:** Would it be right to say that there could be changes in the boundaries of the ridings only after the next census?

**Mr. Hamel:** This is the way I understand it, yes, because the commissions do not exist at the moment and only the commissions can make changes.

**Mr. Chairman:** Mr. Fortin?

**Mr. Fortin:** As far as the candidates' expenses are concerned, whether they win or lose, they are obliged to publish a report of their electoral expenses or at least to submit one. First, could you tell me if they are compelled to publish this report? If so, is reimbursement provided for those expenses? Do you believe that it is fair for reporting officers, for instance, to select one particular newspaper to publish those electoral expenses, sometimes even the most expensive newspaper around, when it is the candidate who...

**Mr. Chairman:** This is paid by the candidate.

**Mr. Fortin:** This is paid by the candidate, but did you have any problems about this situation?

**Mr. Hamel:** No, there are no problems that I know of. Anyway, if you look at the Elec-

tions Act, the publication of the candidates' expenses is strictly up to the candidate and the returning officer. I have no powers under the Act, no responsibilities under the Act. The candidate must produce a summary of his expenses and submit it to the returning officer for the purpose of publication in a newspaper. The cost of this is at the expense of the candidate, it is a part of his expenses, he is not reimbursed for that. Moreover, if the candidate submits a report to the returning officer, but does not assume the cost of the publication, the returning officer is not obliged to publish the candidate's report. He is obliged to publish it only if the candidate accepts to pay the costs.

**Mr. Fortin:** Then, if the candidate refuses to pay the costs, the report can be produced without being published?

**Mr. Hamel:** Yes.

[English]

**Mr. Cafik:** In that particular case is the candidate or the member violating any law by refusing to pay?

**Mr. Hamel:** Yes, in a sense he is because the Act says that he shall provide the returning officer with a summary of his expenses for publication in a newspaper.

**Mr. Cafik:** But does the Act say he must also provide the funds to publish it?

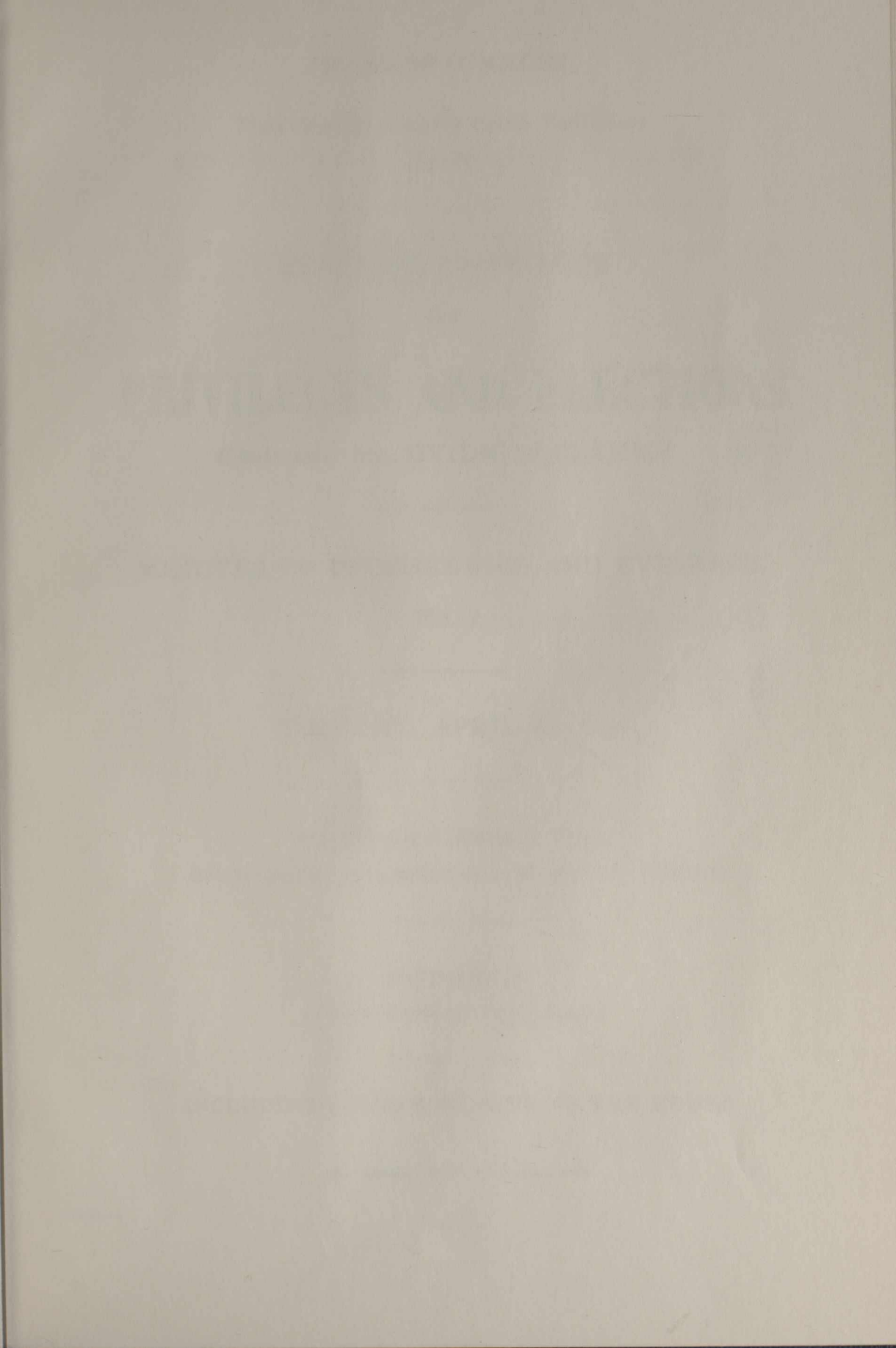
**Mr. Hamel:** Yes.

**Mr. Cafik:** All right, thank you.

**The Chairman:** At our next meeting, when we have a quorum I will call the various items in the estimates for a vote since we have heard Mr. Hamel and, I think, completed our questioning on these particular estimates. We have to review the possibility of a permanent electoral list and make a complete review of the Canada Election Act, so we will be in touch with Mr. Hamel, again. If there are any more questions on his estimates they can be asked at that time. Thank you very much, Mr. Hamel.

If there are no more questions then I think I will adjourn the meeting.

Thank you very much Mr. Hamel, and also to your assistants. The meeting is adjourned.







HOUSE OF COMMONS

First Session, Twenty-eighth Parliament

1924

STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFLAMME

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

TUESDAY, APRIL 22, 1924

Subject: Report of the Committee on Privileges and Elections

PRINTED  
BY THE QUEEN'S PRINTER

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HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

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TUESDAY, APRIL 22, 1969

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Vote 45—Chief Electoral Officer

Subject-matter of question of privilege—Mr. Roberts

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WITNESSES:

*(See Minutes of Proceedings)*

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INCLUDING FOURTH REPORT TO THE HOUSE

The Queen's Printer, Ottawa, 1969



HOUSE OF COMMONS  
First Session—Twenty-eighth Parliament  
STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Ovide Laflamme

*Vice-Chairman:* Mr. James Jerome  
and Messrs.

|            |                       |                   |
|------------|-----------------------|-------------------|
| Cafik,     | <sup>1</sup> Marceau, | Schreyer,         |
| Forest,    | Murphy,               | Skoberg,          |
| Fortin,    | <sup>2</sup> Nielsen, | Sullivan,         |
| Hogarth,   | Peddle,               | Trudel,           |
| Lundrigan, | Richard,              | Valade,           |
| MacGuigan  | Ritchie,              | Woolliams — (20). |

(Quorum 11)

Edouard Thomas,  
*Clerk of the Committee.*

Pursuant to Standing Order 65(4) (b),

<sup>1</sup> Mr. Marceau replaced Mr. Goode on April 17, 1969.

<sup>2</sup> Mr. Nielsen replaced Mr. McGrath on April 17, 1969.

WITNESSES:

(See Minutes of Proceedings)

INCLUDING FOURTH REPORT TO THE HOUSE

ORDER OF REFERENCE

Thursday, February 20, 1969.

Ordered—That Vote 45 relating to the Chief Electoral Officer be referred to the Standing Committee on Privileges and Elections.

ATTEST

ALISTAIR FRASER

The Clerk of the House of Commons

OMNIA FIDELIA

On motion of Mr. Richard,

Resolved—That item 45 of the Order of Reference to the Chief Electoral Officer be carried and that it be referred to the House.

The Chairman read the Committee's Order of Reference of Thursday, March 27, 1969, relating to the question of privilege asked by Mr. Roberts.

The Chairman reported that he had been requested to remove the words "Strictly Confidential" from a letter from the Honourable Tom McEvoy, dated March 20, 1969.

On motion of Mr. Nadeau,

Resolved—That the now declassified letter be placed in part of today's proceedings. (See Appendix B).

Mr. Roberts gave a statement and was questioned.

Dr. Officier gave a statement and was questioned.

Mr. Connell reviewed the action of the Treasury Board with respect to Mr. Roberts' case.



REPORT TO THE HOUSE

Wednesday, April 23, 1969.

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

FOURTH REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered Vote 45 listed in the Main Estimates for 1969-70 relating to the Chief Electoral Officer.

Your Committee commends it to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 6 and 7*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,  
*Chairman.*

[Text]

## MINUTES OF PROCEEDINGS

Tuesday, April 22, 1969.

(8)

The Standing Committee on Privileges and Elections met at 11:24 a.m. this day, the Chairman, Mr. Laflamme, presiding.

*Members present:* Messrs. Benjamin, Cantin, Forest, Fortin, Jerome, Laflamme, Marceau, MacGuigan, Peddle, Richard, Ritchie, Sullivan.—(12)

*Also present:* Mr. Clermont, M.P.

*Witnesses:* Mr. John Roberts, M.P.; Dr. Maurice Ollivier, Parliamentary Counsel; Mr. J. P. Connell, Assistant Secretary (Personnel), Treasury Board.

On motion of Mr. Sullivan,

*Resolved*,—That the evidence of the meeting held Thursday, April 17, 1969, with less than a quorum present, be accepted and printed.

On motion of Mr. Richard,

*Resolved*,—That item 45 of the 1969-70 Estimates relating to the Chief Electoral Officer be carried and that it be reported and commended to the House.

The Chairman read the Committee's Order of Reference of Thursday, March 27, 1969, relating to the question of privilege raised by Mr. Roberts, M.P.

The Chairman reported that he had been authorized to delete the words "Strictly Confidential" from a letter from the Honourable Jean Marchand to Mr. Roberts, dated March 20, 1969.

On motion of Mr. Marceau,

*Resolved*,—That the now declassified letter be printed as part of today's proceedings. (*See Appendix B*).

Mr. Roberts gave a statement and was questioned.

Dr. Ollivier gave a statement and was questioned.

Mr. Connell reviewed the action of the Treasury Board with respect to Mr. Roberts' case.



The witnesses were questioned.

On motion of Mr. Jerome,

*Resolved*,—That the Committee sit *in camera* at its next meeting.

At 12:58 p.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,  
*Acting Clerk of the Committee.*

## EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, April 22, 1969.

● 1124

The Chairman: Gentlemen, I see a quorum.

Before we commence our study of the Roberts case, if I may call it that, you will recall that we had agreed to deal with certain Estimates last week in the absence of a quorum on the understanding that someone would move today to have accepted and printed the evidence of such meeting held on Thursday, April 17, 1969.

Mr. Sullivan: I so move.

Mr. Jerome: I second the motion.

Motion agreed to.

The Chairman: I would now ask for a motion that Item 45 of the 1969-70 Estimates be carried and reported to the House.

Mr. Richard: I so move.

Mr. Forest: I second the motion.

Motion agreed to.

The Chairman: On March 27, 1969 the House of Commons submitted to us terms of reference which I will read. Here is the report sent to me by the Clerk of the House of Commons:

### [Interpretation]

It is ordered—That the subject-matter of the question of privilege from the honourable Member for York-Simcoe (Mr. Roberts) relating to the refusal of the Government, upon his election to the House of Commons, to pay him the terminal gratuity provided as a normal practice to those leaving the Public Service, be referred to the Standing Committee on Privileges and Elections.

### [English]

I have been authorized to delete the words "strictly confidential" from a letter sent on March 20 last by Hon. Jean Marchand to Mr. John Roberts regarding his case. This letter states the grounds on which

Mr. Roberts' claim was refused, which resulted in his raising a question of privilege in the House of Commons on March 27. If I had a motion deleting the words "strictly confidential" from this letter it could form part of the evidence of today's *Minutes of Proceedings and Evidence*.

Mr. Marceau: I move that the words "strictly confidential" be removed from the said letter and that it form part of today's *Minutes of Proceedings and Evidence*.

Mr. Sullivan: I second the motion.

Motion agreed to.

The Chairman: We will circulate copies of this letter among the members present.

We have with us today Dr. Maurice Ollivier, legal adviser to the House of Commons. Before hearing his point of view on the legal aspects raised by this matter I think it would be appropriate to call upon the very person interested in this matter, our colleague John Roberts, to put the facts, as he understands them, before us.

It is agreed that we hear from Mr. Roberts?

Some hon. Members: Agreed.

The Chairman: Mr. Roberts, before proceeding we will give the members a moment to read Mr. Marchand's letter.

Mr. John Roberts (Member for York-Simcoe): Mr. Chairman, first of all I would like to express my gratitude to you and to the members of the Committee for dealing so promptly with this matter which is of great concern to me. I prepared an *aide-memoire* which I have circulated to members of the Committee.

### [Interpretation]

I apologize to the French-speaking members for not having had my text translated before to-day's meeting. Unfortunately I did not have enough time. I am very sorry, but, at any rate, I had copies of the memorandum in English distributed to all members even the French-speaking ones, and I hope it will help them a bit to take part in the discussions of the Committee.



[English]

This *aide-mémoire* is not very lengthy. I am prepared to read it if members of the Committee so desire. But since they already have it they may prefer that I simply touch upon the main points that are made in it.

**The Chairman:** You could touch on the main points rather than read it, because everyone has a copy of it, but I am informed that if you want to have it as part of the record you had better read it, sir.

**Mr. Roberts:** That is fine; I am in your hands, Mr. Chairman.

The question which I raised previously in the House of Commons on March 27th revolves around one central point to which I keep coming back in my arguments. It is the relatively simple point that benefits which I would ordinarily have received have been denied to me because I have been elected a Member of the House of Commons. Had I not been elected I would have been treated one way. As a result of my being elected to the House of Commons I have been treated in a different way.

Compensation for past services, which I performed as a government servant, have been denied to me entirely as a result of my present position as a Member of the House of Commons. I have been deprived of advantages which were normally due to me. In sum, I have been treated in a discriminatory and unfavourable manner because of my status as a Member of Parliament. And all my arguments are really directed to this central matter of the discriminatory treatment which springs entirely from my status as a Member of Parliament.

I do not think the facts of the matter are in dispute. Briefly, they are as follows. My government service dates back to July, 1963 when I entered the Department of External Affairs. Since that date, and later, while I was an executive assistant to the Minister of Forestry and Rural Development, I accumulated a vacation credit which amounts to almost 50 days. When I was nominated in May for the election last June I took a leave of absence without pay from my position in the office of the Minister of Forestry and Rural Development, and with my election on June 25 my employment in the Minister's office ceased.

The normal treatment both for civil servants and, I believe, for ministerial staff, is that when they retire from government service they are paid a sum equivalent to their accumulated vacation credit. To the best of my knowledge, this was done for all my predecessors in the office of the Minister of Forestry and Rural Development.

The device—and I emphasize the word “device”—for making this payment—and it is usually made in a lump sum—is the following. The government employee, or the public servant is kept on the government's book as if—as if—he were still providing service to the government, even though he is in fact working full time for another organization and may, indeed, be working in another place in Ottawa. In other words, the government adopts the fiction that the person is working for the government, though in fact he is not. When he has been kept on the books long enough to cover the size of the lump sum payment he is taken off the books. This is the normal device used to making the payment.

Of course, in itself, this does not preclude the use of other methods. For example, in the case of those who become Members of Parliament the device of an *ex gratia* payment might be used. And, parenthetically, perhaps I should interject that regardless of what decision you have come to about the limitations imposed by the present law, the Senate and House of Commons Act, no matter how valid you may feel is the argument that this places limitations on the ability of the government to pay a member of parliament for past services, it would always be open to you, as members of the Committee, to recommend to the government that an *ex gratia* payment be made in compensation for past services.

To return to the main argument in my case, it is clear from the letter I have received from the Minister of Forestry and Rural Development which has now been circulated to you, that though the government admits—and I am now using their words—that “as a matter of justice I am fully entitled to payment”—those are the words of the Minister—they believe that making a payment to me could place my seat in jeopardy; and on this ground they have refused to make the payment.

This letter which you have makes it clear that the decision to withhold payment springs solely from my status as a Member of Parliament. There is no indication in the letter that there is any other barrier to my receiving the money. It argues that a payment to me would contravene the Senate and House of Commons Act. It also notes—which I believe is generally accepted—that only Parliament can interpret the application of legislation which concerns its own members. Parliament is, therefore, the final authority in the interpretation of the application of the Senate and House of Commons Act. It is, therefore, entirely proper for the members of this Committee, who, to that extent, act in the capacity, I suppose, almost of an advisory court, to come to a determination on the issues involved and to recommend to the House of Commons the decision which should be taken on the point at issue. In other words, it is basically for the



House of Commons—for this Committee which is a servant of the House—to come to a decision on the merits of the case. This is your responsibility.

It is my hope, therefore, although, of course, it is not for me to give any directions to the Committee on how they wish to proceed in the matter and what questions they wish to consider, that the Committee would feel able to come to a conclusion on the two related points which I believe go to the heart of the issue. There may be other questions in this general problem of payment to members of parliament who have previously been in public service, and I understand Mr. Anderson might wish to present to you some particular points which relate to his case which is in some ways different from mine. But I would suggest that there are, at the heart of the issue, two questions. First, I suggest that a payment to a former public servant, who is a Member of Parliament, for services performed entirely before becoming a member does not contravene the Senate and House of Commons Act. And, second, I suggest that no one, on becoming a Member of Parliament, should lose rights or privileges to payments or emoluments for service of for employment which was performed entirely before he became a member.

I would now like just briefly to discuss the first of these questions, which is the extent of the limitation imposed on members of the Commons by Section 16 of the Senate and House of Commons Act. The argument has been that Section 16 precludes a member in my position from receiving payment. I will read Section 16 which is perhaps a bit complicated. I hope that most of you have it before you in the *aide-mémoire* that I presented.

In any case it reads:

If any member of the House of Commons accepts any office or commission, or is concerned or interested in any contract, agreement, service or work which, by this Act, renders a person incapable of being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which any public money of Canada, is paid, whether such contract, agreement or sale is expressed or implied, and whether the transaction is single or continuous, the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void.

Now the first thing to note about this Section is that it applies to members of the House of Commons. It does not apply to those who are former members, nor does it apply to those who with the passage of time, may be fortunate or unfortunate enough to become members. It applies to a member of the Commons who accepts any office or

commission or is concerned or interested in any contract or agreement, or knowingly sells or performs any service. These limitations are all in the present tense. They apply to actions of the members of the House of Commons. They are not retro-active. There is nothing in the section to indicate that they apply to services performed before becoming a member.

That they do not apply in my case becomes clear, I think, if we simply ask the following questions in the context of the Act. Has John Roberts, Member of Parliament, accepted any office or commission? To which the answer is no. Is John Roberts, Member of Parliament, concerned or interested in any contract, agreement, service or work? No. Has John Robert, Member of Parliament, sold any goods, wares or merchandise? No. Does John Robert, Member of Parliament, perform any service for the Government of Canada? To which, at least in the context of the Act, the answer is no.

For it is clear that the services which I performed were entirely completed before I became a Member of Parliament. That is a simple fact. The services or actions referred to in Section 16 are services or actions by a Member of Parliament. I was not a member of Parliament when those services and actions were performed. I am not asking for payment for services performed while I was a member of the Commons. I am asking for payment relating only to service as a government servant. Section 16 does not apply to actions prior to becoming a member.

Now I described to you earlier that the traditional device for providing the termination payment is to hold an employee on the books as if—and I stress “as if”—he were still employed by the government. But it is clear that the payment which he receives is not for services which are provided during the post-employment period, for two reasons at least. The payment is made as a lump sum payment which would be inconsistent if he were being paid for a continuing service while he was on the books.

And secondly, this payment is calculated entirely with reference to the vacation credits which were accumulated before he finished his employment, and he is taken off the books once this sum is reached. In other words, it is clear that the payment is not determined by or constructed upon the basis of any service to the government after he leaves its employment, and that for the evident reason that no services to the government had been performed after the employment was terminated.

I believe, therefore, that the payment which I am asking the government to make could not reasonably be held to constitute a payment for services performed since my election to the House of Commons.



To do so would fly in the face of the facts. While the payment would be made at a time when I had become a member of the House of Commons, the services for which the payment is made were performed before that status was reached. In that sense it is comparable to the military pension which a former member of the armed forces receives, and may receive while he is holding his parliamentary seat. The military pension is a payment springing from military service, for service to the government which is completed before he becomes a member. And receiving it does not contravene the limitations of Section 16.

I conclude, therefore, that section 16 does not prevent the government from making the payment to which, it admits, I am in justice entitled.

I would like to turn very briefly now to the second point which I raised which was this:

That no Member of Parliament, in becoming a Member of Parliament, should lose rights or privileges to payments for services or employment performed entirely before becoming a member.

I confess that this seems to me to be almost self evident. We accept, as Members of Parliament, that certain limitations be placed upon us to preclude even the suspicion that we might be influenced by outside payment to act contrary to the interests of the public we have been elected to serve. To apply this principle to a payment for work entirely performed before occupying parliamentary office simply penalises a Member of Parliament for being chosen to represent his constituency. To accept that argument would establish a barrier, a disability, or a disuasion, to those who are otherwise interested and capable, from seeking seats in the House of Commons. Such an interpretation, I suggest, would, therefore, be contrary to the public interest.

In sum, Mr. Chairman, I have tried to show that I have been treated in a discriminatory and unfavorable manner as a result of my status as a member of the House of Commons. I think the letter which has been circulated indicates that clearly. I have suggested that this divergence from normal treatment to former public servants is not required by the Senate and House of Commons Representation Act. Even if members of the Committee decided that that was the effect of the Act, they would still have open to them the possibility of recommending to the House that an ex-gratia payment be made to Members of Parliament who find themselves in my position.

I have raised two related points which are fairly specific, which I hope the members of the Committee will wish to decide, and I have offered arguments to support my position on those two principles. I am anxious to be of whatever assistance I can be to the members of the Committee in dealing with this question, and I place myself entirely in your hands.

**The Chairman:** Thank you very much, Mr. Roberts. Mr. Richard.

**Mr. Richard:** Before we proceed, according to the terms of reference, in this case we are dealing only with Mr. Roberts' case and we will not be making any recommendations as to changes in the Senate and the House of Commons Representation Act. We are dealing with a particular case and not with other cases, only with his case, because the terms of reference are very narrow.

**The Chairman:** But I think, when you read the terms of reference, we have to deal with the question raised by Mr. Roberts in the House of Commons, and if you read back to the statement he made when he raised his question of privilege of the House of Commons, I think it should cover this point too. We have to make a decision on the whole issue.

**Mr. Richard:** Yes, but we cannot make recommendations as to amendments to the Act or anything like that. We are not given that reference.

**The Chairman:** Whatever might be the decision we will reach when we come to this conclusion, it is going to affect some other members too who might be in the same position as the one raised by Mr. Roberts.

**Mr. Roberts:** Excuse me for interjecting, Mr. Chairman. It seems to me not so much a question of changes in the Act, but rather that there is some doubt as to what actually the Act means or what limitations it imposes. So I would respectfully suggest that in dealing with my case you would be clarifying what the effect of Section 16 is, and the clarification might therefore affect other people who find themselves in a position similar to my own.

**Mr. Sullivan:** Mr. Chairman, I would like to speak on that.

**The Chairman:** Yes, Mr. Sullivan.

**Mr. Sullivan:** It is my very firm conviction that Section 16 of the Senate and House of Commons Representation Act does not apply in this case at all. I think it is pretty clear, and I think Mr. Roberts should be commended for the very clear memo . . .

**The Chairman:** I do not want, Mr. Sullivan, to interrupt you but I would suggest to you that the kind of argument you are raising now is a little premature in the sense that we are not now dealing with the kind of conclusion that will be reached, but only getting the facts before the members and then after that we could sit in camera and decide what conclusions to reach. But I think it would be appropriate, if some members have precise questions to clarify points, to clarify some of the facts raised by Mr. Roberts, for me to allow questions. But before entering into the whole



issue and discussing arguments, I think we should hear the witnesses we have called. Mr. Roberts has presented his case and if any clarification of what Mr. Roberts has just said is needed, then I think we should direct our questions precisely to those issues rather than talk among ourselves about the conclusions we may reach. I appreciate the suggestions you have made, but I think they are a little premature for the time being. Mr. Jerome?

**Mr. Jerome:** May I put a question to the witness, Mr. Chairman?

**The Chairman:** Yes.

**Mr. Jerome:** Mr. Roberts, let me put my impression of the situation to you and ask for your comment. I think that may be the best way because it is a sort of general question.

It strikes me that a question of privilege, as a member of the House of Commons, is at this moment in time, perhaps, premature because it is my impression, first, that the Cabinet seems favourably disposed to making a payment to you, although it would be an *ex gratia* payment, but their fear was that you might be into trouble under Section 16 of the Act. Second, the question involved here, rather than being a question of privilege as a member of the House of Commons, is really a question of the privileges of an individual citizen having been adversely affected by having been elected to the House of Commons. It is really your privilege as a citizen rather than your privilege as a member of the House which comes into question.

The third impression I have is, if the Cabinet is prepared and if we can make a recommendation that an *ex gratia* payment be made, that that be done. If you are placed in jeopardy as a result of that payment, we are then into a question of privilege which I think most of us seem agreed would put you on pretty solid ground.

**The Chairman:** Again, Mr. Jerome, I do not want to bar the question but I believe the same remarks I made to Mr. Sullivan apply to the kind of remarks you are making now. I believe we should stick to the facts. When we discuss among ourselves the kind of conclusions we reach, I think we should hear the whole evidence about the law, the way it applies, the jurisprudence, if any, any other points. Mr. Ritchie?

**Mr. Ritchie:** I would just like to ask, Mr. Chairman, as Mr. Roberts had leave of absence during the election, but assuming he had not been elected on June 25 and had still not returned to the Civil Service, how would he have received this money and in what manner? Would he have been carried on their books, say, for two months?

**Mr. Roberts:** My understanding, Mr. Chairman, is that I would have received the money in the way in which it has been paid previously in many cases, to other people in a similar position, as a lump sum payment. I assume that I would have been paid in the same way that they had been paid, by a lump sum payment.

**Mr. Ritchie:** Technically you still would have been considered an employee for the number of months required to use up that lump sum?

**Mr. Roberts:** Yes.

**The Chairman:** Mr. Benjamin?

**Mr. Benjamin:** Mr. Chairman, there are three or four questions that I want to ask. Before I ask them, I want Mr. Roberts to realize that I am in full sympathy with his case. There have been too many instances in the past when people at all levels of the Public Service have been denied the opportunity to seek public office because of hazards or obstacles such as this.

I am wondering whether Mr. Roberts would tell us if his appointment, when he went to work for the government in 1960, was an Order in Council appointment or a Public Service Commission appointment.

**Mr. Roberts:** In 1963 I joined the Department of External Affairs which is a Civil Service position, and when I resigned from External Affairs to join the Minister's office I believe that was an Order in Council appointment covered by the Public Service Act. I think there is a section in the Public Service Act—I am not sure what number it is—which refers to members of ministerial offices.

**The Chairman:** We are dealing precisely with this point.

**Mr. Roberts:** We were considered for some purposes to be under the Civil Service regulations and not for other purposes.

**Mr. Benjamin:** Are you aware of anything in the law or in the regulations of the Public Service Commission that would require—at the time of your leave of absence you were an Order in Council appointment then—your resignation once you were nominated, rather than receiving leave of absence without pay?

**The Chairman:** I am sorry, I do not want to interrupt you, but Mr. Ollivier will deal precisely with those issues, too.

**Mr. Roberts:** Perhaps I could be allowed to say that I do not know of any such disability and at the



time I sought legal advice which was to the effect that the proper action for me would be to take a leave of absence without pay.

**Mr. Benjamin:** A lot of people are wondering about instances of people who wish to seek nomination for a political party, and we are told—and I have no way of knowing this for sure—that if they did and if they received the nomination they would have to resign because they were seeking federal office and were federal employees. There was no prohibition to their seeking provincial or municipal office. Whether or not this is correct, or whether it is just something that happens behind the scenes, I would not know. Could you tell us, Mr. Roberts, were both the date you were nominated and the date of your leave of absence effective the same day?

**Mr. Roberts:** I believe it was May 14, and I think the leave of absence was effective as of May 15. I think there was one day when I was considered to be on service when I came back and cleared up the office and so on. The effective date of the leave of absence was from May 15, I believe, or May 14.

**Mr. MacGuigan:** Mr. Chairman, I am a little concerned that Mr. Roberts will not be able to make his case adequately if we cannot discuss the substance of the questions while he is here. Have I misunderstood; will he be present at the closed session as well?

**The Chairman:** Well, I think it should be clearly understood that Mr. Roberts is available to members of the Committee, but I think most of the questions being asked right now are a little premature of what is going to be said or expressed by the Law Clerk of the House of Commons. I think if it could be agreed among the members we could hear a report by Mr. Ollivier and then if we want to come back to ask questions of Mr. Roberts that would be agreeable because he has already stated that he was available to the members.

**Mr. MacGuigan:** All I wanted to ensure was that Mr. Roberts has a chance to comment on these points as they are raised by us.

**The Chairman:** Then I think we should call upon Dr. Ollivier since he has some years of experience on this theme.

**Dr. P. M. Ollivier (Parliamentary Counsel and Law Clerk, House of Commons):** Mr. Chairman, on Thursday, March 27, Mr. John Roberts, member for York-Simcoe, raised a question of privilege in the House of Commons, which I will try to summarize in as few words as possible as you have already heard Mr. Roberts this morning and you have also heard him in the House.

The member for York-Simcoe in stating his question said:

... it relates to the refusal of the Government upon my election to the House of Commons, to pay to me the terminal gratuity provided as a normal practice to those leaving the public service.

And he added: "the facts are basically these—members of the public service are normally given a termination payment upon leaving the public service equivalent to their accumulated vacation leave." And further: "the technique for payment normally used is a device, or what I would call fiction. I think that is important. The former public servant is kept on the books even though he may be working on a full-time basis for another employer."

Another employer, of course—not the House of Commons at that time.

I have rather emphasized those quotations because I intend coming back to them in the analysis of this question of privilege.

The Member for York-Simcoe referred to the fact that the payment is discretionary; also that if he had been paid it would be conceivable that his right to hold his seat could be challenged. He admitted that part of it in his testimony in the House.

One last quotation is as follows: "Moreover, it is well accepted that on questions concerning the application of section 16 of the Senate and House of Commons Act, final authority as to the eligibility of members to sit rests with the House of Commons."

Since reference has been made to section 16 of the Senate and House of Commons Act, and since we will have to come back to that section, it would have been very useful to me to quote that section at length, but this has already been done by the member. I will just take in a few words:

*'16. If any member of the House of Commons . . . performs any service for the Government of Canada . . . for which any public money of Canada is paid . . .*

I am now summarizing it,

*the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void.'*

Having now referred to certain preliminaries, I might perhaps now in a general way state what I understand the position to be.

Mr. Roberts, M.P., is a former executive assistant who was on salary and employed in the office of the Minister of Forestry and Rural Development. He had accumulated vacation leave over a period of time, but before using this he became a candidate at the federal election in 1968, was elected, and now wishes to



receive this leave reduced to dollars. He has requested payment of a certain amount from the federal authorities and for the moment has been refused payment.

Bourinot, on questions of privilege at pages 303 and 304, defines them as taking a wide range but referring to all matters affecting the rights of members since they became members of the House. I need not give those quotations at length; suffice it to say that they would cover the present case.

The honourable member takes the position that, because of the fact that he is a member of Parliament, he has been denied payment of money for services rendered before he became a member which an ordinary civil servant or executive assistant would receive in the circumstances. In other words, he is prejudiced by his particular status as a member.

This again revolves around section 16 of the Senate and House of Commons Act and its interpretation. Section 16 provides, *inter alia*, that if a member of the House of Commons performs any service for the government for which any public money of Canada is paid, the seat of such member should therefor be vacated.

There is no doubt again that if he did receive this payment of money while a member, some other member might raise a question of privilege to be dealt with by this Committee.

The honourable member either has the right to be paid what he calls severance pay, or he has not. If he has the right, then section 16 has no application for he is requesting money that he has earned and was due him before becoming a member of Parliament, and Parliament is not concerned. If on the other hand he has not that right, there still remains the possibility of an *ex gratia* payment which may or may not interfere with his right to sit in the House and, for this reason, the Government of Canada is understandably somewhat reluctant to put into operation a fiction which might disqualify the member, which would be somewhat parallel to paying a pension to a former member of the House who has become a senator. The member could not receive a pension at the same that he is paid an indemnity as a senator.

To a certain extent this is a question of privilege in reverse and to my mind it is hypothetical. The direct question would be if the member had been paid monthly, thus kept on strength of the department whilst a member. Then the question could well be raised whether the member has not thus disqualified himself from sitting in the House of Commons. The hypothetical question is precisely, would the member then be disqualified?

In other words, the problem is whether the member may receive the amount claimed with impunity.

Apparently civil servants who receive this amount do so by means of a fiction adopted for purposes of authority to pay them. He was kept on strength for the period of time required to absorb the amount of his vacation leave. It has been an *ex gratia* payment authorized by Order in Council and paid out of the general vote of administration of the department concerned.

Whether in the present case the honourable member was a civil servant as defined in the former Act—the Civil Service Act—or as amended by the Public Service Employment Act which was passed in 1966-67, Chapter 71, I presume the benefits were pursuant to Order in Council, as was the amount of the salary.

The situation is further complicated by section 37 of the Public Service Employment Act just referred to dealing with ministers' staffs, where subsection (2) recites that a person who is employed in the office of a minister ceases to be so employed thirty days after the person holding the position of such minister ceases to hold that position. How then could the member be kept on strength after that time by fiction of the law and be paid? There is also no doubt that he could not be paid whilst he is on leave without pay.

The Act says that he can go on leave without pay. Therefore you could not pay him during that time by a fiction of the law since he is on leave without pay.

Whilst I am still dealing with the Public Service Employment Act, it is pursuant to section 32 that an employee of the public service who is desirous of becoming a candidate at an election may obtain leave of absence without pay to seek nomination as a candidate for election. If he is declared elected, he ceases to be an employee of the public service. That is Section 32(5). This being so, he cannot at that time be kept on strength of the public service nor, as I have said, can he be kept on strength during the election campaign because the Public Service Employment Act provides that he is then on leave without pay. So, if that person is declared elected, he is losing his unused vacation leave.

The keeping on strength of an employee in order to pay him a cash gratuity in lieu of unused leave, although not contemplated by the legislation, is not against the Public Service Employment Act, or against the public service terms and conditions of employment regulations made under the authority of the Financial Administration Act. The resignation is postponed to a later date in order to allow the employee to be paid for a period without having to report for duty—in that case, this is again an *ex gratia* payment.

To return to the mechanics of the operation, *ex gratia* payments are first decided by Order in Council



and included, generally speaking in the general vote of administration of the department concerned, and a special item is not needed—the Order in Council is the authority for the Comptroller of the Treasury to make the payment.

If a special item were inserted in the estimates, then whether or not section 16 of the Senate and House of Commons Act applies may be irrelevant, for the special item is an enactment which stands by itself, but I will come back to that later on.

Again the position is clear that the House of Commons itself has the exclusive jurisdiction to determine questions of eligibility of its members. This is in accordance with judicial decisions in England as well as in Canada.

That the question of eligibility of members rests with the House of Commons cannot as a general proposition be denied. The House and its Committee on Privileges and Elections may certainly be involved in a problem like this one, and this must have been taken into account when the question of the *ex gratia* payment came before the Cabinet for consideration.

On the other hand, a committee of the House cannot authorize or directly recommend an expenditure of money. It is the function of a minister to do so, having first obtained the recommendation of the Crown. All the Committee would do or could do, in any case, if it is the opinion of its members that an injustice has been done, would be to report that finding and recommend that the government should consider the expediency of placing in the estimates, or supplementary estimates, an item for the payment of such "severance pay"—Mr. Roberts calls it severance pay but—I do not because it concerns monthly payments and keeping on strength—with the stipulation that such payment or payments shall not disqualify the member or members affected, because more than one member happens to be involved of course in this particular matter.

The item in the Appropriation Act to my mind would then become law when the Act itself would receive Royal Assent. It would also remove any doubt as to the validity of payments made and as to the qualification or disqualification of the member or members to sit in the House. What I have in mind is a proviso. If an item were put in the Estimates it should have the same proviso as happened, for instance, when the position of parliamentary assistants was authorized by an item in the Estimates before the actual act was passed. That was in 1943 and there was a proviso there saying,

Provided however that notwithstanding any Act or other law to the contrary payments made hereunder shall not render any such person, if he be a Member of the House of Commons, liable to any penalty or disqualification, or vacate the seat of any Member of the House of Commons or render

such Member ineligible to sit or vote in the said House and no person receiving payment hereunder shall thereby be disqualified as a candidate at any Dominion election.

In other words, if the Committee should first recognize that an injustice has been done and so report it to the House with a recommendation that an item with this proviso be put in the Estimates, I imagine that is as far as a Committee could go. The final decision would still be with the government but on the recommendation of the Committee of Privileges and Elections. If the Committee does that it is possible that the government would feel justified in putting in such an Estimate which would cover all the cases that you have in mind.

**Mr. Jerome:** What then would be the effect of the House adopting that report and approving it, if we made that recommendation.

**Dr. Ollivier:** I do not even know that it would be necessary for the House to adopt the report, as long as you made the report to the House. Perhaps the government would prefer that it be adopted—I do not know. Not all reports are adopted.

**Mr. Jerome:** There is something about Dr. Ollivier's remarks that confuses me. The term *ex gratia* payment is used and—the interpretation that you have placed on it, Doctor somewhat confuses me. There seems to me to be a kind of payment by keeping the person on service and giving him the money to which he is entitled.

**Dr. Ollivier:** That is the way it has been done.

**Mr. Jerome:** I appreciate that, but that to me seems to be something different. To me that would seem to be a contractual payment, whereas an *ex gratia* payment would seem to me to be something different. Now in your interpretation you seem to imply that an *ex gratia* payment is that very thing.

**Dr. Ollivier:** What I mean is that there is not a legal obligation for the government to pay. In other words Mr. Roberts could not sue the government for payment of that. If a payment is made it would be *ex gratia*, because he would not be successful in obtaining the payment before the courts.

**Mr. Jerome:** I see.

**Dr. Ollivier:** In that way it is an *ex gratia* payment—because the government is not obliged to make it. In resigning he has practically lost. It is like a Civil Servant who is entitled to a certain number of holidays in a year and if he does not take them he loses them.

**Mr. Jerome:** Right.



**Dr. Ollivier:** A member of Parliament is entitled to 15 days holidays in the year. If he loses 15 days he will not be penalized for those 15 days, but if he does not take those 15 days he cannot add them on in the following session and have 30 days.

**The Chairman:** Before dealing with this point I would suggest to the members that it might be interesting to have Mr. J. P. Connell, the Assistant Secretary to the Treasury Board, comment on what happened in connection with the Roberts case at Treasury Board. In that way we will have further facts and then after that we could call upon any of the witnesses present and ask questions. If that is agreeable to the members, I would ask Mr. Connell to proceed. Would you state your position first, Mr. Connell?

**Mr. J. P. Connell (Assistant Secretary (Personnel) Treasury Board):** I am Assistant Secretary (Personnel) of the Treasury Board Secretariat.

**The Chairman:** In your capacity as such could you tell the members of the Committee what happened in the Roberts case.

**Mr. Connell:** A submission was made to the Treasury Board by Mr. Sauvé, the Minister for whom Mr. Roberts worked as Executive Assistant, recommending that a cash gratuity in lieu of unused vacation leave and in respect also of two weeks retiring leave, be paid to Mr. Roberts. The Treasury Board Ministers considered the question and were advised by Treasury Board staff of a precedent in 1965 whereby the Cabinet had declined to approve a payment in similar circumstances and the Treasury Board Ministers as a result declined to approve the payment of the gratuity to Mr. Roberts because of a potential conflict with Section 16 of the House of Commons Act. Subsequently I believe that this matter was referred to the Cabinet, I believe that the Cabinet decision was the same as that of the Treasury Board, and this decision was communicated to Mr. Roberts by Mr. Marchand, a letter which I understand has been distributed.

**Dr. Ollivier** is correct when he says that as far as legal entitlement is concerned, Mr. Roberts does not have a legal entitlement to the moneys because he loses his vacation credit at the time that he ceases to be employed as an Executive Assistant or, if he had been a public servant, as a public servant. It is not then a question of right, as Dr. Ollivier says, but an *ex gratia* payment. In the past an *ex gratia* payment I believe has often been regarded as a payment made by the Governor in Council, although subsequently I believe the Treasury Board Ministers have the authority to make cash gratuity payments in circumstances such as we have in the case of Mr. Roberts. So I do not believe that it would have to go to the Governor in Council now to make this payment. Regardless of

the devise which is used, as Dr. Ollivier has pointed out, I would agree it is *ex gratia* in the sense that *ex gratia* means by favour and not having a legal right, so that whether he were kept on strength or whether he were paid as a cash gratuity, it would be *ex gratia*. In cases such as this it is not at all unusual for cash payments to be made rather than using the devise of keeping people on strength, and for the payment to be made to Mr. Roberts he would not have to be kept on strength. The question of whether he can accept the money if it is paid to him I guess is, as Dr. Ollivier points out, really not a question for me or for anyone except the House of Commons.

**The Chairman:** Do you have any questions?

**Mr. Ritchie:** Then, as far as the Civil Service Act is concerned, Mr. Roberts could be paid as of June 24 a lump sum on the termination of his services.

**Mr. Connell:** Not under an act, sir, it would be by authority of Treasury Board. He is not covered by the terms and conditions of employment regulations.

**Mr. Ritchie:** Therefore, the real solution to this would seem to be a change in the Act in the future to allow this payment to be made under the Act.

**Mr. Connell:** It could happen this way or it could happen as it can at present. I hesitate to express a legal opinion, but I wonder if that would remove the circumstances that have so far prevented Mr. Roberts from getting the payment. Mr. Ollivier may be able to comment on that for us.

**Mr. Ritchie:** Mr. Chairman, I would like to ask Dr. Ollivier a question then. Let us assume in theory that Mr. Roberts performed a service before being elected to the House but his cheque was dated after being elected to the House. Let us say it is technically impossible to pay him earlier. Has he contravened Section 16 of the Act?

**Dr. Ollivier:** Probably not because he has been paid then for services rendered before he became a member. The difficulty there is the fact that you mentioned that he is being paid. There is always the danger that the question of privilege might arise—a real one at that time—whether he should be paid afterwards. I will give you an example of what I mean. A lawyer who is not a member of Parliament has a case for the government. Before presenting himself at an election he neglects to have his payment made. There is a theory that once he becomes a member he cannot be paid. He should have been paid before because as a member he might influence the government to tax his account a little higher or things of that sort. Personally, I am always very scrupulous when it comes to members of Parliament



because then you would have a real question of privilege whether he used his influence to be paid for services rendered before being a member of Parliament; payment which he might or might not have had otherwise.

**Mr. Ritchie:** Therefore, Mr. Chairman and Dr. Ollivier, even if there were a change in the Public Service Act, to give him the mandatory lump sum made to all other people, you would still run into this very thing?

**Dr. Ollivier:** Yes, I say if he was paid that sum, he should have been paid before he became a member of Parliament.

**Mr. Ritchie:** In other words, the cheque should have been made out . . .

**Dr. Ollivier:** I am perhaps going a little bit too far, but I mean if the question arose in the House.

**Mr. Ritchie:** He should have been paid on, say, June 24 in this case.

**Dr. Ollivier:** Yes, but not with the device of keeping him on strength.

**Mr. Ritchie:** No, no, I agree. By that, you mean even a lump sum?

**Dr. Ollivier:** Yes, even a lump sum, if he could be paid in a lump sum which would be, as you say, an *extra gratia* payment.

**Mr. Peddle:** Mr. Chairman, is it conceded that these were credits accumulated by Mr. Roberts as the result his service previous to leaving?

**Mr. Connell:** Yes.

**Mr. Peddle:** Then would it not be reasonable, to approach it this way? Section 16 goes into the business of sales of merchandise and so on. Let us assume that Mr. Roberts was a farmer and on June 24 he delivered, let us say, a carload of potatoes to the Parliamentary Restaurant; would payment for this merchandise be refused because on June 25 he was elected as a Member of the House of Commons? Section 16 is just as strong on this point, on the sale of merchandise, as it is on rendering a service.

**Mr. Connell:** I would really have to direct that question to Dr. Ollivier.

**Mr. Peddle:** All right, I will direct it to Dr. Ollivier. It would be impossible for him to be paid because he could have delivered his carload of potatoes one hour before the polls closed.

**Dr. Ollivier:** Well, it is a fixed price and the price was understood before.

**Mr. Peddle:** So is his service, I am assuming.

**Dr. Ollivier:** That is the difference, I suppose. You are talking about merchandise or contracts.

**Mr. Peddle:** Yes, this is just as strong in Section 16 as the other matter of service. Now, I am assuming that there is a fixed price on Mr. Roberts' services, the same as there would be on his potatoes if he were a farmer.

**Mr. Connell:** Perhaps the difference in the case is that the sale of the potatoes is a contract. There was no contract that the credits to which he was entitled while employed would be extended after he ceased to be employed.

**Mr. Peddle:** There are many cases on record where being elected to the House of Commons was not involved when there was no question of making payment.

**Mr. Connell:** Right.

**Mr. Peddle:** As you said, yourself as a lump sum, not necessarily following this device of carrying them on the books.

**Mr. Connell:** That is right.

**Mr. Peddle:** That is all, thank you.

[*Interpretation*]

The Chairman: Mr. Fortin.

**Mr. Fortin:** Thank you. I would like to put this question to Dr. Ollivier. Could one say that since Mr. Roberts was elected a Member of Parliament and since previously he was a public servant, could one say that in his case as in the case of other persons, the Elections Act runs against the Public Service Act?

**Dr. Ollivier:** I do not believe that there is anything in the Elections Act providing for salaries paid to a Member. The conflict of interests comes from the Senate and House of Commons Act. The Elections Act prevents him from being a candidate while he is a public servant, he must first stop being one or be on leave. Previously under the Civil Service Act when a civil employee wanted to run for office, there was only one solution, he had to resign immediately as a civil servant.

Under the Public Service Act, the Civil Service Act was changed by saying that a civil servant can run for an election if he has a leave without pay during the entire electoral period. If he is defeated, he



comes back to the Public Service. This is under the Public Service Act, not elections laws.

**Mr. Fortin:** Mr. Chairman, as far as I am concerned, I would be prepared to recommend, I would recommend immediately that in accordance with Dr. Ollivier's opinion, to the House of Commons, that the question there is clear, I believe.

**The Chairman:** Mr. Fortin I believe it would be important for all questions to be answered first of all, and then we should recommend sitting in camera.

**Mr. Fortin:** Let this recommendation be made, Mr. Chairman, as I really am very anxious to see justice given to Mr. Roberts. This was the case for me in 1965 and again in 1968, since I worked for the House of Commons before my election. This is unfair. I had to go through lots of red tape. I spent a lot of money to get my due, Mr. Chairman.

I believe there will be more and more civil servants elected to the House of Commons, and I believe this section of the Act should be amended or changed. I believe we should act immediately and stop discussing this question which has been dragging since the 25th of June.

**The Chairman:** I understand, Mr. Fortin, but this is our first session on this point, and I believe all members should have an opportunity to know exactly what the situation is before reaching a decision.

[English]

**Mr. MacGuigan:** Mr. Chairman, I have a number of questions for Dr. Ollivier. First of all, I understood as an alternative he was suggesting it would not be necessary to use the device of keeping Mr. Roberts on the payroll, but that a lump sum payment could be made. Did I understand him correctly?

**Dr. Ollivier:** Yes, but my suggestion was, first, to recognize in your report that an injustice has been done to those members who, if they had not become members, would have received a certain amount of money. But as the Committee cannot do anything but recommend that the money be paid, my device was that having recognized that in justice, you would recommend an item in the Estimates. But to make certain that the question could not arise that Section 16 was involved, there would be a proviso that this payment would not affect the status of a member. So that nobody could attack it in the House. Just like when parliamentary assistants or parliamentary secretaries were appointed in 1949, there was not an Act at that time. An item was put in the Estimates because they were getting, whatever it was, \$4,000 more than the indemnity, and it was stated that apart from getting that indemnity that that would

not affect their status. I think if it is just an *ex gratia* payment, it would still leave the question in the air so that it could be discussed and somebody could still raise the question of privilege. Whereas by putting it beyond any doubt, then that would settle the whole question. It could be settled in one item for all the members concerned.

**Mr. MacGuigan:** Well, your answer resolves the second of my questions which was about the interpretation of this legislation. I would have thought that unless there is something in the legislation to deny it, that the Act would be interpreted judicially rather than only by this Committee, and that despite a decision of this Committee . . .

**Dr. Ollivier:** In the Estimates, it is like drafting a law. That item will be part of the Appropriation Act. It is the law just as much as if you had a separate act to deal with the question.

**Mr. MacGuigan:** Yes. But if we did not proceed that way, any other interpretation which this Committee were to give of the Senate and House of Commons Act might be over-ridden by a judicial interpretation, might it not?

**Dr. Ollivier:** I still say that it might still be up in the air. Somebody might still raise it in the House or raise it before the courts.

**Mr. MacGuigan:** Is there not something in the Senate and House of Commons Act that refers to the Elections Act and to the qualifications which a candidate must there have for election? That is my recollection, and I have had some experience with having to clear up business with the government before becoming an official candidate under the Elections Act.

**Dr. Ollivier:** Oh yes. There is, of course, a section in the Elections Act saying who may or may not be a candidate.

**Mr. MacGuigan:** Yes, and if this is incorporated this complicates our problem, and I believe it is incorporated.

**Dr. Ollivier:** It also says in the Senate and House of Commons Act, and that I accept, that anybody who sits and is not entitled to sit is liable to pay \$200 a day penalty, and that can be sued by anybody outside. As a matter of fact the person who sues, the plaintiff, would be entitled to half of the penalty.

**Mr. MacGuigan:** Is there not something in that Senate and House of Commons Act to incorporate the qualifications of the Elections Act for a member?



**Dr. Ollivier:** In the part dealing with the independence of Parliament it says:

No person holding any office of emolument under the Crown. . .

Nor any sheriff. . .

and so forth. Then there is an exception for the members of the military forces. During the war, for instance, if somebody enlists he will receive his indemnity as a member and also be paid. Then it was necessary to put in the Act provisions to cover Ministers of the Crown. Previously, before 1930, when a member of the House became a Minister of the Crown he had to resign his seat and had to run again in his constituency. That is the reason why Mr. Meighen was defeated in 1926, because when he accepted the office of Prime Minister he was not sitting in the House anymore, he was sitting in the gallery, and he was defeated by one vote.

**Mr. MacGuigan:** Perhaps I might have a look at that Act to look for this section, and somebody else might ask questions in the meantime.

[*Interpretation*]

**The Chairman:** Mr. Cantin?

**Mr. Cantin:** Mr. Chairman, first I would like to make a remark. The Member for Lotbinière was honest enough to say that he had the same interest as that of the claimant, Mr. Roberts, so he should not really take part in the decision of the Committee. Personally, I must say that I share the opinion of Dr. Ollivier and I agree with his conclusions particularly that this should be the recommendation of the Committee.

If you tried now to have the opinion of the Committee, I think we could reach a decision.

**The Chairman:** This is exactly the reason why, Mr. Cantin, I, personally, would like to tell the members that since this is question relating to the interests of a colleague, it might be better to discuss our decision in camera. There are other members. . .

**Mr. Cantin:** Are we prepared to sit in camera immediately? We can sit. . .

**The Chairman:** Exactly, this is really the very crux of the question of discussions which belong to the members of the Committee.

I would suggest and recommend to the members not to jump to conclusions immediately, before they have allowed all members to put their questions to one or the other of the witnesses, so that we have all our questions answered. Then we can have an in-camera sitting where everybody can express his

opinion and views. I think this would be the wisest way to proceed.

Do members agree on this?

[*English*]

**The Chairman:** Mr. Benjamin.

**Mr. Benjamin:** Mr. Chairman, did I understand Dr. Ollivier and Mr. Connell to say that any public servant who took leave of absence without pay for any purpose is not by right entitled to payment for accrued vacation or retirement severance? That it is as a favour, *ex gratia* as you put it, no matter what the circumstances?

**Mr. Connell:** A person covered by the Public Service Employment Act, a public servant who is also therefore covered by the terms and conditions of that Act, if he resigns, he gets payment on a discretionary basis from the deputy head for credits such as this unused vacation and unused retirement leave.

**Mr. Benjamin:** If he resigns?

**Mr. Connell:** Yes.

**Mr. Benjamin:** But if he has leave of absence without pay, it is obvious that there is intention to return to the service. Until such time as someone resigns or is dismissed, there is an intention to return to the service. So in that case they still are not entitled as a matter of right to payment for unused vacation leave.

**Mr. Connell:** Well, with the intention to return to the service, if it were a leave of absence, for example, for three months, it would be presumed that he would return and that he would perhaps take his vacation when he returned, or he might take it before he took his leave of absence. I do not think the question would really arise in the normal case of a leave of absence.

**Mr. Benjamin:** I see. Well, the main point that I was wondering about is that it is not a matter of right in a situation like that of Mr. Roberts or any other person who is in the public service. The payment would be made as a favour.

**Mr. Connell:** In the case of a public service employee covered under the Public Service Employment Act, the normal device has been, if he resigns, to postpone his resignation date until he has taken his unused vacation credits. So to this extent he has been kept on the payroll on vacation, and it has been a device. But if he were to resign without having taken that vacation, then it would be discretionary with the deputy head of the department to give him this gratuity in lieu.



**Mr. Benjamin:** May I ask one further question on the matter of the public service, and members of it who seek public office. Are there any general regulations, or to your knowledge has any senior person in any department, either by letter, by circular, or verbally, advised members of the federal public service that if they sought and received nomination for federal office they would be required to resign?

**Mr. Connell:** Not to my knowledge.

**Mr. Benjamin:** Then there is no restriction on federal civil servants seeking federal office. They would be entitled to leave of absence without pay, and would not be required to resign unless and until they were elected.

**Mr. Connell:** As Dr. Ollivier has pointed out, the circumstances under which an employee under the Public Service Employment Act gets leave of absence, indeed, is required to take leave of absence, as set forth in this Act, are that once he is nominated, he must take leave of absence. I know of no instructions of the type that you referred to. I do not know whether it would have been necessary to have issued them I do not know whether or not they have been.

**Mr. Benjamin:** May I ask Mr. Roberts a question, Mr. Chairman?

**The Chairman:** Yes. Mr. Benjamin.

**Mr. Benjamin:** Mr. Roberts, I notice in the letter from the Minister to yourself there is mention of terminal leave and, I think, at some other point retirement funds. Your submission mentions vacation allowance. Is it one or the other or is it some of both?

**Mr. Roberts:** No, I received a refund of my contributions to the superannuation fund which, I think, is what was referred to in that letter.

**Mr. Benjamin:** I see; all right.

**Mr. Roberts:** As far as I know, the only outstanding payment as I would call it is the one which is related to my vacation credit.

**Mr. Benjamin:** You have received a payment in the sense that you received a refund of your pension contributions.

**Mr. Roberts:** Yes.

**Mr. Benjamin:** That is the only one you have received?

**Mr. Roberts:** I believe so, unless there was some other contribution that I made that had been returned to me, but I think that is the only one I have received. The only one outstanding is the vacation credit.

**The Chairman:** Are you through, Mr. Benjamin?

**Mr. Benjamin:** Yes.

**The Chairman:** Mr. Sullivan.

**Mr. Sullivan:** Dr. Ollivier, I wonder if you would clarify my thinking on this, particularly in relation to Section 16. What about a member who is involved in expropriation proceedings? Can he negotiate with the government?

**Dr. Ollivier:** I do not think so. I know it might happen in the case of the new international airport and some members might be involved, but this is a general law and it applies to everybody. The member has not asked for the expropriation. He will be forced, probably, to accept the money that will be given to him. I do not think that would disqualify him, otherwise . . .

**Mr. Sullivan:** He might be interested in a contract.

**Dr. Ollivier:** . . . it would mean that if we wanted to build an airport and one or two members have their properties in the land the government wants, could they, because that conflict refuse to sell and say, "I cannot sell because this constitutes a contract". This is a general law that applies to every member. For instance, he could have shares in the Bell Telephone Company and . . .

**Mr. Sullivan:** I fail to see the distinction. I can see that point of view if the . . .

**Dr. Ollivier:** . . . the Bell Telephone Company could have a contract with the government.

**Mr. Sullivan:** . . . expropriation occurs and it is dealt with by a court, but I can see a conflict if there is agreement, can you not?

**Dr. Ollivier:** Yes, if you could prove there was a conflict of interest in a way that the member could use his position to obtain a more favorable consideration.

**Mr. Sullivan:** So no member really should settle an expropriation proceeding with the government?

**Dr. Ollivier:** He should not settle it separately. He should . . .

**Mr. Sullivan:** Go on and be adjudicated.



**Dr. Ollivier:** . . . wait for the adjudication, but he would have to accept it.

**Mr. Sullivan:** If he does not, would he be disqualified in your opinion?

**Dr. Ollivier:** That is a question that would have to be decided probably by the courts.

**Mr. Sullivan:** What about people receiving benefits under federal statutes?

**Dr. Ollivier:** It depends. There are some federal statutes which provide exactly for that position. For example, statutes relating to veterans such as the Veterans's Land Act. It was thought necessary to put in those acts a section saying that if a member happened to be a veteran or a veteran happened to be a member, that he could still take advantage of that act. I think it is always better in drafting such an act to provide for those cases. I know in the agricultural laws in the West, for instance, that some members, no doubt, will benefit from those laws and will not be disqualified.

**Mr. Sullivan:** What about the Farm Credit Act?

**Dr. Ollivier:** That is the one.

**Mr. Sullivan:** Can a member deal with the Farm Credit Corporation regarding a loan?

**Dr. Ollivier:** That is the one I was thinking of. I have not read it lately, but it would be better if in the act itself there were such a provision as there are in others. I am not sure whether there is . . .

**Mr. Sullivan:** If it were not in that Act . . .

**Dr. Ollivier:** . . . but I do not think there is such a provision in that Act.

**Mr. Sullivan:** . . . would you say a member now would be disqualified?

**Dr. Ollivier:** No, because it is a general act that applies to everybody, unless there is a conflict of interest where the member uses his influence as a member to get a better deal. I would think that would be the answer.

**Mr. Sullivan:** It does not say that here though, does it?

**Dr. Ollivier:** No.

**Mr. Sullivan:** It says "any contract". It certainly is a contract—a loan.

**Dr. Ollivier:** Yes, but as I was saying, suppose you are a shareholder in the Bell Telephone. The Bell Telephone has a contract with the government, but you will not be disqualified as a member because you hold shares in the Bell Telephone.

**Mr. Sullivan:** In the case of the Bell Telephone you are a shareholder, but the corporate is different. Being a shareholder is not the same as being the Bell Telephone.

**Dr. Ollivier:** Yes, if I were a member . . .

**Mr. Sullivan:** A member of the corporation is not the corporation.

**Dr. Ollivier:** . . . I might forego the benefits if I had any doubts. The law is there, but it is up to you to interpret it. I could not advise you and say, "Do not do it" or "Do not take it" because you might be taking a risk.

**Mr. Sullivan:** I have one last question. Would a member be safe in dealing with a Crown corporation and making contracts with them?

**Dr. Ollivier:** I think the same principle would apply.

**Mr. Sullivan:** Thank you.

[Interpretation]

The Chairman: Mr. Fortin.

**Mr. Fortin:** Mr. Chairman, I am asking myself what the member for Louis-Hébert (Mr. Cantin) meant when he said that it would be better if I did not say anything during the present debate and that I do not take part in it.

**Mr. Cantin:** I did not say that it was preferable that you did not speak but when the decision was made that you should not speak because you have a similar interest. It is for your own protection.

**Mr. Fortin:** Mr. Chairman, my case has been settled and was somewhat different. So I stick to my privileges as a member of this Committee.

**Mr. Cantin.** Excuse me, before you did not mention that your case was settled.

[English]

The Chairman: With your permission and taking leave of certain of my functions, I would like to ask Mr. Connell a few questions so will have something crystal clear in my mind.



Could you state, Mr. Connell, the reason and the only reason why the request made by Mr. Roberts was turned down? Was it because of the potential conflict with Section 16 of the Election Act?

Mr. Connell: That is my understanding of the reason for the decision made by the Cabinet.

The Chairman: Thank you, Mr. Ritchie.

Mr. Ritchie: I would like to ask Dr. Ollivier a question through you, Mr. Chairman. Even if this Committee passed the recommendation that this lump sum be paid to Mr. Roberts and even if the government acquiesced and it was put in an act or the estimates which you said are the same as an act did I understand you to say there still would be a possibility that Mr. Roberts could be challenged either in the House . . .

Dr. Ollivier: To my mind it all depends on how the item is worded. If it were worded with a proviso that this will not affect his position as a member—the example that I gave before—then there would be no doubt, but if that were not put in, there might still be some doubt.

Mr. Ritchie: Yes.

Dr. Ollivier: So to make it safer, I would recommend an item with a proviso that would read, “notwithstanding any act, payments made hereunder shall not render any such person, if he is a member of the House of Commons, liable to any penalty or disqualification”. If it was found necessary to put that in when the legislation for parliamentary assistants was created, I think it is just as necessary to put it in in the present case. At least, it would be safer; it would be water tight.

Mr. Ritchie: Would this be binding on future cases?

Dr. Ollivier: It would depend on how it was drafted. I suppose the item could be drafted so that it would apply to all cases. It would take a good draftsman, but they have them in the Department of Justice.

The Chairman: Mr. Benjamin.

Mr. Benjamin: I have supplementary to that, Mr. Chairman. Is there any other method that Dr. Ollivier could suggest? Is not this method—the estimates—quite cumbersome? Is there any other method of payment that could be made?

Dr. Ollivier: He could wait, perhaps, until he ceases to be a member and then . . .

Mr. Benjamin: No, no, I mean in settling this quicker than an item in the estimates would allow. Is there any other manner in which this could be done, such as a motion of the House or . . .

Dr. Ollivier: It would be up to the government to decide to do it. In my mind, there would still be a doubt if the government did pay it. I believe, as Mr. Connell does, that the reason the government hesitated to make that payment was so it would not open a conflict provided for in Section 16. It might not happen but it would be sufficient that a member would get in the House and raise a question of privilege. This would not be a question of privilege in reverse. As I said, that would be the real question of privilege. If Section 16 does not apply, then we are not concerned with it.

Mr. Benjamin: I think the point Mr. Ritchie made was that, this could occur and re-occur after every election. If we have to go through this every time then there is a need for amendments to the Act.

Dr. Ollivier: You would not have to repeat it in every appropriation bill. You put it in once and it remains like that.

Mr. Benjamin: I was wondering if there were some quicker and easier way, including the points you made.

Dr. Ollivier: I suppose, if the Committee interpreted Section 16 as not preventing members in such a position from receiving an *ex gratia* payment then I think it would be better and that the Report would be agreed to by the House. It would certainly strengthen the position of the members concerned and help the government.

Mr. Benjamin: Would such a recommendation in the Report need to specify in cases of this instance, for services rendered up to or prior to the time of an election?

Dr. Ollivier: That the Committee is of the opinion there is no conflict between the right of a member and Section 16. It would be an interpretation that could be invoked if the question arose again.

Mr. Benjamin: This would apply, then, to all present cases and any that might occur in the future?

Dr. Ollivier: Yes that would be another solution; it is a possible solution.

The Chairman: Mr. McGuigan, just before you ask questions, I think, Mr. Connell has some comments to make.



**Mr. Connell:** Mr. Chairman, I just did not want to mislead you by my previous remark into believing that the Treasury Board or the Cabinet had decided that payment would be made if it did not contravene. They did not make such a decision. They declined to make a decision until they were sure of the effect of Section 16.

**Dr. Ollivier:** I think I can add to that. Not only the Treasury Board, but I think the Department of Justice also, is not anxious to give a legal opinion. They would not give a legal opinion to the House on that.

**The Chairman:** Mr. Connell, I just want to have it clear, without being elected would he have been paid?

**Mr. Connell:** I do not know what the box score is but I doubt if there were very many, if any, cases that were not, or have not, been paid in the past.

**The Chairman:** If there is anyone who has not been paid I think that . . .

**Mr. Connell:** I am not aware of any.

**The Chairman:** You are not aware of any; everyone else had been paid?

**Mr. Connell:** Yes.

**The Chairman:** All right. Mr. MacGuigan?

**Mr. MacGuigan:** Mr. Chairman, I wanted to follow up Mr. Benjamin's line of questioning because, while I recognize that Dr. Ollivier's first suggestion would be a way of solving the case here, it would not be a permanent solution. If we could make an interpretation of Section 16 which, after being adopted by the House, would be more or less binding from that time on, this might be a great deal more useful.

I want to come back again to this question I raised about judicial interpretation. Is the Act written in such a way that no one could appeal to a court to invoke the penalties against a sitting member—this \$200 a day penalty that you mentioned—unless this Committee first decided that person was not qualified to sit? In other words, would our members be protected from judicial action if we were to make such an interpretation of Section 16A?

**Dr. Ollivier:** I do not think so.

**Mr. MacGuigan:** I am sorry, Section 16 not 16A; that is a different problem.

**Dr. Ollivier:** There was a case, that of Kelly versus O'Brien, a suit for statement against a Senator. It was unsuccessful because the court said that the law was not clear.

**Mr. MacGuigan:** Yes.

**Dr. Ollivier:** In the meantime Senator O'Brien resigned in case he would have to continue to pay \$200 a day in penalties. Actually he did not have to resign because the Court in the first instance and in appeal said that the law was not clear enough to say whether he should vacate his seat as a Senator. That was 1943 in the Ontario Court of Appeal.

Where an action is brought to recover a penalty under a statute which is ambiguous and capable of two equally reasonable interpretations, that interpretation should be adopted which will relieve defendant from the penalty.

**Mr. MacGuigan:** That is a useful precedent.

**Dr. Ollivier:** Kelly versus O'Brien.

**The Chairman:** Did you have one more question?

**Mr. Ritchie:** There is one thing more I would like to ask Dr. Ollivier. If the Committee recommends this as you have drafted or suggested, and the precedent will cover other similar things in the future, will this open up any problems about greater claims on things not related to this particular type of thing?

**Dr. Ollivier:** Well it all depends how the item is drafted. It might be drafted just to cover Mr. Roberts; it might be drafted to cover the other members who are concerned at the moment also.

**Mr. Benjamin:** And any case of that nature later on.

**Dr. Ollivier:** I think a general item to cover all cases to come would better be done by an amendment to the Senate and House of Commons Act.

**The Chairman:** Gentlemen, it is close to 1 p.m. and unless some of you have more questions to ask of our witnesses I would receive a motion that on Thursday next at 11 a.m. we sit in camera to decide.

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

Thursday in case members of the Committee want to question me.

Mr. Roberts: Mr. Chairman, I want to know whether you want me to keep myself available

The Chairman: We will let you know, Mr. Roberts. It is agreed that on Thursday next we sit in camera to decide this.

DEVELOPMENT RURAL AND RURAL DEVELOPMENT  
HOUSE OF COMMONS  
STANLEY  
CANADA

NO 0119 W, March 20, 1969

Mr. John Roberts, M.P.  
House of Commons  
Ottawa, Ontario

PRIVILEGES AND ELECTIONS

Chairman: Mr. OVIDE LAFAMME

As you may have learned by now, my recommendation that you be paid a cash gratuity in lieu of terminal leave for services which you rendered before becoming a Member of Parliament has been turned down by Cabinet.

The purpose of this letter is to inform you of the reasons why Cabinet took such a decision, a decision which, I should add, was taken only after most careful consideration had been given to the matter.

No. 8

As I understand it, under the present legislation, there cannot be anything in the estimates to provide for payment of services to a member of the House, even for an ex gratia payment. If there were, the matter could be debated in the House.

Most if not all legal advisors considered that the House of Commons Act to challenge your right to hold your seat in the House of Commons if such a payment were made to you by the government.

This was the dilemma: on the one hand it was thought that as a matter of justice you were fully entitled to your payment, but on the other hand I am led to understand that the possibility clearly exists that your payment made to you, your right to hold your seat in the House could be challenged.

It is on this basis that the decision was taken. In the light of the foregoing, further study of the Senate and House of Commons Act has been initiated with a view to clarify the situation for the future.

I know that this decision will be a great disappointment to you but the law, as it stands, has left me no alternative.

Best wishes,

(signed)

Jean Marchand

Bill Leitch, Deputy Clerk



## APPENDIX B



MINISTER OF FORESTRY  
AND  
RURAL DEVELOPMENT

MINISTRE DES FORÊTS  
ET DU  
DÉVELOPPEMENT RURAL

HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

Ottawa, March 20, 1969.

Mr. John Roberts, M.P.  
House of Commons  
Ottawa, Ontario

Dear Mr. Roberts,

As you may have learned by now, my recommendation that you be paid a cash gratuity in lieu of terminal leave for services which you rendered before becoming a Member of Parliament has been turned down by Cabinet.

The purpose of this letter is to acquaint you with some of the reasons why Cabinet took such a decision, a decision which, I should add, was taken only after most careful consideration had been given to the matter.

As I understand it, under the present legislation, there cannot be anything in the estimates to provide for payment of services to a member of the House, even for an ex gratia payment. If there were, the matter could be debated in the House.

Most if not all legal advisors consulted came to the conclusion that only Parliament can interpret legislation concerning its own members. This then leads them to conclude that use could be made of the Senate and House of Commons Act to challenge your right to hold your seat in the House of Commons if such a payment were made to you by the government.

This was the dilemma: on the one hand it was thought that as a matter of justice you were fully entitled to your payment, but on the other hand I am led to understand that the possibility clearly exists that, were the payment made to you, your right to hold your seat in the House could be challenged.

It is on this basis that the decision was taken.

In the light of the foregoing, further study of the Senate and House of Commons Act has been initiated with a view to clarify the situation for the future.

I know that this decision will be a great disappointment to you but the law, as it stands, has left me no alternative.

Best wishes,

(signed)

Jean Marchand

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

---

THURSDAY, APRIL 24, 1969

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Subject-matter of question of privilege—Mr. Roberts

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WITNESSES:

*(See Minutes of Proceedings)*

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INCLUDING FIFTH REPORT TO THE HOUSE

The Queen's Printer, Ottawa, 1969



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

- |                      |          |                 |
|----------------------|----------|-----------------|
| Cafik,               | Marceau, | Schreyer,       |
| <sup>1</sup> Cantin, | Murphy,  | Skoberg,        |
| Forest,              | Nielsen, | Sullivan,       |
| Fortin,              | Peddle,  | Trudel,         |
| Lundrigan,           | Richard, | Valade,         |
| MacGuigan,           | Ritchie, | Woolliams—(20). |

(Quorum 11)

Edouard Thomas,  
Clerk of the Committee.

Pursuant to Standing Order 65 (4) (b),

<sup>1</sup> Mr. Cantin replaced Mr. Hogarth on April 22, 1969.

Most if not all members of the House of Commons are aware that only Parliament can interpret legislation concerning its own members. This then leads them to conclude that use could be made of the Senate and House of Commons Act to challenge your right to hold your seat in the House of Commons if money were made to you by the government.

This was the subject of a question of privilege—Mr. Roberts. You were fully entitled to your payment, but on the other hand I am led to understand that the possibility of such a payment was made to you, your right to hold your seat in the House could be challenged.

It is on this basis that the decision was made. (See Minutes of Proceedings) In the light of the foregoing, further study of the Senate and House of Commons Act has been initiated with a view to clarifying the situation for the future.

I know that this decision will be a disappointment to you, but it is the law, and it is the duty of the Standing Committee to report to the House.

ORDER OF REFERENCE

Thursday, March 27, 1969.

Ordered,—That the subject-matter of the question of privilege raised by the honourable Member for York-Simcoe (Mr. Roberts) relating to the refusal of the Government, upon his election to the House of Commons, to pay him the terminal gratuity provided as a normal practice to those leaving the Public Service be referred to the Standing Committee on Privileges and Elections.

ATTEST

ALISTAIR FRASER,  
The Clerk of the House of Commons.



## REPORT TO THE HOUSE

Thursday, April 24, 1969.

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

### FIFTH REPORT

Pursuant to its Order of Reference of Thursday, March 27, 1969, your Committee has considered the question of privilege raised by the member for York-Simcoe, viz, the refusal of the government upon his election to the House of Commons to pay to him the accumulated vacation leave provided as a normal practice to those leaving the Public Service.

Your Committee held one meeting and heard the following witnesses:

Mr. John Roberts, M.P.;

Dr. Maurice Ollivier, Q.C., Law Clerk and Parliamentary Counsel;

Mr. J.P. Connell, Assistant Secretary (Personnel), Treasury Board.

Your Committee reports as follows:

1. The question of privilege is well founded.
2. Your Committee is of the opinion that in the light of the accepted practice, an injustice occurred when Mr. Roberts upon his election to the House of Commons could not be paid for the accumulated vacation provided as a normal practice to those leaving the Public Service.
3. Your Committee is of the opinion that the services to the government of Mr. Roberts as executive assistant to a minister of the Crown for which payment is claimed, were performed before he became a member of the House of Commons and, although the government may make an ex gratia payment according to the accepted practice for persons leaving the employ of the Public Service, the Committee recognizes the government's possible difficulty in the face of legislation as it now stands.
4. In order to overcome any possibility of a further question of privilege in the light of Section 16 of the Senate and House of Commons Act, it is recommended that the government consider the expediency of introducing an item in the estimates or supplementary estimates, equivalent to the amount of vacation leave accumulated by Mr. Roberts with a proviso that such payment be made notwithstanding any other Act of the Parliament of Canada and that acceptance of such payment would not require him to vacate his seat in the House of Commons.
5. As there are similar cases involving other members of the House of Commons, your Committee recommends that the government give the same consideration to such members.

6. Your Committee is of the opinion that the government should consider the expediency of introducing legislation to amend the Senate and House of Commons Act to resolve the question of the propriety of members of the House of Commons receiving such payments.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 7 and 8*) is tabled.

Respectfully submitted,

**OVIDE LAFLAMME,**  
*Chairman.*



all subjects thereof concerning all such matters as to a Committee of your House do  
as to a Committee of your House do as to a Committee of your House do as to a Committee of your House do

Thursday, August 26, 1963.

at 21, rue St. Louis (Parliament Hill) Ottawa, Ontario, Canada

The Standing Committee on Privileges and Elections has the honour to present to you a

REPORT

Pursuant to its Order of Reference of Thursday, March 27, 1963, your Committee has  
examined the question of privilege raised by the members of the House of Commons, viz. the  
refusal of the Government upon his election to the House of Commons to pay to him the  
accumulated vacation leave provided as a normal practice to those leaving the Public  
Service.

Your Committee held two meetings and heard the following witnesses:

Mr. John Roberts, M.P.;

Dr. Maurice Ollivier, Q.C., Law Clerk and Parliamentary Counsel;

Mr. J.P. Connell, Assistant Secretary (Personnel), Treasury Board.

Your Committee reports as follows:

1. The question of privilege is well founded.
2. Your Committee is of the opinion that in the light of the accepted practice, an injustice occurred when Mr. Roberts upon his election to the House of Commons could not be paid for the accumulated vacation provided as a normal practice to those leaving the Public Service.
3. Your Committee is of the opinion that the services to the government of Mr. Roberts as executive assistant to a minister of the Crown for which payment is claimed, were performed before he became a member of the House of Commons and, although the government may make an *ex gratia* payment according to the accepted practice for persons leaving the employ of the Public Service, the Committee recognizes the government's possible difficulty in the face of legislation as it now stands.
4. In order to overcome any possibility of a further question of privilege in the light of Section 16 of the Senate and House of Commons Act, it is recommended that the government consider the expediency of introducing an item in the estimates or supplementary estimates, equivalent to the amount of vacation leave accumulated by Mr. Roberts with a proviso that such payment be made notwithstanding any other Act of the Parliament of Canada and that acceptance of such payment would not require him to vacate his seat in the House of Commons.
5. As there are similar cases involving other members of the House of Commons, your Committee recommends that the government give the same consideration to such members.

## MINUTES OF PROCEEDINGS

Thursday, April 24, 1969.  
(9)

The Standing Committee on Privileges and Elections met at 11:20 a.m. this day, the Chairman, Mr. Laflamme, presiding.

*Members present:* Messrs. Forest, Gervais, Jerome, Laflamme, Marceau, MacGuigan, Murphy, Peddle, Richard, Ritchie, Trudel—(11).

*Also present:* Messrs. Émard and Serré, M.P.'s.

*Witness:* Mr. Nelson Castonguay, Representation Commissioner.

*In Camera*, on the matter of the question of privilege raised by Mr. Roberts, M.P., the Committee considered a draft report and, after some discussion, adopted a report for presentation to the House by the Chairman.

*In open session*, Mr. Castonguay answered questions on the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

At 12:14 p.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,  
*Acting Clerk of the Committee.*



MINUTES OF PROCEEDINGS

Thursday, April 24, 1963  
(9)

The Standing Committee on Privileges and Elections met at 11:30 a.m. this day, the Chairman, Mr. I. Ashmun, presiding.

Members present: Messrs. Forest, Gervais, Jerome, I. Ashmun, Marceau, MacGinnis, Murphy, Peddie, Richard, Ritchie, Trudel—(11).

Also present: Messrs. Edmond and Serré, M.P.'s.

Witness: Mr. Nelson Castonguay, Registration Commissioner.

In Camera, on the matter of the question of privilege raised by Mr. Roberts, M.P., the Committee considered a draft report and, after some discussion, adopted a report for presentation to the House by the Chairman.

In open session, Mr. Castonguay answered questions on the Report of the Registration Commissioner on Methods of Election of Electors and Absentees Voting 1968.

At 12:14 p.m., the Committee adjourned to the call of the Chair.

Michael A. Mesurier,  
Acting Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 24, 1969.

● 1205

The Chairman: Order, please.

[Interpretation]

Mr. Castonguay, I am very pleased that you have come here today at noon, though even we have had to delay your presence here. Nevertheless, we are quite pleased to have you here now and for the following sittings. Since it is quite late, and if you have a brief that has been prepared, would it be possible to have it circulated right now?

Mr. N. Castonguay (Representation Commissioner): I have not prepared anything, because I think my report is rather complete. If the honourable members wish to have more light shed on the questions I have raised, I am ready to answer their questions. I have no brief because my report is complete, at least, I think so.

The Chairman: Mr. Richard?

Mr. Richard: I believe that we should wait until the next meeting, because I think that the questions that will be put to Mr. Castonguay will be quite lengthy, and as there are not too many members available, it would serve no purpose to go on.

The Chairman: Since you have made your report, Mr. Castonguay, would you have any other comments to add to it?

Mr. Castonguay: Nothing at all.

[English]

The Chairman: Is there anyone who has questions to ask of Mr. Castonguay right away about this report, or has anyone read Mr. Castonguay's report which has been circulated among the members?

[Interpretation]

Mr. Forest: Our questions may be rather long if we start to study the report of the various systems that exist in Australia or elsewhere and the experience gained in other countries. Now, I was wondering if

Mr. Castonguay had an additional report to give, he could have done so and we would have had the time to examine it before the next meeting. If there is none, I would agree with Mr. Richard that it would be preferable to have a new meeting with Mr. Castonguay, and then proceed. We might possibly wrap up the whole thing within one meeting instead of two. Under those circumstances it would be better to adjourn and start over again, . . .

The Chairman: Very well, Mr. Forest. I think it is a good suggestion. Now, I would like to ask Mr. Castonguay if he is aware that according to the terms of reference, we must first discuss the establishment of a permanent electoral list, and only that? Are there any specific points in your report that have a bearing on that question and on which you would like to draw our attention, or else . . .

Mr. Castonguay: No, because I think my report . . .

An hon. Member: Everything deals with the electoral list?

Mr. Castonguay: My report deals only with registration systems and supplementary voting systems, such as the absent vote, and voting by mail. There is an explanation about the voting systems in England, Australia, and the United States. I believe I have dealt with these questions thoroughly enough to enable you to judge the other systems.

Dr. Ollivier: Mr. Castonguay, can I ask you if your entire report deals with the electoral list or if some parts deal specifically with the electoral list while others deal with other subjects?

Mr. Castonguay: My report deals entirely with permanent electoral lists and secondly, the voting methods like the postal vote and the absent vote. I have been asked to make a report about these questions only, and therefore, I do not deal with any other questions.

[English]

The Chairman: I believe then, gentlemen, since there has been a motion to adjourn this meeting . . . Yes, Mr. Forest?



[Interpretation]

Mr. Forest: You mention in your report that establishing a permanent electoral list based on the Australian system would be extremely costly. Do you have any figures giving you an approximate idea of what a similar system would cost within the Canadian context?

Mr. Castonguay: I made a thorough study of the overall approximate cost of the Australian voting system which you will find on page 59 of the French version, and page 54 of the English version.

● 1210

Mr. Forest: I am talking about costs.

Mr. Castonguay: You will see in the detailed information that these are the costs from 1964 to 1965. And it amounts to about 45 cents a year per voter. But you will see that the salary of the Chief Electoral Officer in Australia was \$9,000, while it was \$21,000 in Canada. Could you find a Returning Officer here who would work full time for \$3,900 a year?

I believe that to start with, a minimum of \$1. per year per voter would be the cost of establishing that system in Canada. I think it will take . . . Well, in Australia, I believe there are 318 permanent employees, and they only have 124 ridings, whereas here we have 264 ridings. So, if you take a mean of 2 permanent employees per riding, this means at least 600 employees, including the central adminis-

tration staff. Personally, I do not see how you can establish a system here, like the one that is established here, at a cost of less than \$1 per year per voter. In Australia, they revise their lists every year. They go from door to door in urban ridings, and this costs them \$50,000. I don't see how we in this country could do such a revision of the electoral list each year for \$50,000. The system is completely different because, in Australia, the electoral districts include from 2,000 to 12,000 electors. For instance, a district with 2 to 3000 electors is given to a returning officer, who may take up to 2 months to carry out the revision. He might have 500 houses to visit in one week. I don't see how we could do this in Canada for \$50,000. Moreover, in rural areas, revision costs them \$6000. Do you think we could do that in this country, Mr. Chairman? In Australia, the cost is 45 cents per elector. But in looking over the details of costs I have here before me, I see that such a system could not be successful in Canada.

Mr. Forest: Mr. Chairman, I should like to have some further details. Could we have some figures comparable to those we have for Canada.

Mr. Castonguay: I gave details of costs for the Australian system, but it should not be forgotten that these are Australian costs.

Mr. Forest: We shall come back to this.

Mr. Castonguay: Very well.

The Chairman: The Committee is adjourned till Tuesday, at 11 o'clock.

*[Faint, mostly illegible text, likely bleed-through from the reverse side of the page.]*





(Continued)

Mr. Forrest: You mention in your report that instituting a permanent electoral list based on the Australian system would be extremely costly. Do you have any figures giving you an approximate idea of what a similar system would cost within the Canadian context?

Mr. Cartougeay: I made a thorough study of the overall approximate cost of the Australian voting system which you will find on page 59 of the French version, and page 54 of the English version.

© 1210

Mr. Forrest: I am talking about costs.

Mr. Cartougeay: You will see in the detailed information that those are the costs from 1964 to 1965. And it amounts to about 45 cents a year per voter. But you will see that the salary of the Chief Electoral Officer in Australia was \$5,000, while it was \$21,000 in Canada. Could you find a Returning Officer here who would work full time for \$3,900 a year?

I believe that if next year, a reduction of \$1 per year per voter would be the cost of establishing that system in Canada. I think I will take... Well, in Australia, I believe there are 318 permanent employees, and they only have 176 ridings, whereas here we have 254 ridings. So, if you have a ratio of 2 permanent employees per riding, this means at least 500 employees, including the central admini-

stration staff. Personally, I do not see how you can establish a system here, like the one that is established here, at a cost of less than \$1 per year per voter. In Australia, they revise their lists every year. They go from door to door in urban ridings, and this costs them \$30,000. I don't see how we in this country could do with a revision of the electoral list each year for \$50,000. The system is completely different because, in Australia, the electoral districts include from 2,000 to 12,000 electors. For instance, a district with 2 to 3,000 electors is given to a returning officer, who may take up to 3 months to carry out the revision. He might have 500 houses to visit in one week. I don't see how we could do this in Canada for \$50,000. Moreover, in rural areas, revision costs them \$6,000. Do you think we could do that in this country, Mr. Chairman? In Australia, the cost is 45 cents per elector. But in looking over the details of costs I have been before me, I see that such a system could not be successful in Canada.

Mr. Forrest: Mr. Chairman, I should like to have some further details. Could we have some figures comparable to those we have for Canada?

Mr. Cartougeay: I gave details of costs for the Australian system, but it should not be forgotten that these are Australian costs.

Mr. Forrest: We shall come back to this.

Mr. Cartougeay: Very well.

The Chairman: The Committee is adjourned till Tuesday, at 11 o'clock.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman: Mr. OVIDE LAFLAMME*

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

TUESDAY, APRIL 29, 1969

THURSDAY, MAY 1, 1969

WEDNESDAY, MAY 7, 1969

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Report of the Representation Commissioner on Methods of Registration  
of Electors and Absentee Voting, 1968.

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WITNESSES:

*(See Minutes of Proceedings)*



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome  
and Messrs.

- |                          |                      |   |
|--------------------------|----------------------|---|
| <sup>1</sup> Alkenbrack, | <sup>5</sup> Kaplan, | Schreyer,                               |
| Cafik,                   | MacGuigan,           | Skoberg,                                |
| <sup>2</sup> Code,       | Marceau,             | <sup>6</sup> Sullivan,                  |
| Forest,                  | Murphy,              | <sup>7</sup> Thomas ( <i>Moncton</i> ), |
| Fortin,                  | Richard,             | Trudel,                                 |
| <sup>3</sup> Gervais,    | Ritchie,             | Valade—(20).                            |
| <sup>4</sup> Howe,       |                      |   |

(Quorum 11)

Edouard Thomas,  
*Clerk of the Committee.*

Pursuant to Standing Order 65(4)(b),

- <sup>1</sup> Mr. Alkenbrack replaced Mr. Woolliams on April 30, 1969.
- <sup>2</sup> Mr. Code replaced Mr. Lundrigan on April 30, 1969.
- <sup>3</sup> Mr. Gervais replaced Mr. Sullivan on April 24, 1969.
- <sup>4</sup> Mr. Howe replaced Mr. Peddle on April 30, 1969.
- <sup>5</sup> Mr. Kaplan replaced Mr. Cantin on April 29, 1969.
- <sup>6</sup> Mr. Sullivan replaced Mr. Gervais on April 29, 1969.
- <sup>7</sup> Mr. Thomas (*Moncton*) replaced Mr. Nielsen on April 30, 1969.

THURSDAY, MAY 1, 1969  
WEDNESDAY, MAY 7, 1969

Report of the Representation Commissioner on Methods of Registration  
of Electors and Absentee Voting, 1968.

WITNESSES:

(See Minutes of Proceedings)

ORDER OF REFERENCE

WEDNESDAY, April 2, 1969.

*Ordered*,—That the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, made pursuant to section 9 of the Representation Commissioner Act be referred to the Standing Committee on Privileges and Elections.

ATTEST:

ALISTAIR FRASER,  
*The Clerk of the House of Commons.*

Gabrielle Savard,

*Acting Clerk of the Committee.*

THURSDAY, May 1, 1969.

The Standing Committee on Privileges and Elections met this day at 11:30 a.m., the Chairman, Mr. Orville Lefebvre, presiding.

Members present: Messrs. Forest, Snow, Lefebvre, MacGuegan, Sullivan, Thomas (Moncton) (6).

Witness: Mr. Nelson Castonguay, Representative, Compton.

The Committee questioned the witness concerning the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

At 11:30 p.m., the Committee adjourned to the day of the Chair.

WEDNESDAY, May 1, 1969.

The Standing Committee on Privileges and Elections met this day at 3:41 p.m., in camera, the Chairman, Mr. Orville Lefebvre, presiding.

Members present: Messrs. Benjamin, Code, Forest, Snow, Lefebvre, Lefebvre, MacGuegan, Murphy, Richard, Ritchie, Sullivan, Thomas (Moncton) (12).



Mr. Albrecht replaced Mr. Williams on April 26, 1969.  
 Mr. Code replaced Mr. Landry on April 26, 1969.  
 Mr. Gerwin replaced Mr. Sullivan on April 26, 1969.  
 Mr. Howe replaced Mr. Pottle on April 26, 1969.  
 Mr. Kaplan replaced Mr. Cavin on April 26, 1969.  
 Mr. Sullivan replaced Mr. Gerwin on April 26, 1969.  
 Mr. Thomas (Moneton) replaced Mr. Nelson on April 26, 1969.

Edward Thomas,  
 Clerk of the Committee.

(Group II)

|                  |                  |
|------------------|------------------|
| Howe             | Howe             |
| Gerwin           | Gerwin           |
| Forn             | Forn             |
| Fotel            | Fotel            |
| Code             | Code             |
| Code             | Code             |
| Schreyer         | Schreyer         |
| Schrobert        | Schrobert        |
| Sullivan         | Sullivan         |
| Thomas (Moneton) | Thomas (Moneton) |
| Trudel           | Trudel           |
| Vlade-(30)       | Vlade-(30)       |

ASSASSINATIONS

Mr. James Jerome  
 Vice-Chairman: Mr. James Jerome  
 and Messrs.

April 2, 1969

ORDER OF REFERENCE

[Text]

## MINUTES OF PROCEEDINGS

TUESDAY, April 29, 1969.

The Standing Committee on Privileges and Elections met this day at 10:00 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Forest, Fortin, Laflamme, Marceau, Peddle, Richard, Sullivan—(7).

*Witnesses:* Messrs. Nelson Castonguay, Representation Commissioner; R. L. Stewart, his Executive Assistant; J. M. Hamel, Chief Electoral Officer.

The Committee resumed consideration of the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

Mr. Castonguay was questioned.

At 11:00 o'clock a.m., the Committee adjourned to Thursday, May 1st, 1969.

Gabrielle Savard,  
*Acting Clerk of the Committee.*

THURSDAY, May 1, 1969.

The Standing Committee on Privileges and Elections met this day at 11:30 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Forest, Howe, Laflamme, MacGuigan, Sullivan, Thomas (*Moncton*) (6).

*Witness:* Mr. Nelson Castonguay, Representation Commissioner.

The Committee questioned the witness concerning the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting 1968.

At 12:10 p.m., the Committee adjourned to the call of the Chair.

WEDNESDAY, May 7, 1969.

(10)

The Standing Committee on Privileges and Elections met this day at 3:41 p.m., *in camera*, the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Benjamin, Code, Forest, Howe, Jerome, Laflamme, MacGuigan, Murphy, Richard, Ritchie, Sullivan, Thomas (*Moncton*) (12).



Witness: Mr. Nelson Castonguay, Representation Commissioner.

Moved by Mr. Sullivan and

Agreed,—That the proceedings and Evidence of the meetings held on April 29 and May 1, 1969 without quorum be accepted as part of this day's proceedings.

The Committee agreed to accept as an exhibit letters received since 1963 by the Chief Electoral Officer concerning absentee voting (*Exhibit V*).

After discussion, it was moved by Mr. Howe, and

Agreed,—That the Sub-Committee on Agenda and Procedure meet to draft a report on the Methods of Registration of Voters and Absentee Voting for subsequent approval of the Committee.

At 4:57 p.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.

## EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 29, 1969

• 0959

[Interpretation]

**The Chairman:** Gentlemen, I think that at this time, we could go on questioning Mr. Castonguay, who is here, on his report, distributed among the Members of the House, on the methods of registering electors and also absent ballot. For that purpose, I think that, without having a quorum at the present time, the members might perhaps agree that since the evidence we are having at present is recorded and entered in the minutes of the proceedings, that when we will have a quorum, we shall be able to move a motion so as to regularize the situation. Otherwise, the witnesses who are here will be losing their time, and so will the MP's and I think that we already have enough members among us here who are visibly interested in this question.

[English]

I would then suggest that you indicate your intention to ask questions. After we have had one round of questioning we could start over again. We are continuing our study of Mr. Castonguay's brief. Is that agreed?

[Interpretation]

**Some hon. Members:** Agreed.

**The Chairman:** Mr. Castonguay, last week, you said a few short words on the main points of the report submitted by you, with regard to the possibility of setting a permanent electoral list and especially of settling the problem of absentee ballot. Have you any general comments to offer on those two important matters before we have questions on that point?

**Mr. Castonguay (Representation Commissioner):** No, I have nothing else to add.

**The Chairman:** Mr. Forest?

**Mr. Forest:** Mr. Castonguay, in your report, especially in those pages where you sum up your conclusions and recommendations and where you state that if we came to the conclusion that in this country we should have a permanent electoral list, that it would be similar to the present system in Australia, i.e.

it would be a permanent list but not a definitive one. I notice that you made some objections in your report, particularly with regard to the cost. Last week, I believe you pointed out that, at the present time, you had no figures as far as Canada is concerned, but you were going by the figures involved for Australia. However these figures go back several years, and apply to a population that is perhaps more stable, and to a smaller territory than ours. Have you any figures for Canada, or is it only in comparison with Australia?

**Mr. Castonguay:** Well, it is only in comparison with Australia. Conditions in Australia are pretty much what they are in Canada. If you look at page 57 of the French version which is page 52 of the English version, you will see the conditions which have a bearing on the changes made in the electoral list and which indicate a shift in population.

In 1966, the electoral list included 6,011,034 electors. That year, 779,462 names were added; we took out 586,899 names; we made changes to 183,406 names; the total number of operations was 1,549,767; that is about 25 per cent change for the year. You will note that in the preceding years, the average was about 25 per cent.

To appreciate conditions in Canada, I would like to draw your attention to page 31 of the French version.

You will see that we have a statistical bulletin on population movements in Canada. Between the age group 20-24 and the age group 65 and over, there is a total population of 10,063,713.

In a five-year period, there were 4,398,623 moves or changes of address. In the same municipality, 2,651,661 changes occurred; 1,746,962 moved within different municipalities; 1,368,934 moved within the same province, and for those who moved from province to province, the figure is 357,541. There were 20,487 listed under the category "moved, residence not indicated", and 350,461 were listed under "immigrants".



Statistics also indicate that,

During the calendar year 1966, the Family Allowance Division of the Department of National Health and Welfare recorded approximately 748,000 changes of address from 2,826,000 accounts as of the 31st December of that year. During the same period, the Old Age Security Division of the above-mentioned Department recorded some 206,000 changes of address from 1,125,000 accounts as of the 31st December of that year.

Now, 748,000 changes are the equivalent of about 26 per cent, and 206,000, add up to approximately 18 per cent changes annually. So that in Canada we can expect population moves, changes of address, and a number of operations which amount to an average of 25 per cent changes. I believe that at the time of the last elections, the electoral list showed 10,800,000 electors, which means approximately 2 $\frac{3}{4}$  million changes annually on the electoral list. Steps must be taken to keep the list up to date by returning officers, and this must not be left to the elector's choice. It is when an election takes place that all the changes occur.

British Columbia is the only province in Canada which has a permanent list. You will see the problem that arises, on page 12 of the French version.

Statement of the additions and deletions of names of voters effected to the Rolls between 1963 and 1966.

Names of voters on Rolls at 1963 general election. . . 863,103

Removals: non-voters, deaths, etc., 1963-66. 176,569

Additions, 1963-66 . . . 32,727

On rolls at start of registration for 1966 general election 719,261

Applications for registration made before the elections amount to about 153,000 for one year. These were 22,097 voters from other ridings. Finally, the electoral list for the 1966 elections included 873,927 voters.

Therefore, you can see that over a three-year period, 176,000 changes were made, and before the elections, about 175,000 changes were made. Which means that no great change occurred in between elections.

The experience in B.C. indicates that there does not exist any method of revision to keep the electoral list up to date, every year, except the list where the elector must notify the returning officer that he has changed

address or has reached the age of 21. We have had the same experience in other parts of the United States. When this is left up to the elector, nothing happens except at the last minute. If we add the 25 per cent annually, there must have been far more changes than that in B.C.

**The Chairman:** In Australia, the cost of the permanent list, in 1965, was \$0.45 per elector. Do you think the cost would be similar or higher in Canada?

**Mr. Castonguay:** You will find the estimated cost of the registration system on page 59 of the French version, and on page 54 of the English version. The total cost amounts to \$2,716,404 annually and in 1965, the electoral list included 5,934,587 electors. They have 124 electoral districts, plus one returning officer per electoral district who receives \$3,900 annually. Can we, in Canada, hire a permanent electoral district registrar on an annual salary of \$3,900? I don't believe so. And, he needs an assistant, so we have 2 employees. In Australia, they have approximately 318 permanent employees. Here, I think that the Chief Returning Officer has about 22 permanent employees. The others are returning officers who are hired when there is work.

Here in Canada, one returning officer and a deputy returning officer per district would immediately involve 528 permanent employees. This is a start, but won't these two individuals require a messenger? They will need an office and a head office. In other words, there will be close to 600 permanent employees. Personally, I fail to see, taking into account the difference in costs between Australia and Canada, how we could establish the same system as Australia for less than 1 dollar annually per elector. In Australia, the annual revision costs \$120,000 to the government in urban centres, and approximately \$6,000 in rural areas. I fail to see how this could be carried out in Canada, because in 1935, when we had a system of permanent lists, the cost of annual revision was about \$500,000, and there were no returning officers. It was \$500,000 in Canada, in 1935. I fail to see how this revision could be carried out at present for less than a million dollars!

To establish the Australian system in Canada, it would easily take a minimum of \$1 per elector, per year.

**Mr. Forest:** Which means that it would cost \$11 million a year instead of \$5,041,000 which was the cost of the 1968 electoral list.



**Mr. Castonguay:** Expenditures that apply exclusively to electoral list for the last election were approximately \$7 million. Mr. Hamel is here, and he could give accurate figures for expenditures.

**Mr. Forest:** These are just figures relating to the enumeration. There is, perhaps, the printing of the lists.

**Mr. Castonguay:** There is the printing, the revision, and other questions. But I believe that it was approximately \$7,100,000. We shouldn't forget though, that these expenditures are not repeated every year, but only for the general election. Some people feel that our method of preparing lists is very expensive, but I do think that a permanent list is far more expensive because it is extremely expensive to keep such a list up to date.

Here, in Canada, we did try the system in 1934, with the cooperation of the elector, and it didn't work out at all, because the permanent list was used for one election only. After that election, all parties recommended that this system be abandoned, because it was not satisfactory at all.

**Mr. Forest:** This system would require mandatory registration of citizens, offices in every riding for the up-dating of the list, house calls in case of removals, and so on. It would be a very complicated process.

**Mr. Castonguay:** I have recommended that the registration be mandatory for the following reasons.

With the present system, the registration of a name on the list is the responsibility of returning officers. It is up to them to go and look for names, the public is used to that. Sometimes, the list is not complete, but it is not necessary for it to be complete, since electors can be sworn in on the day of the voting.

Hence, people are accustomed to having the State as responsible for drawing up these lists. Now, with a permanent list system, I am of the opinion that it is up to the voter to have his name registered, otherwise, it would cost a fortune to keep the list up-dated! And, even if it were up dated, we would have the problem which exists in other countries. In Australia, the revision is carried out between January and March, over a three-month period. If an election is called in April, the list is up to date, but if it were called in September, it would no longer be up to date. In Australia, they discovered that 3 to 5 per cent of

the people do not register. It is mandatory in Australia to register within the 21 days following arrival in a new residence. But 3 to 5 per cent of the electors ignore this responsibility. Hence, in a constituency of 40,000 people, approximately 2,000 electors did not observe the law. Therefore, the list is really not up to date even in Australia. Because, during the revision period, there occurs an error of 3 to 5 per cent. If the election is held in September, October, or November, the list is never up to date. With our present system, at least, our list is prepared 7 weeks before polling day. It is up to date at least 7 weeks before the elections.

**Mr. Forest:** The main advantage claimed for a permanent list, is that it could shorten the election period. You indicate in your report that this delay could be brought down to 30 days. Now, on the basis of your election experience, do you really think that in a country like Canada, it is possible to hold an election, choose candidates, have conventions, and so on, within a period of one month? Do you feel it is realistic to consider a 30-day election period?

**Mr. Castonguay:** I shall answer in English to give the interpreter a break.

[English]

I do say that from the administrative end, from the practical end and from the electoral end, an election can be held in this country in 30 days. However, I want to caution the Committee that I think it is totally unrealistic from the point of view, first, of selecting candidates. There are 21 constituencies in this country where there are only 28 days between nomination day and polling day. We have one electoral district that is 1,253,000 square miles. Then we have at least 10 that are over 100,000 square miles in area. Now I have read and heard people say that we are in the electronic age, the instant-communication age and the jet age, but the only thing that has happened in these hinterland constituencies is that the pack horse, the canoe and the dog teams have been replaced by helicopters and snowmobiles—and there are a few more landing strips. But the weather is still the same and the seasons are still the same. I would mean, if it was possible to have an election in 30 days, that in 21 constituencies you would have three days to pick candidates and in 243 constituencies you would have two weeks to pick candidates. It may be said that you can pick your candidates before the election, but I have been in



charge of six general elections and connected with the last one and I am fully aware that it takes the national parties at least six weeks to get all their candidates on the slate. How can

• 1020

you grind out a convention to pick candidates and everything else in three days in 21 constituencies and pick a candidate during that time? If the body politic can adjust to having candidates always at the ready in the event of 30 days, fine, but I do not know if this can happen. I do not think the body politic operates that way. It would be a major change to the body politic. I recall as Chief Electoral Officer having a problem publishing a list of candidates for the members of the Canadian Forces. So I asked this Committee in 1955 if they would give me another week, which means the nomination day in those 200 and more constituencies would be 21 days instead of 14 days. This Committee helped me with my problem. They recommended there should be a period of three weeks between nomination day and polling day, the government accepted the report and the bill was brought down in the House with three weeks. But the Committee of the Whole in the House had second thoughts on it and the government and the opposition agreed that it would be cutting into their time to get candidates. They had six weeks then. This would be giving them five weeks, taking one week off. I am not one to argue very much about whether this adjustment could be made; I think members of this Committee are in a better position to know if it could be made, but the people who discuss this matter say that in the U.K. they can have an election in three weeks. They ignore the fact that the area of the U.K. is 94,000 square miles. Canada has 10 constituencies that are larger than the U.K.; not provinces, but constituencies. France is 200,000 square miles and can complete an election in two weeks, but speaking of 200,000 square miles, there are three constituencies in Canada bigger than France.

My experience has been that if you talk to an urban member he feels three weeks are sufficient. If you talk to a member who has a rural constituency with a large town in it, he will say four or five weeks, but if you talk to a member with a hinterland seat you will find he would like a lot more than 60 days to cover that constituency. Also, a candidate running for the first time would like a lot more time than 60 days.

It seems to me that since 1962 the problem has been not the long campaigns, but the frequency of elections that has wearied people. We have had four general elections in seven years.

The practical side is that from the electoral officer's point of view there is no problem in holding an election in 30 days given a permanent list. As a matter of fact, a permanent list would be a chief electoral officer's heaven. All that has to be done is to provide polling facilities. In the Barbeau Report there is mention that maybe a permanent list would save money for parties, but if it means that every party has to keep candidates ready in the wings is that not going to be an expense to the candidates? I do not know. Will this offset the saving they may effect from being able to have an election in 30 days? This I cannot answer. First, I would caution that I think the adjustment has to be made to the body politic before it becomes possible for a Prime Minister in this country to call an election in 30 days. He may catch a lot of people off base. I am not saying he would do this intentionally, but with 30 days there are only three days in which to pick candidates in 21 constituencies and two weeks in the others. Which creates a big problem.

**Mr. Richard:** I have a supplementary. I think that if we had fixed election dates we would not have that problem at all: for example, every four years on September 3 or whatever the date might be.

**Mr. Castonguay:** The United States has the system of permanent lists in various degrees, but they have adapted their system to a fixed date.

**Mr. Richard:** That is what I was saying—a fixed date.

**Mr. Castonguay:** In the United States, the big expense to the parties is to get the people registered. They do not do anything in the non-election year. Next year will be an election year in the United States, so for the primaries, the reform groups, the unions, the service clubs and others try to get the electors registered, which is a big expense to the political parties. Then they try to get them registered for the election. They have more success in the presidential year but it is geared to a fixed date. The American political



• 1025

organizations think our system is ideal because there is no cost to the parties, but their permanent list results in a tremendous cost to them.

[*Interpretation*]

**Mr. Forest:** Now, this could have been a lesser evil at the time when it was to be foreseen that elections would be held every four years. But since 1962, there have been minority governments, and elections were called suddenly; that and that situation would almost have been impossible. One last question, Mr. Chairman. The absentee ballot is maybe one of the advantages of the permanent list, because it permits a check on the absentee ballots on election day. That same system is in effect in Australia and in British Columbia. But, without a permanent list, is it possible at all to check to absentee ballots on election day?

**Mr. Castonguay:** Well, we have two examples to go by. I do hope that with these examples the absentee voting adopted in 1934, will not be adopted again, because it was an absolute failure. It's told in this report. It didn't work out at all, because, to begin with, it was limited to a category of 3 or 4 occupations and required an affidavit. The province of Saskatchewan adopted the same system in 1960, but gave it up after one election, because it required an affidavit. You are absent from the province in another constituency; you fill out an affidavit and you vote for a candidate in your own constituency. Well, that's all right. But, when you add up the votes, and if a candidate has won with a majority of 50 and you have about 500 outstanding affidavits to be counted, these are going to weigh quite heavily. I believe that there is not one single member in this House who wouldn't like to know, whether he will be satisfied with these affidavits? How do you know who has signed the affidavit? Do you really know if he has the right to vote in your constituency?

In those countries with an absentee voting system, they have a permanent list. One should not think that a permanent list is made up like we make up our electoral lists with the present enumeration system, and that they go from house to house to take the names. Each voter must fill out a registration card containing his signature, all the details, his age, and so on. Here is an example:

Suppose I am from Ottawa and I go to Toronto. So, I go to any polling place in Toronto to vote for a candidate in my own constituency of Ottawa. For one thing, I have to begin by filling out a statement with my name, my address, and with my own signature. So, I sign this. And this is printed on an envelope. So, I'm given a ballot and I have a list of the candidates and I choose my own candidate and write the name on the ballot and I put it in the envelope, as in the case of our military vote.

After the election, the returning officer of York-North, shall we say, takes this ballot, sends it over to the returning officer in my riding. When he receives it, he compares the signature on the envelope with the signature on the registration card to see if Nelson Castonguay is the person who signed. Then he looks on the voting list to see if Mr. Castonguay did not vote in the ordinary polling place where he is listed. If he is satisfied with the signature, if Castonguay has not voted in his ordinary place of voting, that ballot can be counted. When the votes are added officially, all envelopes are opened in the presence of the candidates or of their agents and the ballots are placed in a ballot box—thus, the votes become secret. After all the envelopes are opened, he opens the ballot box and the votes are counted. The candidates may examine the envelopes, compare signatures and examine the voting list in order to find out if the elector has voted. And that's it.

[*English*]

Those are the only acceptable safeguards. Of course, not everybody is a handwriting expert but at least this is the only acceptable safeguard and it has worked satisfactorily in Australia for absentee voting, and the same system applies for postal voting.

• 1030

It is very similar to our Canadian Forces voting regulations. The only comment I have to make here is that we were never in 25 years able to remove their doubts as to the secrecy of that ballot. Will you be able to remove those doubts from the 10 per cent of civilians in this country? One cannot help but think that somebody is going to link that ballot with that envelope. That is a hazard with this absentee voting or postal voting. Absentee voting, where you can present yourself to any polling station on polling day, applies only to absence within a province itself. If I



am in Montreal I cannot do that. I have to apply for a postal ballot to my own returning officer and it must be received in the office of the returning officer of my own constituency before the polls close that night. That is not so with the absentee ballot, because it is passed in the poll, say in Toronto, in the box and when the DRO opens the box that night he puts those absentee ballots in a special envelope. He counts the others but not the absentee ballots.

If you want to adopt a system of providing methods of voting for people who are necessarily absent from home through sickness or any other reason, the only known and acceptable safeguard is this registration card. So, to get a permanent list means that roughly 11 million people have to fill out this card, before this system is working. It would take, in my view, about 18 months to get this system working after the legislation was passed because you cannot register 11 million people overnight this way, by getting signatures. We can do it by enumeration. We are given six days and with our present system of enumeration we can get 11 million names in six days because we do not require signatures.

**The Chairman:** How can they get those cards?

**Mr. Castonguay:** You would first have to set up registration centres throughout the constituency and make a drive to register everyone and, the next time a review is made you would pick up those people who were not registered. If you went along with compulsory registration, then over a period of perhaps two or three reviews everyone would be registered.

**The Chairman:** Do you mean that everyone will have this type of card?

**Mr. Castonguay:** Every returning officer? Every elector completes this card and it is kept in the returning officer's office. The elector is not given anything as a credential.

**The Chairman:** I can go to the registration office and get this card?

**Mr. Castonguay:** You can examine it. Oh, as an elector you can go and get it and register.

**The Chairman:** I can be away from my constituency and then vote through the mail?

**Mr. Castonguay:** Certainly, if you want to.

**The Chairman:** What would happen if more than...

**Mr. Castonguay:** There are certain rules. You cannot use this card unless you are absent, but how can a returning officer prove you are not absent? I must tell you that in Australia, in my discussions with the electoral officers, I found that there was no abuse of this privilege. It is working satisfactorily there.

**Mr. Forest:** Is it possible to have an absentee vote without a permanent list?

**Mr. Castonguay:** It is not, and still have the acceptable safeguards. I do not see how you could do it unless you were enamoured with affidavits, but I would be very surprised if anyone was. Would you be enamoured with them if your majority was 100 and 500 of them were sitting on the returning officer's desk?

**Mr. Forest:** No.

[*Interpretation*]

**The Chairman:** Mr. Fortin, did you have a supplementary question, I had the name of Mr. Sullivan on the list.

**Mr. Fortin:** Yes.

**The Chairman:** Perhaps I could return to you later.

**Mr. Fortin:** Mr. Castonguay, You spoke of the Armed Forces. Do you deal with that matter in your report?

**Mr. Castonguay:** No, because I wasn't asked to study the military vote, I was only asked to study the matter of permanent lists and of absentee voting.

**Mr. Fortin:** Do you feel that the Armed Forces vote is similar to the absentee vote?

**Mr. Castonguay:** The military vote, according to the regulations that respect the Armed Forces vote is a type of permanent list. There is a postal vote there too, or an absentee voting system. They use an envelope system. It's pretty close to a permanent list system for Armed Forces members and their dependents. We do have a permanent list and absentee ballots in this country for members of the Armed Forces but not for others, according to the law. But if we had a permanent list, it would solve, of course, a number of problems. The Armed Forces could give up



their regulations and be subject to the same regulations as the civilians. Federal employees serving outside the country, people in hospitals, students who caused trouble in 1965, they could all vote without difficulty. A permanent list will settle a lot of problems but will also create as many problems. We will have new problems.

[English]

**Mr. Sullivan:** I would like to direct a question to Mr. Castonguay. If we look upon absentee voters as you now define them, do you also include the non-voters in that? In other words, how do you get the figure on absentee voters from the last election?

**Mr. Castonguay:** The figures I quoted here were obtained from the census people. Do you mean in so far as movement of population is concerned?

**Mr. Sullivan:** Yes. First of all—

**Mr. Castonguay:** I do not have any figures on absentees in Canada. I was trying to relate what those figures could be by this study I made, which I wish to draw to your attention. This appears on page 28 of the English version. It reads:

The statistics show that of the 10,063,713 persons 20 years of age or over residing in private households in Canada at the time of the 1961 Census, 4,398,623 or 43% changed their usual place of residence within Canada at least once over the preceding five-year period. Just over 60% of these proved to be movers within the same municipality; 31% moved from one municipality to another within the same province, while 8% crossed provincial boundaries.

During the calendar year 1966, the Family Allowance Division of the Department of National Health and Welfare recorded approximately 748,000 changes of address from 2,826,000 accounts. . .

That means that 26 per cent of the people changed their addresses. To continue:

During the same period, the Old Age Security Division of the above-mentioned Department recorded some 206,000 changes of address from 1,125,000 accounts as of the 31st December of that year.

That is 18 per cent. What I was trying to arrive at is that if you had a movement of population of roughly 25 per cent these figures could be accepted, and they would be somewhat similar to the movement of popula-

tion and the conditions in Australia. Two thirds of the population there is in about five large cities and Australia has more land area than we have. This amazed me but it is a fact. They have an electoral district called Kalgoorlie, which has an area of 900,000 square miles and it falls—it is not in the Northwest Territories—in a redistribution pattern such as we have. Therefore I think the conditions are pretty much the same in Australia—or they could be somewhat the same—plus the fact that I do not believe their population movement would be as great as ours.

**Mr. Sullivan:** Were a significant number of people deprived of their vote because of this?

**Mr. Castonguay:** You cannot tell. All I can say is that in Australia, if you use those figures of the movement of population, 10 per cent of the people avail themselves of the facilities of absentee and postal voting. However, you must remember that those facilities are provided in Australia because they not only have compulsory registration, they also have compulsory voting, so with compulsory voting you have to eliminate every excuse that anyone gives you for not voting, and they have every facility to vote.

**Mr. Sullivan:** This was going to be my next question. If you did not have compulsory voting would a lesser percentage of the mobile people, the people who tend to move around, vote than those people who remain in their homes?

**Mr. Castonguay:** It is hard to say. We have had some experience in this respect. For instance, in the last election in the Province of Ontario we took the Service Forces list for Ontario—I think the figure was something like 35,500 potential Canadian Forces electors in Ontario—and all these people could vote if they wrote to an office in Toronto and said they wanted to vote. They took the address of the member of the Forces and sent him a ballot and a return envelope. There were 2,387 interested members of the forces who applied for the ballot and 198 were not sent ballots because they were not eligible. They sent 2,189 ballots to the electors and only 1,527 came back. That does not mean to say that some of those electors did not vote as civilians at civilian polls, but there was a potential 35,000 and only 1,500 applied for the ballot. I could not tell you if that is a good yardstick or not.



● 1040

**Mr. Sullivan:** You also mentioned that 30 days might be enough time for people running in urban ridings. I run in an urban riding and I certainly do not think it is. I agree with you that you certainly need 60 days at least.

Do you have any other suggestions to make on how, under our present system, it is possible to get on a list on election day?

**Mr. Castonguay:** I presume you are speaking of urban because there is no problem in the rural ridings.

**Mr. Sullivan:** That is right.

**Mr. Castonguay:** I do not know of any system where you would have the necessary safeguards. If 200 or 300 names were put on the list on voting day how do you know that these are bona fide electors? How can any electoral officer or any candidate and his agents or any political organization check on these people to see if they are bona fide electors?

**Mr. Sullivan:** No matter how many people come in with them you could still put two or three with each phony?

**Mr. Castonguay:** It may be of interest to you to know that during provincial elections in Ontario you can be vouched for in an urban riding. This is being abandoned because they are running into problems. The vouching for is being abandoned in the urban areas. I do not know how an electoral officer could check it. Perhaps the candidates would have enough workers to check out these 200 people, but I doubt it. I have tried checking 200 people out in a week and it is pretty difficult to do. All of a sudden you get an application and you have 200 people to put on that list. We had an experience in an election where in one electoral district 900 fictitious names were put on the list during the revision. There were people in the telegraph poles and the car lots, and the parties were not able to check all those in two weeks before the polling day.

**Mr. Sullivan:** I am sure they were not.

**Mr. Castonguay:** If you allow any names to be added on polling day in an urban constituency I do not doubt that they could be *bona fide* people, but I do not know of one member of this House with an urban seat who would be satisfied that they are *bona fide* unless he

had some assurance that some check was made.

**Mr. Sullivan:** Do you have any suggestion for the people who are sick or bedridden?

**Mr. Castonguay:** To start off with, I think what you are referring to are those people in general treatment hospitals. From the statistics I got a few years ago, the average stay of patients in such a hospital is 10 days; so in a period of 60 days you will have about that many sets of new patients coming in. Some will stay the whole 60 days, but not all of them come from the constituency in which that hospital is situated.

**Mr. Sullivan:** That is true.

**Mr. Castonguay:** Therefore, to me, it is almost impossible to take care of the patients in these hospitals.

I had the experience of observing the taking of a vote in such a hospital in Queensland in Australia. I was not too impressed with it, and for this reason: many people are interested in getting the votes of sick people, but I wonder how interested are the sick people. We went through a ward with the polling officials. There was an agent for each candidate and there were about eight around this body. Every bed we went to the patient just said "No". He was not interested. In that ward of perhaps 40 people I think two voted. It presents problems. The hospital cannot say, "Do not go near that sick man", because immediately one of the agents will say, "You are working against me." We have had that problem. Therefore, I am not sure how many people in an general treatment hospital are willing or want to vote, and after this experience in Queensland I would think twice before providing voting facilities in a ward in such a hospital. There are some people who are well enough, sure, but in this ward I think only two or three voted.

**Mr. Sullivan:** What about crippled or aged persons at home? Do you have any suggestions about them?

**Mr. Castonguay:** Again, the only way to tackle this problem is with a permanent list and your postal vote. I cannot see it with our present system. There is enough elasticity in our present system to take care of most cases. I do not know of any other electoral system in the world that allows an elector to get on the list two weeks before polling day. I defy anyone to show me any such electoral system.



We do this. Therefore let us not think that we are not providing our electors with more

• 1045

facilities and more opportunity to register than any country in the world. Do not let us "knock" our system too much.

There is no system that covers everyone 100 per cent, unless you want to go into this very expensive package of permanent lists. If you do, you can provide all these facilities, but over a period of, say, four years it would cost around \$44 million vis-à-vis an expense of \$8 million.

Do you want to provide those facilities for \$35 million? If you find that the other proposal of shortening the election period is not valid, the only reason for your wanting permanent lists is not for more accurate lists—because I do not think any other system of permanent lists is any more accurate than ours over the whole period of a year. I am speaking about a particular time, but over the period of a year, no matter at what time you call an election, with our system it is going to be reasonably accurate; but with a permanent list its accuracy depends on how close to the revision you order the election.

In the U.K. they voted recently to try to have two cycles a year to keep their permanent list up-to-date. There was a tie vote. The Speaker would not vote on it and it remains the same. It is one cycle a year. The reason for that second cycle was to update it a little more, but I think they ran into the problem of costing it.

But if you find that the reduction of the election period is not valid, it boils down to your spending at least \$30 million to provide these facilities for how many people? If you do that and perhaps make voting compulsory you might get 10 per cent. But I do not think you would get 10 per cent unless you made it compulsory. Because of these very sick people I do not know how many would want to use it. Therefore, it is not so easy. To apply for a postal ballot you must make application 10 days before polling day, and who is going to remember to get it in on time?

**Mr. Sullivan:** Thank you very much.

[*Interpretation*]

**The Chairman:** Mr. Marceau.

**Mr. Marceau:** Mr. Castonguay, I believe that the most serious problem we have in our ridings and even throughout the country is that the considerable number of people are

not on the list at the time of the election. You seem to say that permanent list would certainly contribute solutions but would also involve problems. To solve this problem which is the major one in our countries, could you not recommend a concrete solution? Obviously, when somebody is not on the list, that person does not have the right to vote. This, I feel, is a bit drastic because, from a provincial point of view, that person can vote with a certificate. Could you not propose a solution of a smaller scope than a permanent list?

**Mr. Castonguay:** Yes, I have a solution, which, I think, will not be very acceptable. I should like the candidates of urban ridings, who are able to recommend Enumerators to the Returning Officer, to have more time to choose the Enumerators. This is what happens. I am not criticizing candidates who nominate the enumerators. When an election is called, the Returning Officer needs 300 Enumerators. The candidate who, at the last election, received the biggest number of votes, recommends one half of them. The second one will recommend the second half.

He gives the Returning Officer a list of 150 names. He cannot check whether these people can act. The list may have been prepared by his organization three weeks earlier. The Returning Officer receives the list and observes that the list was prepared for the purpose of giving him time to check whether these people are available. The Returning Officer himself makes that check. He may notice that 50 per cent of these people were not even asked whether they would be available. He will observe that 25 per cent for one reason or another are not available. And then you have only 25 per cent who can act. The Returning Officer must, therefore, again consult the candidates. When an election is called you normally have only 10 days. The enumeration starts on the 49th day.

It means that the candidates have only 4 or 5 days to choose 150 Enumerators and to recommend them to the Returning Officer. In my opinion, if the candidates in urban ridings had more time to choose and to check whether these people are available and competent, the enumeration would be better performed.

**Mr. Marceau:** For instance, when entire streets are forgotten, it is not the fault of the enumerators, who are often mistaken in their boundaries. It is somewhat the fault of the



voter, who did not take care of it at the time of the enumeration.

**Mr. Castonguay:** It is not reasonable to believe that you can start an election in ten days. When the election is called, the Returning Officer opens his office. I am not talking about rural areas, but of the cities. The candidates give a list; the Returning Officer assembles 300 Enumerators in his office and the enumeration must start on the 49th day. I would like to recommend the system by which the candidates should have at least 10 days to choose these enumerators and before starting the enumeration we should have three weeks. I know that this means that the election campaign will last 70 or 71 days, but there are other ways of reducing the expenses; if there is no radio, television, no ads in the papers except during the last 30 days, then there is not much expenditure for political parties.

**Mr. Marceau:** But how is it that the open list in rural constituencies is not accepted in urban constituencies. It is a question of principle, I know that the figure is much larger, but why do they accept this in rural constituencies and not in urban constituencies?

**Mr. Castonguay:** In urban constituencies there are several boarding houses where nobody knows each other. In small villages everybody knows one another. They even know how their great grandfather voted. But in cities there are neighborhoods where people do not know one another at all.

**Mr. Marceau:** Mr. Castonguay, there are usually a relatively number of employees in a polling office, and sometimes they do not know every voter, but it is very rare and I do not believe this would represent more than 10 per cent of people voting. There is always one employee who has at least interviewed the voter, who can be placed under oath and if the voter refuses there is something unacceptable. The oath is there to protect people.

**Mr. Castonguay:** Yes, but what happens is that people who are going to play that game are prepared to make a verbal oath. The most efficient way to stop that game is to make them sign an affidavit under oath. It is my experience that once they have to sign an affidavit, they just walk away.

**Mr. Marceau:** It is just because...

**Mr. Castonguay:** It takes only 15 minutes to administer the oath in writing.

**Mr. Marceau:** Yes, but listen, 15 minutes, I believe that if we have electoral officers who are well informed and who know their job, this can be done fairly quickly. You are raising the problem of the competence of electoral officers, because there is one thing certain, Mr. Castonguay,...

**Mr. Castonguay:** People may possibly know each other very well in your area—but there are neighborhoods in Montreal and I could name some in Toronto where there are high-rise apartments and people do not know one another in the same house, in the same building.

**Mr. Marceau:** If somebody is not on the list and wants to vote, it is normal that he takes an oath.

**Mr. Castonguay:** But, if...

**Mr. Marceau:** This is a protection, but you should not prevent people from voting when for one reason or another they are not on the list, simply on the principle that there might be an irregularity.

**Mr. Castonguay:** I could tell you something, this principle was applied 25 years ago and it was accepted in the cities in Ontario, but it is now abandoned. The Committee recommended that it be abandoned. You could have somebody from Ontario who could testify as to the problems they had in this field.

**Mr. Marceau:** In the province?

**Mr. Castonguay:** In the province. They abandoned it completely. And they had that system for 25 years and then dropped it.

**Mr. Marceau:** They thought there were too many irregularities.

**Mr. Castonguay:** I do not know the reasons why they are giving it up but they are giving it up and this means that they are not happy with it. Maybe you can get the reasons from these people.

**Mr. Marceau:** Mr. Castonguay, I believe that you have said much more here in your comments than in your report.

**Mr. Castonguay:** Well, that is because they ask questions.

**Mr. Marceau:** This is very interesting though I am reaching the conclusion, obviously, that it is costly, but you have added that this might involve more problems or at least as many as the ones you have solved.



What would be the advantages of a permanent list. You told us about the drawbacks. Would there be any disadvantages, first of all from the point of view of the election, and other general advantages...

**Mr. Castonguay:** We had problems in Canada. This would solve quite a few problems. You undoubtedly remember the elections in 1965 and the students in the universities. Well, that problem would be solved.

**Mr. Marceau:** But, what proportion of voters was represented? Could it be 5 per cent, 3 per cent?

**Mr. Castonguay:** It depends. Will we maintain the right to vote at 21, or are we going to establish it at 18 years.

**Mr. Marceau:** Put it at 21 years.

**Mr. Castonguay:** 21 years. It is a hard question.

**Mr. Marceau:** Approximately. Could it be 5 per cent?

**Mr. Castonguay:** No, no. It would be somewhat less. I do not think that...

**Mr. Marceau:** Do you have figures on that subject?

**Mr. Castonguay:** I do not have figures, but I do not know how many students in all those universities are 21. I do not have figures in that respect.

**Mr. Marceau:** At any rate, it is not a large proportion.

**Mr. Castonguay:** I believe that in 1965, several figures were mentioned and the highest was 150,000.

**Mr. Marceau:** Good.

**Mr. Castonguay:** That was the highest. I do not know where they got their figures, though.

Now, let us take the case of the armed forces; there is an objection to the fact that the result of that vote is announced one week later, that there is a delay in certain ridings; this could change the results of an election and the armed forces do not care to have their votes identified as a military vote. That problem would then be settled.

There have been requests, in the past, dealing with the vote of Federal employees outside the country; that would settle that problem, as well as the people in hospitals or

people at home who cannot go out. I have no figures for Canada, but would you accept the figure of 10 per cent for Australia?

**Mr. Marceau:** To settle the problem of costs, this could reach almost that maximum?

**Mr. Castonguay:** There would be delays after the election. You have to wait for at least 10 days so that all absentee votes or bulletins are back. During my stay in Australia, the only criticism on the part of the Australians as to the system, was that it takes too long to have the results of the elections.

Now look, if 10 per cent of the people votes in a 40,000 people constituency, this would be 4,000 votes. You have to wait for two weeks. Here, you have to wait for five days for the military votes. But don't forget that with respect to the postal and absentee vote, one regulation stipulates that you have to wait ten days before the votes can be counted officially, and thus you have to wait at least ten days before you have results. I do believe that there will be more ridings where they will wait for the results for ten days than at present, because of the military vote, because if you accept the figure of Australia, of 10 per cent, 4,000 electors, that is sufficient. That will make a big difference in many counties. The results will be in doubt for a long time.

**The Chairman:** Mr. Fortin.

**Mr. Fortin:** There is one thing which I think is very intriguing, Mr. Chairman. In Mr. Castonguay's mandate, he was not told he had to study the military vote. Since the start of the discussion this military vote crops up time and again. Am I in order to discuss this or not?

**The Chairman:** Yes, you are in order. By discussing a permanent polling list, we have to try to solve the problem of absentee votes and military people are absentees at the time of the election.

**Mr. Fortin:** In my party we are all unhappy about the military vote and this for several reasons. I will not give you all the reasons and we can discuss them at another time in order not to hold up the debates. But we are absolutely displeased with the present system of military vote. Because, in our opinion, it is a legalized theft of elections. In Shefford, I witnessed a legal recount in 1965 in the presence of lawyers and other colleagues and without being a specialist in graphology, with respect to the written vote that



this vote was a sort of vote in a machine. They all had similar handwriting.

On the other side, we cannot have all the necessary steps, we cannot have the list of the soldiers or these members of the armed forces. We cannot know who votes. We cannot contact them and when that happens at a given moment, we lose our seat. For a third party such as ours, this is very important in the last few years, we were caught in two counties, in Sherbrooke and Shefford. I am not criticizing the member for Sherbrooke, who is of high caliber. Nevertheless, this leads, in our opinion, to controversies. I do not say that his election can be questioned but I say that the military vote might involve the contestation of votes, which should not happen because they are perfectly honest. I feel that the military vote in itself is dishonest unless I am proved wrong.

Since this subject is discussed constantly, and since this is not in your report, I would like you to comment on it. Do you agree or not? Maybe I go too far to have your reactions or your comments on this. We have really a few question marks and a few doubts so far is concerned the efficiency and the honesty of military vote.

**Mr. Castonguay:** You will have less doubts if you had a scrutinizer like the other parties, in offices of the special returning officers. The leader of the Government and the leader of the opposition and of the third party, have, under the regulations, the right to appoint scrutineers at the special returning officers.

**Mr. Fortin:** In other words, a party such as ours has no access to that office. But on the contrary, there is access to make it lose its seat.

**Mr. Castonguay:** The regulations can be changed. If you have a scrutineer, certainly, several doubts will be removed. That is the only comment I can make. Because other parties do not have this doubt, because they have scrutineers who are attending the count.

[English]

**The Chairman:** I am sorry, but we will have to vacate this room as another committee is scheduled to meet here at 11.00 a.m.

**Mr. Fortin:** Thank you, Mr. Castonguay.

**The Chairman:** This meeting is now adjourned until Thursday.

**Mr. Richard:** At what time?

**The Chairman:** I think it has been arranged for 11.00 a.m., but I will have it checked and you will receive a notice.

Thursday, May 1, 1969

• 1131

**The Chairman:** Order, please. We do not have a quorum yet; we did not have a quorum at the last meeting, but we did accept the idea of securing evidence from Mr. Castonguay and other witnesses, and to have it put in the Minutes in the legal form. Today we will continue our questioning of Mr. Castonguay about his report. For the attention of the members I wish to note the presence in this room of our confrère of the Bar, Mr D. D. Diplock of Ottawa, who is Counsel to the Ontario Provincial Select Committee on Elections and we are glad to have him with us here today. Please indicate to me if there are more questions you would like to ask of Mr. Castonguay about his report of this question on absentee voting, and all the subject matters. The discussion is open. Mr. MacGuigan.

**Mr. MacGuigan:** Mr. Chairman, I had to miss the last meeting because of the conflict so I would not like to ask for a repetition of the evidence. However, I certainly do have the impression that our witness is recommending against any establishment of a permanent electoral list because of the cost. The cost is too great to warrant the advantages to be gained as I understand is his contention. Did he recommend any changes in the present procedures which would enable us to achieve some of the advantages which a permanent list might give us. I have always been concerned, for example, with the fact that we did not have sufficient provision for people who are overseas, people who are travelling or people in hospital.

**The Chairman:** Before Mr. Castonguay answers these questions, I would like to remind the members that Mr. Castonguay is not here, let us say to tell the members what to recommend. He has already made recommendations in his report. Last Tuesday Mr. Castonguay answered your questions in general terms, and I will not allow him to give his views of the propriety of having a permanent list. Mr. Castonguay.

**Mr. Nelson Castonguay (Representation Commissioner):** Last week in our discussions I did not specifically recommend against the



adoption of a permanent list but what I did point out was this. If you want permanent lists purely for the sake of having a more accurate list, then I would ask the members to consider the fact that a permanent list is not self-updating. With regard to leaving the initiative to the electors to up-date this list, we had that experience in this country in 1934 when we adopted a permanent list. The master list was set up in the autumn of 1934 and there was no way you could get on or off that list after the master list was compiled except for a period of six weeks between the first of June and the fifteenth of July.

The revision took place in 1935 in that period—the onus being only on the elector to go to the registrar to notify the registrar of a change of his status. When the election was held in October of 1935, it turned out to be a dismal, chaotic election because no one could get on or off that list. As a result of it, right after that election they set up a special committee which was given terms of reference to study everything—permanent list, compulsory registration, compulsory voting, and the committee unanimously recommended that permanent lists should not ever be adopted in this country. This is a permanent list which is something similar to France and something similar to the British system. You have a revision, and for instance in the British system, you start revising the old list in September. You go through the processes of bringing it up to date, you print the list, and then it appears for objections on the fifteenth of February. That list is then effective for all elections to be held in that current year. There is no way you can get on or off that list

• 1135

except that the registrar of death notifies the electoral people and they take the names of the dead people off. That is a permanent list. Now the system in Australia that I speak of, if parliament decides to go into the list of continuous electoral roles, allows registration up until the time the election is ordered, but despite the compulsory features of Australia where it is compulsory for an elector to register, they still are compelled, feel compelled and have found by experience that they must have a review on a house to house basis once a year. That review picks up anywhere from three to five per cent of the people who fail to comply with the compulsory features of the registration in Australia. You need 30 days residence in a constituency

before you intend to vote in that constituency, and then you must register within 21 days. If you have an election in Australia, say in the month of May, which, when the revision is completed, your list is fairly up to date. However, if you have it in November, six months after the revision, it is not going to be as up to date.

In my discussions with electoral officers of all the countries I have been in such as the United States, Australia, New Zealand, United Kingdom and France, they maintain that our system for a period of a whole year provides a more accurate list for an election called during that whole year than any of their systems—that is for the whole year. Now in the U.K. they felt that they needed a second revision. This process would start in June to prepare a list that would be effective for a six month period instead of a year's period. Well the speaker's committee vote on that was to maintain the present system because it would take a clear majority to make such a drastic change.

If you wish to supply a list to provide additional facilities for electors to vote such as absentee voting postal votes, there is no way that this can be efficiently, and with safety, attached to our present system. If you want to provide facilities for people to vote who are necessarily absent from their place of residence through sickness, business, or whatever reasons, either through absentee voting or postal voting, it is essential that you adopt a system of permanent lists in order to have their normal safeguards. The Province of Saskatchewan had the experience of attaching absentee voting in, I believe, 1960 purely on an affidavit basis. They abandoned that in 1965, so if the committee feels interested in this particular proposition of having absentee voting without a permanent list on an affidavit basis, may I suggest that some evidence be obtained as to why they are abandoning absentee voting in Saskatchewan.

What I pointed out to the committee is that if you want a permanent list purely for the sake of having a more accurate list, well, then, I do not think you are going to get a more accurate list. Secondly, if you want to shorten the period of the election, I am not so sure that shortening the period of the election can be effectively accomplished. I do say in my report that it can be done in 30 days. This can be done in 30 days purely from an administrative point of view, but I pointed



out to the committee last Tuesday that if you have an election in 30 days, the Prime Minister could dissolve the House today, and in 30 days you have voting day. However, next Monday you have nomination day in 21 constituencies and two weeks from then you have nomination day in the other 242. I told the committee last Tuesday that it is my experience that all parties at all times require those six weeks between Issues of Writ and polling day to select candidates. At times they need a little longer I have observed. What I was merely pointing out to the committee last Tuesday was that I do not think a permanent list is any better and it is not self-updating. My view is that if you want an updated list, you must adopt the system of having one review per year. My recommendation is that if you want a permanent list, I recommend the Australian system, and compulsory

• 1140

registration on the part of the electors. You must remember with a permanent list your name must be on the list to vote. Now there are roughly 3,700,000 rural electors in this country, and under our present system we do not require the rural enumerator to make a house to house visitation, otherwise the expense of travelling would be just out of this world, but we do have this vouching system where if an elector is left off the list, all he has to do is get an elector whose name is on the list to vouch for him and he is permitted to vote. This is not permitted with a system of continuous elector rolls or permanent lists. There was, a great deal of dissatisfaction in 1935 from the rural areas, when the election came along and vouching was not permitted; they did not understand this. Your name must be on the list to vote, whether you have a permanent list or a continuous electoral roll. A good one third of our electorate are accustomed to the vouching system. I am not saying that they all vouch, but the system is there; if they are not on the list, they can be vouched for.

**Mr. MacGuigan:** What about the American system?

**Mr. Castonguay:** You must remember that the American system is geared to fixed election dates. They have the assistance of continuous electoral rolls. They allow registration up until the close for primaries and up until a certain period before their election dates.

I have read in the Barbeau Report and I have heard some members express the idea

that a permanent list might reduce the cost to the political parties of elections. When I went to Washington and discussed this with the Chairman of the Voter Participation and Registration Committee, set up by the late President Kennedy, I discussed this whole problem with him also, and with several members of that Committee. They wanted to know what we were doing here. He wondered if a permanent list must be recommended. He said the cost to the parties here is tremendous in keeping this list up to date and that there is only one state, Idaho, that has an enumerator going out actually seeking the elector to register him. All the others have to be shepherded into the registration office by unions, by service clubs, or by political parties, so that with a permanent list your problem is that you have this difficulty of updating the list. If the state does not pay for the expense of updating the list, then the political parties do, in order to get a more up-to-date list. The system they have in the States to purge their list of names that are deadwood for them is that if an elector has not voted for two elections, his name is automatically struck from the list. Remember, this works reasonably well for them, and it provides them with a very up-to-date list in so far as removing the deadwood four weeks after the election is over, but that deadwood is on the list for that election. If you have too much deadwood on the list, that may tempt a lot of people to get these people to vote anyway, even if they are six feet under. You have to be a little careful about that. I cannot see such a method of updating a list to provide a very good list four weeks after the election. I do not know how satisfactory that would be. It is one method, a cheap method, of bringing a list up to date after the election for the next election two years hence. However, is it going to be good for that election. I think there are 3 million electors in the city of Los Angeles. I think they anticipated after one election to remove 600,000 names from the list.

I pointed out that these permanent lists would certainly cure a lot of problems that we have here. I pointed out also that it would provide votes for people in hospitals through a postal vote. It would provide a vote for students; the problem we had in 1965, would be solved there. It would provide facilities for voting for civilians and members of the public service, who are serving outside of this country. It would help with the votes of the Canadian Forces. They could be treated as civilians and vote this way.



This would remove some of the objections raised by the Forces because their vote is released a week after and their vote can be identified as a group. It would cure a lot of these problems. The forces and the political parties feel that waiting a week, not even a

• 1145

week, waiting five days for the result of the service vote in four or five constituencies, is not too satisfactory. With a system of absentee votes, you allow a period of 10 days after polling day for all those ballots to come back to their respective constituencies.

In Australia, anywhere from 8 per cent to per cent of the people use the facilities of absentee and postal voting. In a constituency of 40,000, let us say that 8 per cent use these facilities; this means that on the official edition of the votes there may be 3,000 ballots in that Returning Officer's office of absentee and postal ballots; if a candidate is sitting there very happy with a majority of 500, he would like to know very well if those are electors of his constituency. How many of the constituencies out of the 264 would be under suspense for a period of two weeks after the election, instead of five days? With our Canadian Forces voting there may be five or six constituencies left in suspense. I need not point out to you that in a close election there could be a hundred constituencies waiting for that two weeks to find out, not only who is going to be elected, but who is going to form the government. There is another difficulty with that. Then there is the difficulty of costs. I maintain that if you adopt the Australian electoral system, which I think is very adaptable to this country, and you provide absentee voting and postal voting, the cost would be a minimum \$1 per elector per year. In the last election, I looked at the cost prepared by the Chief Electoral Officer; the cost pertaining to the list alone was \$7,300,000. That is not a recurrent cost. This year the only cost is for the lists of the by-elections. You may have 11 million electors and start at \$1 per elector. This is on the basis of two employees per electoral district; however, I have never known an office to start with two employees that has not built up over a period of years to two or three more.

They have in Australia 318 employees, permanent public civil servants. Using the same yardstick for Canada, you would have to have a minimum of 600 permanent public servants in this country. The costs are another factor. I

feel it my duty, to bring to the attention of the House, these factors that must be considered.

**Mr. MacGuigan:** Thank you, Mr. Chairman.

**Mr. Howe:** May I ask a question, Mr. Chairman?

**The Chairman:** Yes, Mr. Howe.

**Mr. Howe:** Mr. Castonguay mentioned something about the advanced polls. Why can people not vote at the advanced polls if their names are not on the list, but are vouched for?

**Mr. Castonguay:** With the rural system you have a poll with maybe 50 electors. The Deputy Returning Officer and the Poll Clerk are fully aware and know those 50 electors. However, when you set up an advanced poll, roughly they have 30 rural polls within them. There is not that knowledge of the DRO and the Poll Clerk of all the electors there. Therefore, the safeguard of vouching is such that if I were to come into the poll with you and vouch for you, would the polling officials and the agents in that poll know both of us? In other words, when you combine 30 polling divisions into an advance polling district, with one DRO and one Poll Clerk, there is not any way that that DRO and Poll Clerk could know 3,000 people spread over an area of maybe 100 miles one way and 50 the other. It was felt by the committee, when this was passed, that the local knowledge factor disappeared with the advance polling district containing 30 rural polling divisions. This is why they required that the name be on the list.

**Mr. Howe:** There has been discussion as to the great length of the campaigns. I have never found them that way. I have quite a large rural riding and I find difficulty getting around it in the period that is provided. What is the opinion about shortening the period to 30 days from 60 days?

**Mr. Castonguay:** From an administrative point of view, it is not realistic at all to think that you can run an election in 30 days. It is quite difficult because you have got to gear your administration to your largest constituency; that is the Northwest Territories and it has 1,532,000 square miles. We have a poll at Alert, which is 600 miles south of the North Pole.



• 1150

What has happened in the last 100 years is that the dog team, the horse, and the canoe, have been supplanted by the helicopter, the airplane, and the snowmobile, but the climate remains the same. I have had a Returning Officer when I was Chief Electoral Officer of the Northwest Territories in one election, who was flying around; he was one day in one settlement and was snowed in for 10 days; he could not get out. He arrived back at Yellowknife on election day, and he was away for 20 days. I do not care what there is in instant communication and transportation, you still need lots of time in these places. Other factors come out and in three or four constituencies there is not even a printing plant to print your ballot papers. It is all right in a place like Toronto or Montreal. He can cover his constituency with a 20-cent bus ticket and he can do it in an hour. He has all the latest facilities for printing and he has everything working for him. It seems to me that these are people who live in Vancouver, Winnipeg, Ottawa, and Toronto, and when they discuss instant elections they do not look beyond the borders of those cities. There is no argument. In those cities you can run an election in two weeks. They ignore that there is an awful lot of real estate in this country and that that area must be covered also. In 30 days you can do it, but it is the other side that I am a little concerned about. It is not my concern, but how can you get candidates over the weekend for the 21 constituencies that the writ issues in 30 days unless you have a lot of acclamations?

**Mr. Howe:** Old Mother Nature is pretty unpredictable too.

One other question. With regard to the appointment of returning officers—we know that this is a political appointment and there is no doubt about it—in my own case, I do feel that there was not too much consideration given as to geography. My riding is 75 miles long and the returning officer is right at the tip of that 75 miles and this makes it pretty inconvenient for the people down at the other end of the riding. Of course, you have mentioned the Northwest Territories but even in Ontario, my riding of Wellington-Grey runs from Wellesley right to Markdale. The returning officer lives just outside of Markdale and I think, even when these are political appointments, that some consideration should be given to where the returning

officer lives. He should be living near the centre of the riding, particularly a riding of that type. What do you feel about that?

**Mr. Castonguay:** The appointment is the responsibility of the Governor in Council.

**Mr. Howe:** That is right.

**Mr. Castonguay:** As Chief Electoral Officer I have never been consulted in that. I do not want to be consulted about who should be the returning officer of a constituency. I do not know.

**Mr. Howe:** Would you suggest to them that the Governor in Council look at the location of this person? Rather than just being a bower of the party in power; he should be convenient. I know that on election night the men from the radio stations, the TV stations, and the newspapers—as well as everyone—were having a terrific job getting in contact with this man. He lives on a farm and I got lost every time I went to find him myself. I know a lot of people had the same experience. There should be a little more consideration given in this regard, so that it is not only convenient for the candidate but it is convenient for the press. I think it is quite important to these returning officers that they be as conveniently located as possible. Would you agree with that?

**Mr. Castonguay:** Oh, I would agree, certainly.

**Mr. Howe:** I know you do not have too much to say about this.

**Mr. Castonguay:** This suggestion is not new. It has been made at every committee I have been to since 1935, so I think it has fallen on deaf ears in the past.

**Mr. Howe:** All right. There will probably come a time when we have the appointment again. Who knows?

**Mr. MacGuigan:** Mr. Chairman, could I just ask if this problem could be helped by having the office in a central place? The residence of the returning officer is not necessarily the site of the offices for a riding.

**Mr. Castonguay:** When I was Chief Electoral Officer—I was Chief Electoral Officer for six general elections—this problem did come up and we moved the office of the returning officer to a more central location when it was practicable. You can argue about a purely rural or hinterland constituency from morn-



ing until night as to what is the most central part in the constituency and you can get as many viewpoints there as there are people in the area. I am speaking for myself—when I was Chief Electoral Officer for six general elections—that whenever the request was made and it was practicable, we did move the returning officer to a more central location.

**Mr. Forest:** Mr. Chairman, suppose it is decided that we do not accept the system of a permanent list but remain with the present system. What improvement would you recommend to facilitate the voting of absentees, sick people, and students, in the light of the way it is now? I am thinking for instance, of enlarging the facilities to vote at advance polls for people who are sick and things like that. Can you suggest some improvements?

• 1155

**Mr. Castonguay:** I do not think that you can provide absentee voting methods and postal voting methods since they are linked up with a continuous system of electoral rolls or permanent lists. We made an effort at that in 1935. We had a permanent list, but it did not involve getting a registration card signed by each elector. With regard to postal voting and absentee voting, there is only one acceptable security offered. That is a permanent list or continuous electoral rolls in which you have a registration card signed by each elector that is in the office of the returning officer of the constituency.

Postal voting is somewhat similar to our armed forces voting. The ballot is put into an envelope. On the back of the ballot there is a declaration stating: your name, your address, and your electoral district. The absentee envelope is then dropped into the ballot box where you are voting and when it gets back to the returning officer of that constituency he then sends that ballot to the appropriate constituency. When the returning officer receives it, he then takes that envelope—upon which appears the signature of the elector—and compares it with the signature on the registration card. I grant you that every person is not a handwriting expert, but this is an acceptable safeguard. He then looks in the poll book where that person would normally vote and checks to see whether or not he might have voted there. If the signatures compare and he did not vote in the ordinary poll, that ballot becomes countable. On the official addition of the votes those envelopes

can be examined by the candidates and their agents to check that they are authentic, and that they belong to that constituency. Then, once everybody is satisfied of the validity of these envelopes they then open the envelope, take the ballot out and drop the ballot in the ballot box. The ballot then is secret. They make their count.

We did other systems in Canada, in 1935. With our permanent list in 1935 we did not have registration cards signed by 8 million electors; it was just a form of enumeration. It was a coequal of permanent lists and our system so that what we had was an affidavit.

Now there is a report on that system and if I may read it to the Committee here. You will find this on page 33 of my Report. This is my predecessor's report.

(c) The Chief Electoral Officer, in his Report to the Speaker of the House of Commons on February 3, 1936, had this to say in regard to absentee voting:

"4. I was also called upon, on many occasions, to express an opinion with regard to absentee voting. This is the first time that there has been absentee voting at a Dominion election. The procedure appeared to be most complicated to election officers and political workers. The right to vote as an absentee voter is limited to four classes of persons, namely: fishermen, lumbermen, miners and sailors actually engaged or employed in any of these occupations on polling day at a distance of not less than twenty-five miles from their ordinary polling stations and in the same province. This limitation gave rise to a lot of dissatisfaction and misunderstanding in most electoral districts and the application of the absentee voting provisions complicated to a great extent the duties of the election officers, which were already intricate enough. Absentee voting was not resorted to to a great extent. There were only 5,334 absentee voters' ballots cast in the whole of Canada on polling day. Of this number 1,533 ballots were rejected, leaving only 3,801 valid ballots.

Furthermore, the absentee voting procedure was the cause of a considerable increase in the cost of the holding of the General Election. In the first place, a large number of blank forms, ballots, etc., had to be printed to supply each polling station with a certain number. This printing cost upwards of \$16,000. In



the second place, a list of the names, addresses and occupations of the candidates nominated in each province had to be furnished to each polling station. Except in the Province of Saskatchewan, where there is an interval of two weeks between nomination and polling days in every electoral district this list could not be printed until after the close of nomination on the seventh day before polling day. For obvious reasons, the list was printed in four different places in the western provinces and it was printed in Ottawa only for the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island. The delivery of these lists of candidates necessitated the use of aeroplanes in several electoral districts and it also made it necessary to deliver the ballot boxes by messengers in most rural polling divisions at great cost. Otherwise, most of these boxes would have been sent by mail at parcel post rates. The cost of the application of the absentee voting provisions is not yet available, but it is estimated that it will be close to a quarter of a million dollars.

That is for 5,334 votes.

• 1200

In my opinion, therefore, the result of the last general election shows that absentee voting is a costly, ineffective and complicated procedure which should not be resorted to at any future Dominion election.

The answer to your question, therefore, is that absentee voting and postal voting, without a permanent list of continuous electorals, cannot be done. It cannot be attached to our present system.

There are problems right now with the advanced polls. There was an amendment which was submitted to the Committee in 1963 and agreed to which was to allow persons for any reason to vote at the advance polls. I think this would solve that.

I believe in the last election there were only 80,000 persons approximately, who voted at the advance polls. The advance polls can serve only those people who know they are going to be leaving their constituency a week ahead of polling day. It does not take care of the people in hospitals, not unless they know they will be in the hospital. It is very limited in its use.

My feeling is that anytime you try to take part of a system that works well with another, and attach it to ours, which is designed for taking the votes of only people where they are living, you weaken our system.

**The Chairman:** Mr. Castonguay, when you studied the Australian system, did you have the total percentage of the voters duly registered on election day?

**Mr. Castonguay:** The people who voted?

**The Chairman:** Yes.

**Mr. Castonguay:** Please refer to page 53 of the English section. Do you mean the total vote?

**The Chairman:** Yes.

**Mr. Castonguay:** It was approximately 97 per cent. You must remember the fact that the 3 to 5 per cent who do not observe this rule have left or have not registered. That could account for that difference between 100 per cent and 96 or 97 per cent. In Australia 96 to 97 per cent of the electors vote. Of course, it is compulsory voting, too.

**The Chairman:** Do you have more questions?

**Mr. Howe:** Has it ever been taken into consideration—the municipality, the province, and the federal government do it—to co-ordinate these efforts so that there would not be so much duplication in preparing the rolls?

**Mr. Castonguay:** Although it was not in my terms of reference, I made a study of the possibility of using one list for the three levels of government. It is almost impossible to have the municipal elections combined with this because they have different qualifications. I think it would be feasible to have a provincial and a federal list because the adjustments would be rather minor. They would have to adjust the rules of residence. We could not, for instance, have a list that could be used by both levels and have the requirements of both.

**Mr. Howe:** The boundaries are not the same.

**Mr. Castonguay:** In Australia, four of the six states use the same list for federal and provincial purposes. The electoral polling subdivisions are the same, so when they have a redistribution they take that into account. They do not divide a polling division. There-



fore, when they have redistribution they can move that polling division from one border across to the other.

First, you must have agreement at two levels of government about rules of residence, voting age, and the boundaries of polling divisions. Then it can be used at two levels. I think you can see now the municipal elections could not possibly be included at that level.

Some people think that preparing for each election is an awful waste of money. I maintain it is far cheaper because the expensive part of an election is the updating, not the compiling. Updating that list costs a fortune.

As I pointed out the other day, one improvement in compiling the lists would be to have the period 70 days instead of 60. This would not be very popular. Right now, the

• 1205

election is announced, normally, 60 days before polling day. The enumeration starts on the 49th day before polling. In that period between the 60th day and the 49th day the returning officer must open an office, obtain all his enumerators, get the supplies out, and begin the enumeration the following Monday. This is quite a feat.

I am not speaking only of the returning officers. I am speaking of the urban areas where we must give the candidates a chance to select somebody. They have a right to nominate. Right now, when a candidate in an urban area and the runner-up submit a list of 200 enumerators each, there is no time to check that list.

The returning officer does the checking, and as I pointed out, my experience was that when he comes to check voter names he will find perhaps 200 that he can get in touch with. The others will not even be contacted. These were people that were thought would be good enumerators by each party, and when the election is called we will contact them. In those 10 days he must try to contact 400 people, ask them if they can work, give them their supplies, and get them out into the street the following Monday.

Therefore, a great deal of the problems with our list now is the fact that we do not have sufficient time. First, the candidates must nominate enumerators and see if they are prepared to act. Then the returning officer must arrange for them to see him, brief them, give them their supplies, and get them out.

I am surprised and I have been astonished most of the time that this procedure can be accomplished. It has worked very well. There is a period of revision and so on, and we have been able to accomplish this.

Therefore, if you want a better list under our present system, I would suggest the only way would be to add another 10 days to the enumeration period. That would be a very popular move from the point of view of the elections.

**Mr. Howe:** Thank you.

**The Chairman:** Are there no more questions?

• 1209

[*Interpretation*]

Mr. Castonguay, I thank you very sincerely for the research you have put into this question, and I thank your colleagues for having come to give evidence today, for having given us the additional information about the recommendations and conclusions in this report. The members of the Committee will try to meet again next week, perhaps in camera, and with the assistance of Mr. Castonguay and his assistants we will try to decide, according to our terms of reference, whether or not to recommend the establishment of a permanent list for the Canadian system.

For the time being, I think while we do not have a quorum, there are some exhibits that have to be filed. We could have them filed at our next meeting in the hope that we will have a quorum.

**Mr. Sullivan:** I think it might be a good idea to wait until we have the Minutes of the meeting printed so the other members who are not here could read them?

**The Chairman:** Yes.

**Mr. Sullivan:** May I suggest that perhaps we should wait and not have one next week and have one the following week.

**The Chairman:** However, we need a quorum in the Committee to have the Minutes printed.

We will have a meeting next week to decide on procedure. Thank you very much, Mr. Castonguay.

The meeting is now adjourned.























HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

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TUESDAY, MAY 20, 1969

WEDNESDAY, MAY 21, 1969

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Report of the Representation Commissioner on Methods of Registration  
of Electors and Absentee Voting, 1968.

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WITNESSES:

*(See Minutes of Proceedings)*

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INCLUDING SIXTH REPORT TO THE HOUSE



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome

and Messrs.

|                        |                           |                            |
|------------------------|---------------------------|----------------------------|
| Alkenbrack,            | <sup>5</sup> Forget,      | Murphy,                    |
| <sup>3</sup> Benjamin, | Fortin,                   | Richard,                   |
| <sup>1</sup> Brewin,   | Howard ( <i>Skeena</i> ), | Ritchie,                   |
| Cafik,                 | Howe,                     | <sup>4</sup> Sullivan,     |
| <sup>2</sup> Chappell, | Kaplan,                   | Thomas ( <i>Moncton</i> ), |
| Code,                  | MacGuigan,                | Trudel,                    |
| Forest,                | Marceau,                  | Valade—(20).               |

(Quorum 11)

Edouard Thomas,  
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

<sup>1</sup> Mr. Brewin replaced Mr. Benjamin on May 20, 1969.

<sup>2</sup> Mr. Chappell replaced Mr. Sullivan on May 20, 1969.

<sup>3</sup> Mr. Benjamin replaced Mr. Brewin on May 21, 1969.

<sup>4</sup> Mr. Sullivan replaced Mr. Chappell on May 21, 1969.

<sup>5</sup> Mr. Forget replaced Mr. Jerome on May 21, 1969.

Report of the Representation Commissioner on Methods of Registration  
of Electors and Absentee Voting, 1968.

WITNESSES:

(See Minutes of Proceedings)

INCLUDING SIXTH REPORT TO THE HOUSE

## REPORT TO THE HOUSE

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

### SIXTH REPORT

Pursuant to its Order of Reference of April 2, 1969, which reads:

*“Ordered,—That the Report of the Representation Commissioner on Methods of Registration of Electors and Absentee Voting, 1968, made pursuant to section 9 of the Representation Commissioner Act be referred to the Standing Committee on Privileges and Elections”*, your Committee held five meetings and heard Mr. Nelson Castonguay, Representation Commissioner, as witness.

Having studied the said report and in consideration of the testimony obtained, your Committee is of the opinion that the establishment of a permanent voters list in Canada similar to those referred to in the Representation Commissioner's Report, is not advisable since it would cause more problems than it would solve.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 8 to 10 inclusive*) is tabled.

Respectfully submitted,

OVIDE LAFLAMME,  
*Chairman.*



REPORT TO THE HOUSE

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

SIXTH REPORT

Pursuant to its Order of Reference of April 2, 1989, which reads:

"Ordered—That the report of the Representation Commissioner on Methods of Registration of Electors and Assistant Voting Pursuant to section 9 of the Representation Commissioner Act be referred to the Standing Committee on Privileges and Elections. Your Committee held five meetings and heard Mr. Nelson Castonguay, Representation Commissioner, as witness. Having studied the said report and in consideration of the testimony obtained, your Committee is of the opinion that the establishment of a permanent voters list in Canada similar to those referred to in the Representation Commissioner's Report is not advisable since it would cause more problems than it would solve.

A copy of the relevant Minutes of Proceedings and Evidence (Nos. 8 to 10 inclusive) is tabled.

Respectfully submitted,

MEMBERS

- 1989, 20 May on motion Mr. Bélisle, Chairman
- 1989, 20 May on motion Mr. Bélisle, Chairman
- 1989, 22 May on motion Mr. Bélisle, Chairman
- 1989, 22 May on motion Mr. Bélisle, Chairman
- 1989, 22 May on motion Mr. Bélisle, Chairman

## MINUTES OF PROCEEDINGS

TUESDAY, May 20, 1969.

The Standing Committee on Privileges and Elections having been duly called to meet at 11.00 a.m. this day, the following members were present: Messrs. Fortin, Howe, Laflamme, Marceau, MacGuigan (5).

There being no quorum at 11.20 a.m., the members dispersed.

WEDNESDAY, May 21, 1969.

(11)

The Standing Committee on Privileges and Elections met this day at 3.52 p.m., *in camera*, the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Benjamin, Forest, Forget, Howard (*Skeena*), Howe, Kaplan, Laflamme, Marceau, MacGuigan, Murphy, Sullivan, Thomas (*Moncton*), Trudel (13).

The Committee considered a draft Sixth Report and instructed the Chairman to present it to the House, as amended.

At 4.33 p.m., the Committee adjourned to the call of the Chair.

Edouard Thomas,  
*Clerk of the Committee.*











HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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STANDING COMMITTEE

ON

**PRIVILEGES AND ELECTIONS**

*Chairman:* Mr. OVIDE LAFLAMME

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

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THURSDAY, JUNE 26, 1969

CANADA ELECTIONS ACT

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WITNESSES:

*(See Minutes of Proceedings)*

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INCLUDING SEVENTH REPORT TO THE HOUSE



HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Mr. Ovide Laflamme

Vice-Chairman: Mr. James Jerome<sup>1</sup>

and Messrs.

Alkenbrack,  
Benjamin,  
Cafik,  
Code,  
Forest,  
Fortin,

Howard (*Skeena*),  
Howe,  
Kaplan,  
MacGuigan,  
Marceau,  
Murphy,

Richard,  
Ritchie,  
Sullivan,  
Thomas (*Moncton*),  
Trudel,  
Valade—(20).

(Quorum 11)

Edouard Thomas,  
Clerk of the Committee.

Pursuant to Standing Order 65(4)(b),

<sup>1</sup> Mr. Jerome replaced Mr. Forget on May 22, 1969.

THURSDAY, JUNE 26, 1969

CANADA ELECTIONS ACT

WITNESSES:

(See Minutes of Proceedings)

INCLUDING SEVENTH REPORT TO THE HOUSE

THURSDAY, June 13, 1968

Ordered.—That the Standing Committee on Privileges and Elections be empowered to study the Bill C-16, An Act to amend the Canada Elections Act (Students Franchise) and to report to the House such proposals as the Committee may deem appropriate.

### ORDERS OF REFERENCE

FRIDAY, October 18, 1968.

*Ordered.*—That the subject-matter of Bill C-16, An Act to amend the Canada Elections Act (Students Franchise), be referred to the Standing Committee on Privileges and Elections.

FRIDAY, November 15, 1968.

*Ordered.*—That the subject-matter of Bill C-8, An Act to amend the Canada Elections Act (Qualifications of Voters and Candidates) be referred to the Standing Committee on Privileges and Elections.

FRIDAY, December 13, 1968.

*Ordered.*—That the subject-matter of Bill C-13, An Act to amend the Canada Elections Act (Repeal of Court of Revision) be referred to the Standing Committee on Privileges and Elections.

MONDAY, January 20, 1969.

*Ordered.*—That the subject-matter of the following Notice of Motion be referred to the Standing Committee on Privileges and Elections:

That in the opinion of this House, the government should consider the advisability of introducing a measure to amend the Canada Elections Act to prevent to a further degree the disenfranchisement of numerous citizens who are absent from their residence areas on polling days, and to prevent the Armed Services being singled out as the only professional group whose political choices are made public, by mingling Armed Service ballots with other absentee ballots, and, for those purposes:

(a) to entitle an elector to vote on polling day for the candidate of his choice who is nominated in his Electoral District, by casting his vote in a polling station or Electoral District other than his own, using an absentee ballot;

(b) to provide that Armed Services ballots shall henceforth be called absentee ballots and be counted simultaneously with other absentee ballots without, however, altering the present method of balloting by the Armed Services;

(c) to provide further that members of the Public Services of Canada and their dependents stationed abroad shall be enabled to cast absentee ballots in the manner prescribed for the Armed Services.—(Notice of Motion No. 20).

TUESDAY, February 25, 1969.

*Ordered.*—That the subject-matter of the following Bills be referred to the Standing Committee on Privileges and Elections:

Bill C-21, An Act to amend the Canada Elections Act (Age of Voters); and

Bill C-72, An Act to amend the Canada Elections Act (Age of Voters).



THURSDAY, June 12, 1969.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, exclusive of sections 62 and 63, and to report to the House such proposals as the Committee may deem advisable.

WEDNESDAY, June 25, 1969.

*Ordered*,—That the Orders for Second Reading of Bills C-33, C-52, C-77, C-80, C-90, C-92, C-106, C-107, C-117, C-127, C-133, C-145 and C-181 be discharged and that the subject-matter of the said bills be referred to the Standing Committee on Privileges and Elections.

THURSDAY, June 26, 1969.

*Ordered*,—That the Standing Committee on Privileges and Elections be authorized to adjourn from place to place to place within Canada and that the necessary staff accompany the Committee.

ATTEST:

ALISTAIR FRASER,  
*The Clerk of the House of Commons.*

MINUTES REPORT TO THE HOUSE

THURSDAY, June 26, 1969.

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

SEVENTH REPORT

Your Committee recommends that it be authorized to adjourn from place to place within Canada and that the necessary staff accompany the Committee.

Respectfully submitted,

OVIDE LAFLAMME,  
Chairman.

Moved by Mr. Trudel, and

Agreed.—That Mr. Jerome be the Vice-Chairman.

A discussion was held concerning the Committee's Report of Reference and the advisability of holding meetings during the adjournment of the House.

Moved by Mr. Trudel, and

Agreed.—That the Chairman be authorized to hold meetings to receive evidence when a quorum is not present provided there be no less than five members in attendance, and to cause the printing thereof.

Moved by Mr. Kaplan, and

Agreed.—That the Committee seek the authorization of the House to adjourn from place to place within Canada and that the necessary staff accompany the Committee.

Moved by Mr. Trudel, and

Agreed.—That the Committee obtain copies of the Provincial Election Acts and other related documents as required.

Moved by Mr. Sullivan, and

Agreed.—That letters containing suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1965 be deposited as an exhibit (Exhibit VI).

Moved by Mr. Jerome, and

Agreed.—That the Sub-Committee on Agents and Procedure be authorized to make the necessary arrangements and decide which centres across Canada should be visited and on what dates provided the House agrees to the Committee's recommendation that it be authorized to adjourn from place to place.

At 12:34 p.m. the Committee adjourned to the call of the Chair.

Edouard Thomas,  
Clerk of the Committee.





## MINUTES OF PROCEEDINGS

THURSDAY, June 26, 1969.  
(12)

The Standing Committee on Privileges and Elections met this day at 11.28 a.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Alkenbrack, Code, Howe, Jerome, Kaplan, Laflamme, Richard, Ritchie, Sullivan, Thomas (*Moncton*), Trudel—(11).

*Also present:* Messrs. Portelance, Rochon, Roy (*Timmins*).

*Witness:* Mr. J. H. Hamel, Chief Electoral Officer.

Moved by Mr. Trudel, and

*Agreed,*—That Mr. Jerome be the Vice-Chairman of the Committee.

A discussion was held concerning the Committee's Orders of Reference and the advisability of holding meetings during the adjournment of the House.

Moved by Mr. Trudel, and

*Agreed,*—That the Chairman be authorized to hold meetings to receive evidence when a quorum is not present provided there be no less than five members in attendance, and to cause the printing thereof.

Moved by Mr. Kaplan, and

*Agreed,*—That the Committee seek the authorization of the House to adjourn from place to place within Canada and that the necessary staff accompany the Committee.

Moved by Mr. Trudel, and

*Agreed,*—That the Committee obtain copies of the Provincial Elections Acts and other related documents as required.

Moved by Mr. Sullivan, and

*Agreed,*—That letters containing suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1963 be accepted as an exhibit (*Exhibit VI*).

Moved by Mr. Jerome, and

*Agreed,*—That the Sub-Committee on Agenda and Procedure be authorized to make the necessary arrangements and decide which centres across Canada should be visited and on what dates provided the House agrees to the Committee's recommendation that it be authorized to adjourn from place to place.

At 12.24 p.m. the Committee adjourned to the call of the Chair.

Edouard Thomas,  
*Clerk of the Committee.*





## EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, June 26, 1969.

• 1126

**The Chairman:** Gentlemen, I see that we now have a quorum. Before we deal with the subject matter for discussion to day, I suggest that we appoint a Vice-Chairman. Jim Jerome was Vice-Chairman of this Committee but he had to be absent for a few meetings. Since he has now returned we should either re-appoint him or appoint someone else.

[Interpretation]

**Mr. Trudel:** Mr. Chairman, I would like to propose that Mr. Jerome be re-elected as Vice-Chairman.

[English]

**Mr. Kaplan:** I would like to speak in support of the nomination of Mr. Jerome for Vice-Chairman.

**The Chairman:** May I consider that the nominations are closed?

**An hon. Member:** There are no further nominations.

**Mr. Jerome:** I accept.

**The Chairman:** As you know, a full review of the Elections Act has been referred to us by the House with instructions to sit during the adjournment. After discussion with Mr. Jean-Marc Hamel, the Chief Electoral Officer, it was suggested that if we do review this Act we should be in a position to table our report at the resumption of the session in the fall. This would require the members to sit at least from about the middle of September until the resumption of the session. I would say in this respect that those members who do not think they will be in a position to sit or to be present in Ottawa, that they inform myself or the Clerk, Mr. Thomas, so that they may be replaced before the adjournment.

Also, it might be interesting to note that perhaps we should seek to get information from other provinces as to the way they proceed, for instance, with the proxy voting system as well as with the absentia voting system. They have a proxy voting system in Ontario and in Nova Scotia and they have an

absentia voting system in B.C. Perhaps it would be interesting if we sought permission from the House to sit from place to place in

• 1130

Canada, and if I receive a motion to this effect I will make a request to the House that even if we sit during the adjournment of the House that we be permitted to sit in Ontario and Quebec, or let us simply say from place to place in Canada. If, for instance, we find it difficult to get witnesses in Ottawa, that the members wish to go and see what is going on in other places and have a full examination of the systems used, let us say, in Saskatchewan, B.C., Ontario or Quebec. Yes, Mr. Kaplan?

**Mr. Kaplan:** Mr. Chairman, that is an excellent suggestion and I certainly would be prepared to support it. However, I would like to suggest as an alternative that not only the Committee be empowered to sit from place to place in Canada but that subcommittees also be so empowered. We may find in the course of our work that not all of us, or even a large number, are prepared or able to go to Quebec City, for instance, but that three or four might be prepared to do so. Perhaps it would be useful to request extra authorization from the House so that a group of us...

**The Chairman:** I am informed that if we receive authorization from the House to sit as a Committee from place to place, then it is up to us to do it as feasibly as we can.

**Mr. Kaplan:** Would it be possible under those circumstances for us to sit in two places at once? For example, one group sit in Toronto, and another group sit in Quebec City?

**The Chairman:** Yes. We do not need to include that in the motion. The only authority we require from the House is that we sit from place to place in Canada. We will then decide on the best way to proceed.

**Mr. Sullivan:** You would not have to have a quorum, Mr. Chairman at each place. Is that what you mean?



**The Chairman:** No. If we do reach a decision on this, if we have a motion here today to reduce the quorum to hear evidence, then this will empower a section of the Committee to go to Ontario, Quebec or to British Columbia and to secure evidence there without being forced to have the full Committee there. And it might be difficult to have the full Committee if we sit during the adjournment.

Does someone want to add something to this?

[Interpretation]

**Mr. Portelance:** Mr. Chairman, what is the necessity of having meetings in the various provinces as we are studying the Election Act. Can't we get all the documentation here and see it before we come to a decision?

**The Chairman:** There are systems, everywhere which are different from ours, and would throw a lot of light on the decisions that we will have to come to here. For example, the system of voting by proxy can become necessary, as you have rejected the idea of a permanent list for absentee voting. The system of proxy voting could become necessary, therefore it is suggested that we should study this matter. The province of Ontario has one system, as well as Nova Scotia and Saskatchewan. Now, do some members not think that it would be a good idea to meet the various people who apply these systems in the different provinces. We could always bring these witnesses or try to; to a thorough study of their systems, to see the very best possible system.

[English]

**Mr. Howe:** I am trying to analyze in my mind why we have to have a report ready for the re-opening of the House. Why is there this pressure to get this report in? Why cannot we wait until we come back here to make these studies?

**The Chairman:** Well, I may let Mr. Hamel speak on this.

**Mr. Howe:** The Elections Act has been there for a long time, so why in a couple of weeks do we have to arrange to revise it and bring in a report on the revisions of it?

**The Chairman:** May I ask Mr. Hamel to give some explanation on this.

**Mr. J. M. Hamel (Chief Electoral Officer):** Thank you, Mr. Chairman. I think I can only refer to the statement made in the House by the President of the Privy Council on June 12 when he said that the machinery, speaking of my office, would require a minimum of 24 months, if there are to

be fairly broad changes in the Elections Act to be ready to face another election. In order not to be caught short of time, I think the government has agreed, or the government thinks, that this should be done at an early date. I mentioned to Mr. Macdonald that it would take quite a while to revise completely the books of instructions. We have eight books of instructions in English and in French and some of them are quite voluminous. You have one with you now. To re-write the whole thing, if there are amendments, would take some time. My staff is quite small and we can do only so much during a certain period of time, and then we have to order all the supplies after the amendments have been adopted by the House, if there are any amendments.

**Mr. Howe:** Mr. Chairman, you intimated that we would start this Committee working about the middle of September, and that we should have a report ready when the House opens. We cannot go through this voluminous document and come back with any kind of sensible report in two weeks after travelling around the country. It would just be impossible.

**The Chairman:** Well, the idea is that the full Committee should sit after September 15, but before that it might be important to secure the authority of the Committee to have a subcommittee or a steering committee sitting to do preparatory work in such a way that most of the information would be

• 1135

secured when the whole Committee sits in September, for the technical amendments and those which are required by the Chief Electoral Officer. He told me that it would not take more than two or three days to have them approved but there are some pretty important decisions, I think, that we will have to make about the questions of voting age, the proxy voting system, the absentee voting system, the vote of civil servants in other countries and the military vote. Those are some decisions that I think we will have to make, and if we do make those decisions and if we reach any decision on this, then we have to do that before we start redrafting this Act. Mr. Richard.

**Mr. Richard:** My middle name is Thomas, and I am just being practical. It might be all right to do any kind of work you want to do in September but let us face the facts. When you come to revise the Elections Act, I am



not worried much about the printing; I am interested in what is going to be printed. All these members, I am sure, have ideas about revisions of the Act and they are going to want new evidence brought in. I guarantee that if it is going to be a good report, it will not be out by December from this Committee.

I am not against it if you want to sit in September, but I do not think you are saving much time unless it is to gather information around the country, that is all. If somebody wants to go around the country and gather information so that when we sit in October we will—but it is hopeless to think that you are going to have a report from this Committee within two months after the month of October, unless somebody is going to push it down somebody's throat. I am not saying that about anybody, but I have been on committees a long time and I think they are getting more serious than ever.

I have been on committees since 1945 that have been revising the Elections Act, and that is a long time, and there have been some clever persons on those committees. Ministers used to sit on them and everybody else, and they have been all over the place. I am sure that if you seriously intend to change the Elections Act and not just amend it, that it is going to take you a long time. So I am quite in favour if some people are going to enquire, and there are enquiries to be made, and to gather information from September 15 to the first week of October. But after that I want the Committee to understand that we are going to be sitting for a good while before we make a report.

**Mr. Kaplan:** Mr. Chairman, I think we ought to keep in mind that the Elections Act can bear some revision before the next election, and with that in mind we ought not to set ourselves necessarily an immediate target of getting a perfect Elections Act. Perhaps what we ought to do is try, by the time limit that Mr. Hamel has suggested, to make important revisions that can be made within that time, and then afterwards when we have made a report in time to be implemented for the next election we might then turn our attention to the Act in a more detailed way. We would then have no pressure of time on us and we would be able to consider far-reaching and deep changes that might not be feasible if we insist on doing the whole job at once. In other words, it might be worth considering a stop gap series of changes that will take out some of the worst injustices and

obsolescent features of the Act in time to be useful in the next election, and thereafter we might think about a better Act for the ages, if I can put it that way.

**Mr. Richard:** If my colleague wants to limit his examination to certain things about which we are all unanimous, or nearly unanimous, or the kind of revision that is easy to make, or just wants to accept, *holus-bolus*, the recommendations of the Electoral Officer, that is quite all right. But I am saying that the public and the House expect us at this time to give some finality to certain of the more controversial matters in the Election Act.

If you think there is unanimity about a great many things then I suppose we do not need to sit, because we could settle these this morning. But I am not talking about unanimity. I am talking about the direct problems with the Election Act that we will want to discuss. It will not be done in a few days.

**Mr. Kaplan:** Mr. Chairman, the point I wanted to make was that it is all very well to require until December to make all the changes to the Act that we would like to see, but the difficulty I see in following that procedure is that we will deprive this country of a new Elections Act for the next election.

**Mr. Richard:** I do not think so.

**Mr. Jerome:** May I just question that? To my mind we seem to be making the arithmetical assumption that in order to allow 24 months before the next election something has to be done by December 1969. Of course, no one can say when the next election is going to be, but I do not think it unreasonable to anticipate that it will not be before June of 1972, which is four years from the last election. That means that if we have this material in the hands of the Electoral Officer before June of 1970 he should have 24 months. And it may very well be that the next election will be sometime after June of 1972, perhaps in the fall of 1972, or even as late as the spring of 1973. Is my arithmetic wrong on that? What date were you assuming, sir?

**Mr. Hamel:** If you can guarantee that the election will not be before the spring of 1972, your arithmetic is certainly good.

**Mr. Jerome:** If we are going to work to this kind of target I think we have to make some assumption. I certainly think it is safe to assume that with his current majority one



would not expect the Prime Minister actively to seek an election less than four years from the date of the last one. I certainly have that fond hope.

**Mr. Hamel:** If I may, the only thing I would like to emphasize, or to impress upon you, is that if there are going to be fairly sweeping changes in the Act we need a minimum of 24 months. The rest I leave to you. This is the thing that worries me—that we need two years following the passing of the legislation.

**Mr. Jerome:** But this rather raises a dilemma. If the changes we are about to make are fairly sweeping then it is foolish to anticipate that we could meet, beginning on September 15, and have something ready for October 1, or for the fall session, or for the end of the fall session. If the changes are substantial that connotes that there will be discussion and consideration. I think we have to be realistic enough to understand that we are going to have to spend several weeks discussing this subject if the changes are going to be at all serious.

**The Chairman:** Let me, then, withdraw the statement I have made that we will table this report at the re-opening of the House on the resumption of the session. There has been some urgency in the matter, but I am not making any statement, or am I criticizing what Mr. Richard has said. I would simply say that many reviews have already been

• 1145

made. Election expenses have been withdrawn from our terms of reference, and there has been a great deal of discussion on the subject matters on which we are going to reach decisions. But I do say that on many issues it would not take very long to come to a decision and table a report in the House.

For example, we have to make a decision and inform the House about our views on the question of the voting age. I do not think it should take a lot of time to discuss that matter. If we try to re-adjust the proxy voting system within our law, then I think it would take perhaps a few days, or, let us say, a few weeks for some of us to obtain information, and on the absentee-voting system, I would say about the same. But except for the election expenses, I do not believe this whole matter will take that long.

If we propose only to discuss and reach no decisions we may do so and obtain a lot of

information. We have already studied the full report of Mr. Castonguay on the establishment of a permanent electoral list and we rejected the principle. We did it, I think, in a very accurate way, in the sense that we obtained information. We have had this report. We do not need to enter into this whole issue again, because it has been done. Mr. Thomas?

**Mr. Thomas (Moncton):** Mr. Chairman, what we are discussing now is predicated on the statement by Mr. Hamel that it would take a minimum of two years after the recommendations have been received for his Department to prepare the new Elections Act.

I came in late and possibly he explained this, but you are asking the members of Parliament to work overtime and rush their work. Possibly Mr. Hamel's Department could be asked to work overtime and cut that 24 months down to 12 months. Is this possible, or is this 24-month period something that we cannot get around? Perhaps you could speed up your Department, Mr. Hamel.

**Mr. Hamel:** My only problem is that I do not have any control over the suppliers. Following the 1957 election, with all the priorities in the world and without any amendments whatsoever, it took 10 months to get all the supplies necessary for the 1958 election. This was without any amendment whatsoever, without any changes in the appointment of returning officers, and with practically no courses to be given except for the odd returning officer who was replacing one who had resigned. With all the priorities in the world it took 10 months then, with no amendments whatsoever.

We could work overtime—we are used to it—but, as I say, I have no control over the printers or the suppliers of the material.

**Mr. Thomas (Moncton):** But, Mr. Chairman, there seems to be a great deal of pressure to revise the Act. I agree that changes are necessary before the next election, but if this 24 months could even be cut to 18 or 20 it would give us an extra three or four months to consider this. There would not be so much pressure on us then. Would it be possible? Do you say that 24 months is an irreducible minimum—that you cannot go below 24 months?

**Mr. Hamel:** My statement was based on an assumption. It depends, of course, on the scope of the changes that will be made. If the Committee decides to adopt only the changes



I propose we may not need that length of time, but if other amendments are made, and we have to conduct courses of instruction for our returning officers, then to instruct 264 people takes time. And my staff boils down to four people, including myself, who can do that work.

**Mr. Thomas (Moncton):** Mr. Chairman, I agree that revision is necessary, but, like Mr.

• 1150

Richard, I would hate to see us rush this thing through. I think we should spend a good deal of time on it and take plenty of time to prepare our report. I would hate to see our being faced with a time-limit and having to do it by December, or by any set date. I do not think we can do it properly even if we sat all summer, which I certainly do not intend to do.

I question the necessity of members having to sit during the summer. Even if we did and came back here in September, to make a proper report I think we would be pushed to get it out even by the end of December. Therefore, I question whether sitting in the summer will accomplish anything other than a fact-finding mission by some members.

**Mr. Ritchie:** First of all, Mr. Chairman, I would like to ask what this Committee has on its agenda for the next session? What is it likely to be doing next fall and winter? Apart from this revision of the Elections Act, is it going to be busy?

**The Chairman:** We simply do not know. The only thing we have before us is the review of the Elections Act, plus the many private bills that have been referred to us. The main new bill, with the various subject matters that have been referred to us, is the Elections Act.

**Mr. Ritchie:** You have no idea whether or not we will be busy?

**The Chairman:** We do not know. We could sit a full year, if you wish, on these terms of reference. Then there is the point raised by Mr. Hamel, that even without the Elections Act being reviewed and having amendments approved by the House of Commons he still needs 24 months to prepare himself for the next election.

**Mr. Ritchie:** Mr. Chairman, I suggest in conjunction with what Mr. Jerome has said, that we should assume that there will not be an election for another three years. Even if we did make a report by the end of the fall, it

could easily come before he could get ready for it under the new system.

If we are going to make a reasonable revision of the Act we have to have enough time to think about it. Certainly it seems logical to me that we will not really be able to have a report ready before Christmas, if not later, if it is to be an intensive report.

**Mr. Richard:** Mr. Chairman, perhaps I should make one point very clear. Perhaps there are some obvious things that Mr. Hamel might recommend should be done to the Act, to which we could agree, but that would not take very long. If all that is urgent is to pass those few recommendations to brush up the Act I quite agree that we could pass then and make a report of some kind early in October, and he might be very happy about that. But any point is that surely it would have to be pointed out in that report that we had been asked to revise the Elections Act and that this was not a complete job. If you do not do that, you are in for criticism.

There is supposed to be a revision of the Act, not just a patching of it up. If we make a report of that type, on just the amendments that Mr. Hamel is suggesting—which may be quite necessary—we will have to preface it by saying that this is not the final job and that we wish to continue on those items that we think are important and on which we must reach decisions.

**Mr. Howe:** Mr. Chairman, is it government policy to have all the committees sitting when the House is not sitting? Is this something new that is going to happen? I know it has happened on occasions, in the past, they are very few. I was on the Health and Welfare Committee a few years ago when we went through the Canada Pension Plan. Has any definite policy been set out? Is this a new approach to the committee system, that all the work is going to be done and the period of being away from the House is going to be broken into by having to come back?

**The Chairman:** I do not say there is a definite policy on that. I just do not know. What

• 1155

I understand is that at least six committees of the House have plans to sit prior to the resumption of the session.

In our terms of reference we already have authority to sit during the adjournment, with a view to being in the position to report, and



have the new amendments put forward in the House and approved there so that the Chief Electoral Officer will be in a position to act on the amendments that are going to be made.

**Mr. Jerome:** There is a factor about sitting during vacation periods that concerns me a little, Mr. Chairman. It is not perhaps too serious a matter, but it is annoying for members to come to a meeting while the House is in session and find that we do not have a quorum. It would be a serious inconvenience to members if they were to travel some distance to come here for a meeting and find that not enough members had shown up to make a quorum. How can we guard against that happening? We had a lot of trouble getting one this morning.

**An hon. Member:** The quorum could be much smaller.

**Mr. Jerome:** If we wish to authorize this Committee to carry out certain functions with less than the usual quorum of 11 members I suppose we had better do that today by resolution of this Committee.

**The Chairman:** It is on our agenda to have a motion put to the Committee to reduce the quorum to receive evidence.

Is it agreed by members of the Committee that we reduce our quorum to receive evidence?

**Mr. Kaplan:** What size of quorum do you have in mind, Mr. Chairman?

**The Chairman:** On the Public Accounts Committee they have a minimum quorum of five.

Mr. Trudel?

[Interpretation]

**Mr. Trudel:** Mr. Chairman, should we not first divide the problem and establish the principle: should we sit or not. Then we will discuss the modifications. At the moment, we're talking about the report, all sorts of things. We should consider the principle right now; are we sitting or are we not? Will the

• 1158

Committee travel? The question must be divided into two or three parts and then we can agree. Presently, everybody discusses, talks. I would not like to give the impression that I am 100 per cent against what Mr. Jerome just said, on the contrary. But, first, if the question of whether we sit or not is not

accepted, all the other modifications will have no reason for being at all.

**The Chairman:** I understand very well, Mr. Trudel, but I don't think it's a matter of principle at all. It is sit or not sit. That is not the point. I think, first of all, it is a matter of deciding whether we agree to reduce the quorum. If we reduce the quorum as it has been suggested and has been proposed by the majority so far, perhaps it will be easier to meet the objections raised by Mr. Jerome that if we decide to sit during the adjournment, then we can listen to the witnesses. We can do this with a minimum quorum.

**Mr. Richard:** Mr. Chairman, are you saying that the Committees have received the approval of the House to reduce their quorum to seven or eight?

**An hon. Member:** Yes, for a fact.

**Mr. Chairman:** Under the Regulations, we have the power to reduce our own quorum, not to make decisions, but to hear witnesses.

[English]

We have the authority to reduce our quorum to receive evidence. We do not need any reference from the House for that. We can do that ourselves.

I refer to Subsection (7) of Standing Order 65 of the rules of the House, that:

The presence of a quorum shall be required whenever a vote, resolution or other decision is taken by a standing or a special committee, provided that any such committee, by resolution thereof, may authorize the chairman to hold meetings to receive and authorize the printing of evidence when a quorum is not present.

**Mr. Howe:** In other words, any major decisions require that you have a full quorum, whereas...

**The Chairman:** The only circumstance under which we can have a reduced quorum is to hear evidence; not to make decisions.

**Mr. Howe:** Then you have the authority. You do not need to reduce the quorum.

**The Chairman:** But the Committee has to decide.

**Mr. Jerome:** We can pass a resolution today authorizing the Chairman to call together five members to hear evidence, or three, or one?



**An hon. Member:** Five or more.

**The Chairman:** Not to call only five members, but to call everyone, to call the Committee, but if there are only five members present, being the number set down as a quorum, then evidence will be heard and the Minutes will be printed.

**Mr. Trudel:** I move, Mr. Chairman, that five be the accepted quorum to hear evidence.

**The Chairman:** Is there any discussion on this motion?

**Mr. Roy (Timmins):** Mr. Chairman, I wonder why the number five; why does it have to be five?

**The Chairman:** A minimum of five.

**Mr. Trudel:** Mr. Chairman, I believe this has been the accepted number in other Committees, that is the only reason I chose five, because it has been selected in other Committees and it seems to be a workable figure. It is a minimum of five.

**Mr. Alkenbrack:** It may not be workable in the summer.

**Mr. Trudel:** This will be in the fall. We are talking about September if my understanding of the problem is correct.

**The Chairman:** There is no plan at all to sit before September 15.

**Mr. Code:** Mr. Chairman, if you call the Committee in September, would you call us one day and skip a couple of days, or would we meet for a week, for example, or how would you work that?

**The Chairman:** This is a question that has been raised and I think we have to think about it. It has to be dealt with. My suggestion is that if we could arrange to sit the two last weeks of September, then we could sit from Tuesday to Thursday night and sit for three full days.

**Mr. Code:** I just wondered if you would leave some time in between meetings, or would you have the meetings for a week?

**The Chairman:** When we call members from home to Ottawa to sit I think we should sit from morning to night on two or three consecutive days.

**Mr. Code:** Yes.

**The Chairman:** Would it be agreeable to members if we sit before the the House

resumes that we call members on Tuesday and that we sit full days?

**Mr. Howe:** Would it be fair to say, Mr. Chairman, we know this happens in the provincial areas and has been happening for years, but in that area there is a special gratuity for members of Committees when they are brought in. Is this going to be carried out? Is this something new in government policy where Committees are being brought in there is going to be some additional assistance with regard to expenses?

**The Chairman:** I think this is a very valid point. This is done in Quebec and Ontario and other places too, but personally I am not in a position to reach any decision. If there is a request from the members of the Committee I could report this to the Clerk of the House and ask for a decision to be made. I think it is appropriate that special allowances be paid to members when they are asked to sit during the recess.

**Mr. Howe:** Would you require a motion to that effect, or a recommendation?

**The Chairman:** We do not need a motion because it is out of our jurisdiction. It is useless to have a motion. As the matter has been raised, I can assure you that I will report this to the Clerk of the House, to the House Leader and seek their decision on this. Mr. Portelance?

• 1205

[Interpretation]

**Mr. Portelance:** Would you say that the Committee would sit and listen to the witnesses from August on or from mid-September only for the work that has to be done during the summer?

**The Chairman:** The witnesses would be heard starting from September.

**Mr. Portelance:** So this would mean that there would be no work to be done between, say, July the 15th and September the 15th?

**The Chairman:** Yes, the sub-Committee would have some work to do, preparation work, for instance, acquire the evidence, know what is happening elsewhere for proxy voting and absentee voting, for instance, which are the two most important questions that have to be discussed. As far as the age of voters is concerned, this is a matter of opinion or anyway a matter of general principle. We are for or against reducing the age of



voters. Some people may have reasons for them, very obvious ones.

As far as absentee voting and procuration vote is to be decided, we rejected the principle of a permanent electoral list. But we said at the same time that there were means to modify or amend the Electoral Act to allow more people to vote and since there are proxy voting elsewhere, I think this would be integrated so we have proxy vote in certain cases, so that we have the greatest number of votes possible.

**Mr. Portelance:** Does it mean that a Committee of 5 could sit during July and August?

**The Chairman:** Yes.

**Mr. Portelance:** In various provinces...

**The Chairman:** Yes in July, but maybe starting from August in various provinces.

**Mr. Portelance:** Starting in August?

**The Chairman:** Yes.

[English]

**Mr. Howe:** Mr. Chairman, it would be preferred to sit in the provinces as well that have lowered the voting age...

**The Chairman:** Yes.

**Mr. Howe:** ... to get statistics on their experience with a younger group of voters who have been brought under the election act. I imagine those would be important statistics to have, how many of them are making use of the fact that the voting age has been lowered.

**The Chairman:** We already have the statistics about the opinions of the people in New Brunswick, where there was a referendum during the last provincial election and the people pronounced themselves two to one against lowering the voting age.

In Quebec they have lowered the age to 18, but perhaps you could ask Mr. Lesage what he thinks about it.

[Interpretation]

**Mr. Trudel:** Mr. Chairman, what you have just indicated will require, will it require an additional resolution or additional motion...

[English]

... a special motion to put this into effect, or are we authorized by our terms of reference

at the present time to travel and gather additional information?

**The Chairman:** No, we need a special order from the House to sit from place to place in Canada. I do need your authorization to table this request in the House and have it approved by the House.

**Mr. Trudel:** This has to be included in a form of report?

**The Chairman:** Yes.

[Interpretation]

**Mr. Portelance:** You've mentioned sitting in various places in Canada, would it not be required to visit other countries where certain data could be gathered.

[English]

**The Chairman:** I do not believe so. There has been a full report prepared by Mr. Castonguay about the voting systems established in democratic countries like our own. I believe perhaps we will not use it, but I think it is appropriate that we have the authority to sit from place to place in Canada. We may decide, for instance, to go to Saskatchewan to secure information about their permanent list or seek information in British Columbia and Ontario where they have a proxy voting system and in Quebec where they have reduced their voting age to 18. I think it is appropriate that we have this authority. If we can call witnesses here, we may decide not to go, but if we have this authority, we can go and secure information there as a Committee and hear witnesses on the spot. To secure the authority is not an indication that we will use it, but we will have it. If, for instance, Mr. Hamel has discussions with the Chief Electoral Officer of Ontario and Mr. Drouin in Quebec, and it is found more appropriate to go there and to seek evidence there, if we have the authority we may make a decision not to call again the Committee.

Mr. Thomas asked me if it would be interesting for the members to have the election acts of the other provinces distributed to members of the Committee. If we have to pay for them I would seek a motion for authority to get these documents for distribution to members.

**Mr. Kaplan:** Mr. Chairman, it would also be interesting to get election committee reports of standing committees of other provinces, and perhaps debates which might have taken place in the legislatures of other prov-



inces on the question.

**The Chairman:** I am told that the Ontario and Nova Scotia legislatures have their own committees sitting and it might be important for us to meet with them. I am informed that some members of those committees wait until some decisions are made by us on some special issues.

**Mr. Kaplan:** You referred as well to a referendum in New Brunswick. There may well be interesting back-up material behind that referendum that would be of interest to the Committee, especially to those members from New Brunswick.

**The Chairman:** We have the statistics already, we have the questions that have been breached to the voters and we have the results. Yes, Mr. Trudel?

[Interpretation]

**Mr. Trudel:** Mr. Chairman, I move that the Committee be allowed to secure the Provincial Electoral Acts of the provinces concerned to help our present work.

[English]

Motion agreed to.

**Mr. Howe:** In the same connection Mr. Chairman, I do not know how the other members feel, but on other committees I have been on I have been weighted down with material, and briefs, and things like that, and I do not think there is a member of the Committee that has not felt that. I sometimes wonder whether there should not be some research assistance in connection with these committees to go through these elections acts and pick out areas that we should examine. I know I am not going to have time to read all these documents, and I doubt that many of the members will have time to go through them properly.

I can remember that a few years ago on the Drug Committee, for instance, we had an accountant and a legal adviser to assist the members and to direct them in the differences of opinion that had been arrived at. It was at tremendous assistance to that committee and in my estimation this one way in which the committee system is bogging down a bit. We are bogged down in the pile of material that is presented to us when we come to the committee meetings. Probably some of us are a little lazy, but I do know that it is well-nigh impossible, if you are a member of two committees, to keep up with all this stuff. Do you not find that yourself Mr. Chairman?

**The Chairman:** Definitely, yes. I agree, but on this question of the election system, I think among experts we could get a lot of good information from Mr. Hamel, the Chief Electoral Officer, who has already secured a lot of information. I think he would be our best witness, because he is called to meet

• 1215

committees in different provinces to give them information about what he feels should be done.

**Mr. Howe:** I think it is a point that should be considered. Probably in the whole committee system there should be more research assistance to the committee members, particularly when we are going to be discussing something that is not controversial. I do not think this is going to raise tremendous issues between parties; we are just trying to make the Elections Act more effective for the whole nation.

**The Chairman:** Mr. Hamel.

**Mr. Hamel:** If I may say so, Mr. Chairman and gentlemen, there is one document which perhaps you may wish to have a look at, particularly the preamble. It is the first report of the Select Committee on Election Laws of Ontario. There is a copy of the proposed legislation and they give a broad outline of the changes they propose. This has not yet been approved by the Ontario legislature; it is the report of the committee which is still sitting.

As far as the other provinces are concerned, I quite agree with you that 90 per cent of the acts of New Brunswick and Nova Scotia are the same as ours. The important thing is to get the main features of these acts, particularly those features that differ from the federal act.

British Columbia, for instance, is the only province that has a permanent list and, having a permanent list, they have a whole system of absentee voting, so you might wish to have a look at this. I have a copy of the act but reading it does not have the same value as talking to people who are responsible for either administering the system or who are ruled by the system—namely, the candidates or the members of the B.C. legislature, and so on.

In Alberta at one time they had absentee voting within the context of a list prepared for each election the same as we have. They dropped the system in 1965 because, I



understand, they had very serious problems.

Manitoba also had a restricted form of absentee voting for mariners and fishermen. They had an election yesterday, so it might be interesting to learn what the experience was and the extent of the use made by the electors of that system.

As the Chairman pointed out earlier, Ontario has had a system of proxy voting for years.

Nova Scotia has had proxy voting since 1960. It has had at least two elections on that system, but outside of that their acts do not differ much from ours.

In Quebec, of course, the main thing is the election expenses, although there are a few aspects which are now, by the way, copied by Ontario in that report. It might be interesting to speak with the people, and I am sure many members of the Committee already know the acts of these provinces.

**The Chairman:** Gentlemen, I ask for a motion to table as exhibits, and distribute to members, the suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1963, which are photostat copies of correspondence from people requesting changes in the Act. I think some of you have already received some of those photostat copies.

**An hon. Member:** We have not received any.

**The Chairman:** Not yet? These will be distributed among members. I ask for a formal motion to approve this.

**Mr. Sullivan:** I move that letters containing suggestions pertaining to the Canada Elections Act received by the Chief Electoral Officer since 1963 be accepted as an exhibit (*Exhibit VI*).

Motion agreed to.

**Mr. Jerome:** Mr. Chairman, do we have a motion empowering you to set up subcommittees to gather information during the summer? Do you have that now, or do you require it?

**The Chairman:** The only way in which we can operate is through this reduced quorum to hear evidence.

**Mr. Jerome:** That presupposes an actual meeting of the Committee with a smaller quorum, but what about having subcommittees?

**The Chairman:** Right now the only way to proceed is to call on members and say that we will sit at such and such a place, and if we are five or six we will hear evidence.

**Mr. Jerome:** But it is not possible for you as well to empower a subcommittee or two subcommittees to sit in different places at the same time?

• 1220

**The Chairman:** I think the steering committee already has power to sit anytime they please. We do not need any authority for that.

**Mr. Jerome:** I was just curious about whether, if you wanted, for example one part of the Committee to go to one place in the summer and one to another, you needed a special motion to that effect, or whether you feel that you have the power to do that already.

**The Chairman:** The only problem for the Chairman would be to get those members to be part of this subcommittee. It could be difficult for me to select members from among you for this subcommittee. I think it would be better if we relied on the steering committee system to make the decision; are there any other points you would like to have raised? Mr. Jerome?

**Mr. Jerome:** Before we adjourn, Mr. Chairman, I have a couple of points to bring up. If you are contemplating gathering some information during the summer there are two provinces that have been mentioned that would seem obvious points of interest for this Committee. Firstly, British Columbia because it has a permanent electoral list and, therefore, absentee voting and so on. Secondly, aside from the study that was done in Ontario, of course, there was some mention of changes in New Brunswick that might be interesting. I am not sure if I followed the discussion closely, but certainly Mr. Hamel noted some very, very great differences in the system in British Columbia which I think would be a point of very great interest to the Committee.

**Mr. Hamel:** The other place I mentioned was Saskatchewan where for four elections they had a form of absentee voting without a permanent list.

**Mr. Jerome:** That is right, without a permanent list.

**Mr. Hamel:** They dropped the system in 1965. Manitoba still has a form of absentee voting for a restricted group—a small group of electors—and then you have Ontario, of course, with this work here.

**Mr. Howe:** I move we adjourn.

**The Chairman:** Would you wait for just a few more minutes?

The Clerk has informed me that we need a motion from this Committee even if we receive the authority. This motion can be made in advance, dependent upon whether or not the authority is given by the House. May I have a motion that in the event we receive authority to sit from place to place in Canada, your steering committee is empowered to decide where we will go. By doing this we will not have to call the whole Committee for a decision. Would this be agreeable?

**Some hon. Members:** Agreed.

**Mr. Trudel:** If you will allow me, Mr. Chairman, I would like to raise one more point.

**Mr. Chairman:** Yes, Mr. Trudel.

**Mr. Trudel:** Do we have a provision to replace a member of the Committee during the recess if this were necessary? Is there any provision that would enable the steering committee to do so?

**The Chairman:** This is the general rule.

**Mr. Trudel:** When the House is sitting there is no problem, but I wondered about when the House is not sitting which could cause a problem.

**The Chairman:** It could be done through the Clerk and the Whip's office.

**Mr. Trudel:** It will not cause any problem?

**The Chairman:** No.

**Mr. Trudel:** That is fine. Thank you, Mr. Chairman.

**The Chairman:** The meeting is adjourned.

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The Queen's Printer, Ottawa, 1969

MINUTES OF PROCEEDINGS  
AND EVIDENCE

No. 52

TUESDAY, OCTOBER 14, 1969—  
QUEBEC, QUE.

WEDNESDAY, OCTOBER 15, 1969—  
HALIFAX, N.S.

THURSDAY, OCTOBER 16, 1969—  
FREDERICTON, N.B.

Canada Elections Act

WITNESSES

(See Minutes of Proceedings)

TÉMOINS

(Voir les procès-verbaux)





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First Session

Première session de la

Twenty-eighth Parliament, 1968-69

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

COMITÉ PERMANENT

ON

DES

# PRIVILEGES AND ELECTIONS

# PRIVILÈGES ET ÉLECTIONS

*Chairman*

M. Ovide Laflamme

*Président*

MINUTES OF PROCEEDINGS  
AND EVIDENCE

PROCÈS-VERBAUX ET  
TÉMOIGNAGES

## No. 12

TUESDAY, OCTOBER 14, 1969—  
QUEBEC, QUE.

LE MARDI 14 OCTOBRE 1969—  
QUÉBEC, QUÉ.

WEDNESDAY, OCTOBER 15, 1969—  
HALIFAX, N.S.

LE MERCREDI 15 OCTOBRE 1969—  
HALIFAX, N.-É.

THURSDAY, OCTOBER 16, 1969—  
FREDERICTON, N.B.

LE JEUDI 16 OCTOBRE 1969—  
FREDERICTON, N.-B.

Canada Elections Act

La Loi électorale du Canada

WITNESSES

TÉMOINS

(See Minutes of Proceedings)

(Voir les procès-verbaux)



STANDING COMMITTEE ON  
PRIVILEGES AND ELECTIONS

COMITÉ PERMANENT  
DES  
PRIVILÈGES ET ÉLECTIONS

Chairman  
Vice-Chairman  
and Messrs.

M. Ovide Laflamme  
Mr. James Jerome

Président  
Vice-président  
et MM.

Alkenbrack,  
Benjamin,  
Cafik,  
Carter<sup>1</sup>,  
Côté (*Richelieu*)<sup>2</sup>,  
Forest,

Forrestall<sup>3</sup>,  
Fortin,  
Francis<sup>4</sup>,  
Howard (*Skeena*),  
Gibson<sup>5</sup>,  
Lefebvre<sup>6</sup>,

Macquarrie<sup>7</sup>,  
Marceau,  
Murphy,  
Paproski<sup>8</sup>,  
Peddle,  
Trudel—(20).

(Quorum 11)

Le greffier du Comité,  
Edouard Thomas,  
Clerk of the Committee.

Pursuant to Standing Order 65(4) (b),

<sup>1</sup>Mr. Carter replaced Mr. Valade on October 10, 1969.

<sup>2</sup>Mr. Côté (*Richelieu*) replaced Mr. Sullivan on October 9, 1969.

<sup>3</sup>Mr. Forrestall replaced Mr. Thomas (*Moncton*) on October 10, 1969.

<sup>4</sup>Mr. Francis replaced Mr. Richard on October 9, 1969.

<sup>5</sup>Mr. Gibson replaced Mr. Kaplan on October 9, 1969.

<sup>6</sup>Mr. Lefebvre replaced Mr. MacGuigan on October 9, 1969.

<sup>7</sup>Mr. Macquarrie replaced Mr. Howe on September 2, 1969.

<sup>8</sup>Mr. Paproski replaced Mr. Code on October 10, 1969.

Suivant l'article 65(4) b) du Règlement,

<sup>1</sup>M. Carter remplace M. Valade le 10 octobre 1969.

<sup>2</sup>M. Côté (*Richelieu*) remplace M. Sullivan le 9 octobre 1969.

<sup>3</sup>M. Forrestall remplace M. Thomas (*Moncton*) le 10 octobre 1969.

<sup>4</sup>M. Francis remplace M. Richard le 9 octobre 1969.

<sup>5</sup>M. Gibson remplace M. Kaplan le 9 octobre 1969.

<sup>6</sup>M. Lefebvre remplace M. MacGuigan le 9 octobre 1969.

<sup>7</sup>M. Macquarrie remplace M. Howe le 2 septembre 1969.

<sup>8</sup>M. Paproski remplace M. Code le 10 Octobre 1969.

TÉMOINS

(Voir les procès-verbaux)

WITNESSES

(See Minutes of Proceedings)

## MINUTES OF PROCEEDINGS

TUESDAY, October 14, 1969.

(13)

[Text]

The Standing Committee on Privileges and Elections met *in camera* this day at 11:00 a.m., in Quebec City, the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Paproski, Peddle (13).

*Witness:* Mr. François Drouin, Chief Returning Officer, Province of Quebec.

*In attendance:* Mr. J. M. Hamel, Chief Electoral Officer of Canada; Mr. E. Giguère, Deputy Chief Returning Officer, Province of Quebec.

The Committee discussed the Canada Elections Act and the Election Act of the Province of Quebec.

At 12:45 p.m., the Committee adjourned to 2:30 p.m. this same day.

## AFTERNOON SITTING

(14)

The Standing Committee on Privileges and Elections met *in camera* this day at 2:40 p.m., the Chairman, Mr. Ovide Laflamme, presiding.

*Members present:* Messrs. Benjamin, Carter, Forest, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Marquarrie, Marceau, Peddle (13).

*Witness:* Same as at morning sitting.

The Committee discussed the Canada Elections Act and the Election Act of the Province of Quebec.

## PROCÈS-VERBAUX

Le MARDI 14 octobre 1969.

(13)

[Traduction]

Le Comité permanent des privilèges et élections se réunit à huis clos à 11 h. du matin dans la ville de Québec sous la présidence de M. Ovide Laflamme.

*Députés présents:* MM. Benjamin, Carter, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Paproski, Peddle (13).

*Témoin:* M. François Drouin, président général des élections de la province de Québec.

*Aussi présents:* M. J.-M. Hamel, directeur général des élections du Canada; M. E. Giguère, vice-président général des élections, province de Québec.

Le Comité entreprend l'étude de la Loi électorale du Canada et de la Loi électorale de la province de Québec.

A 12 h. 45 le Comité suspend ses travaux jusqu'à 14 h. 30.

## SÉANCE DE L'APRÈS-MIDI

(14)

Le Comité permanent des privilèges et élections se réunit à huis clos à 14 h. 40 sous la présidence de M. Ovide Laflamme.

*Députés présents:* MM. Benjamin, Carter, Forest, Forrestall, Francis, Howard (*Skeena*), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (13).

*Témoin:* M. François Drouin.

Le Comité poursuit l'étude de la Loi électorale du Canada et de la Loi électorale de la province de Québec.



A motion of Mr. Howard (*Skeena*),  
—“That at the adjournment of today’s  
meeting, the Committee return to  
Ottawa to reassess the procedure to  
be followed in receiving evidence”  
was negatived—

For 5; Against 6 (including the Chair-  
man’s vote).

At 5:30 p.m., the Committee adjourned  
to 2:00 p.m. the next day following.

WEDNESDAY, October 15, 1969.  
(15)

The Standing Committee on Privileges  
and Elections met this day at 2:00 p.m. in  
Halifax, N.S., the Chairman, Mr. Ovide  
Laflamme, presiding.

*Members present:* Messrs. Benjamin,  
Carter, Forrestall, Francis, Howard  
(*Skeena*), Gibson, Jerome, Laflamme,  
Lefebvre, Macquarrie, Marceau, Peddle  
(12).

*Witnesses: From the Province of Nova  
Scotia:* Mr. I. C. McDermaid, former Chief  
Electoral Officer; Mr. H. F. Muggali,  
Deputy Provincial Secretary; Mr. A. J.  
Hickey, Assistant Chief Electoral Officer,  
Mr. J. R. McLennan, Deputy Returning  
Officer.

*In attendance:* Mr. J. M. Hamel, Chief  
Electoral Officer of Canada.

The Committee questioned the witnesses  
concerning the Canada Elections Act and  
the Election Act of the Province of Nova  
Scotia.

At 4:12 p.m., the Committee adjourned  
to 1:00 p.m. the next day following.

THURSDAY, October 16, 1969.  
(16)

The Standing Committee on Privileges  
and Elections met this day at 1:05 p.m. in  
Fredericton, N.B., the Chairman, Mr. Ovide  
Laflamme, presiding.

*Members present:* Messrs. Benjamin,  
Carter, Forrestall, Francis, Howard

M. Howard (*Skeena*) propose:  
—Qu’après l’ajournement de la séance  
de ce jour, le Comité retourne à  
Ottawa afin de réévaluer la procédure  
à suivre lors de l’audience des témoins.

La motion est rejetée.

Pour, 5 voix; contre, 6 voix (y compris  
la voix du président).

A 17 h. 30 le Comité suspend la séance  
jusqu’à 14 h. le lendemain.

Le MERCREDI 15 octobre 1969.  
(15)

Le Comité permanent des privilèges et  
élections se réunit aujourd’hui à 14 h. à  
Halifax, Nouvelle-Écosse, sous la prési-  
dence de M. Ovide Laflamme.

*Députés présents:* MM. Benjamin, Car-  
ter, Forrestall, Francis, Howard (*Skeena*),  
Gibson, Jerome, Laflamme, Lefebvre, Mac-  
quarrie, Marceau, Peddle (12).

*Témoins: De la province de la Nouvelle-  
Écosse:* M. I. C. McDermaid, ex-directeur  
général des élections, M. H. F. Muggali,  
sous-secrétaire de la province; M. A. J.  
Hickey, adjoint au directeur général des  
élections, M. J. R. McLennan, sous-direc-  
teur général des élections.

*Aussi présent:* M. J.-M. Hamel, direc-  
teur général des élections du Canada.

Le Comité pose des questions aux té-  
moins en ce qui a trait à la Loi électorale  
du Canada et à la Loi électorale de la  
province de Nouvelle-Écosse.

A 16 h. 12 le Comité suspend sa séance  
jusqu’à 13 h. le lendemain.

Le JEUDI 16 octobre 1969.  
(16)

Le Comité permanent des privilèges et  
élections se réunit à 13 h. 05 à Fredericton,  
Nouveau-Brunswick, sous la présidence de  
M. Ovide Laflamme.

*Députés présents:* MM. Benjamin, Car-  
ter, Forrestall, Francis, Howard (*Skeena*),

(Skeena), Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (12).

Gibson, Jerome, Laflamme, Lefebvre, Macquarrie, Marceau, Peddle (12).

*Witness:* Mr. J. Donald Whalan, Chief Electoral Officer, Province of New Brunswick.

*Témoin:* M. J. Donald Whalan, directeur général des élections de la province du Nouveau-Brunswick.

*In attendance:* Mr. J. Vaughn, M.L.A.; Mr. J. M. Hamel, Chief Electoral Officer of Canada.

*Aussi présents:* M. J. Vaughn, M.L.A.; M. J.-M. Hamel, directeur général des élections du Canada.

The Committee questioned the witness concerning the Canada Elections Act and the Elections Act of the Province of New Brunswick.

Le Comité questionne le témoin en ce qui a trait à la Loi électorale du Canada et à la Loi des élections de la province du Nouveau-Brunswick.

Moved by Mr. Howard (Skeena), and Agreed,—That, with respect to this Committee's further visits, arrangements be made to give interested groups an opportunity to appear before the Committee.

M. Howard (Skeena) propose et, *Il est convenu,*—Que, en ce qui a trait aux prochaines visites du Comité, des arrangements soient pris afin de permettre aux groupements intéressés de venir témoigner devant le Comité.

At 3:07 p.m., the Committee adjourned.

Le Comité s'ajourne à 15 h. 07 de l'après-midi.

*Le greffier du Comité,*  
Edouard Thomas,  
*Clerk of the Committee.*





[Texte]

## EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, October 15, 1969

**The Chairman:** Gentlemen, we have a quorum. Gentlemen from Nova Scotia, we appreciate your meeting with us this afternoon on the special subject of reviewing our own Elections Act. For the benefit of our members I would like to introduce our witnesses here this afternoon. To my right is Mr. MacDermaid, the former Chief Electoral Officer of the Province of Nova Scotia; next is Mr. Hickey, the Assistant Chief Electoral Officer; beside him is the Deputy Provincial Secretary, Mr. Muggah, and to his right is Mr. MacLellan, one of the returning officers of the Province of Nova Scotia.

I do not know if some of you, have any suggestions but I believe to begin it would be of great interest to us to discuss the differences between the existing Elections Act of Nova Scotia and the Canada Elections Act with regard to the fair application of a system of proxy voting. I think we should begin with this and I believe some of the witnesses would like to comment on the bill recently approved by the legislature of Nova Scotia.

Mr. MacDermaid, have you any comments to make first?

**Mr. Howard (Skeena):** Mr. Chairman?

**The Chairman:** Yes.

**Mr. Howard (Skeena):** Before Mr. MacDermaid begins could I ask one question relating to what we dealt with yesterday; namely, the cost of getting here and the value of our meetings as a committee to serve our purpose. Yesterday the Committee was advised, I think you said, that three, perhaps two, but in any event some, of the officials of the provincial electoral offices had refused to come to Ottawa which was partly the reason for our coming to the provinces. Could I ask whether Mr. MacDermaid or any of the other gentlemen was one of those to whom you referred who refused to come to Ottawa?

[Interprétation]

## TÉMOIGNAGES

(Enregistrement électronique)

Le mercredi 15 octobre 1969

**Le président:** Messieurs, nous avons quorum. Nous sommes très heureux de rencontrer des citoyens de la Nouvelle-Écosse pour discuter tout spécialement cet après-midi de la révision de notre Loi électorale. Pour le bénéfice de nos membres, j'aimerais présenter les témoins. Il s'agit à ma droite de M. MacDermaid, ancien président général des élections de la province de la Nouvelle-Écosse; le suivant, M. Hickey, président général adjoint des élections; à ses côtés, M. Muggah, sous-secrétaire provincial et à sa droite, M. MacLellan, un des directeurs du scrutin de la province de la Nouvelle-Écosse.

Je ne sais pas si vous avez quelques propositions à faire, mais en guise d'introduction, il serait dans notre intérêt de discuter des différences qui existent entre les Lois électorales actuelles de la Nouvelle-Écosse et la Loi électorale du Canada au sujet de la juste application d'un système de vote par procuration. C'est à mon avis cette question que nous devrions commencer à examiner et je crois que quelques témoins aimeraient apporter des commentaires sur le bill qui a été approuvé récemment par la législature de la Nouvelle-Écosse.

Monsieur MacDermaid, auriez-vous quelques commentaires à apporter en premier?

**M. Howard (Skeena):** Monsieur le président?

**Le président:** Oui.

**Mr. Howard (Skeena):** Avant que monsieur MacDermaid ne présente son exposé, puis-je poser une question sur l'objet de notre discussion d'hier, à savoir les frais de notre voyage et l'utilité des réunions du comité. Hier, on a rapporté au comité que trois, peut-être deux, mais en tout cas quelques présidents généraux des élections avaient refusé de venir à Ottawa, ce qui explique notre présence dans les provinces. Puis-je vous demander si monsieur MacDermaid ou quelque autre personne présente a refusé de venir à Ottawa?



[Text]

**The Chairman:** I personally believe that is not an accurate question, Mr. Howard, and perhaps you could reserve these comments.

**Mr. Howard (Skeena):** Mr. Chairman, I will ask you then.

**The Chairman:** Yes.

**Mr. Howard (Skeena):** Yesterday I think you said three chief electoral officers refused to come to Ottawa. You mentioned this partly in justification or in explanation of the expenditure we are making which is going to run to \$9,000 or \$10,000 just for this visit to the three provinces of Quebec, Nova Scotia and New Brunswick. Could I ask whether you received a negative response to the invitation to come to Ottawa from the Province of Nova Scotia?

**The Chairman:** We did not receive a negative response from any of the people here.

**Mr. Howard (Skeena):** All right, thank you.

**Mr. I. M. MacDermaid (Former Chief Electoral Officer, Province of Nova Scotia):** Mr. Chairman, I believe you all have in front of you the Elections Act of Nova Scotia originally passed in 1962. This Act resulted from the Royal Commission on Elections to study our election machinery and procedures. Basically our Act quite closely follows the federal act. We studied the various acts across Canada and introduced some new principles as the Chairman has mentioned, one of them being proxy voting. If you look at Section 93, this is the section that establishes proxy voting in our province. It is available for certain classes of electors, particularly fishermen, mariners, patients in hospitals, servicemen and unmarried students, and patients in nursing homes. These are people who may find it difficult to vote on election day and proxy voting was brought in with this limited class as a start. I might say that the ballots cast by proxy are cast on the same day as everybody else casts their ballots and they are counted in the same way and at the same time. Do you have any particular questions?

**Mr. Lefebvre:** Yes. Is there a limit to the number of proxies a person can walk into the polling booth with?

**Mr. MacDermaid:** Yes, you can only vote one proxy unless it is for a member of your household in which case you can vote more than one. If you take a look at paragraph (iv) of subsection (1) of Section 94, it says:

The proxy voter has not been previously appointed a proxy for any other elec-

[Interpretation]

**Le président:** Je ne crois pas que ce soit une question de bon goût, monsieur Howard, et il me semble que vous pourriez vous garder de passer de tels commentaires.

**M. Howard (Skeena):** Monsieur le président, puis-je vous demander alors?

**Le président:** Faites.

**M. Howard:** Vous avez dit hier je crois que trois présidents généraux des élections avaient refusé de venir à Ottawa, pour expliquer en partie les dépenses de l'ordre de \$9,000 ou \$10,000 qu'entraîne notre déplacement au Québec, en Nouvelle-Écosse et au Nouveau-Brunswick. Puis-je vous demander monsieur le président, si vous avez reçu une réponse négative des témoins de la Nouvelle-Écosse.

**Le président:** Nous n'avons reçu de réponse négative d'aucun de ces messieurs.

**M. Howard (Skeena):** Très bien. Merci monsieur le président.

**M. I. M. MacDermaid (ancien président général des élections, Nouvelle-Écosse):** Vous avez tous sous les yeux la loi électorale de la Nouvelle-Écosse qui a été adoptée en 1962. Cette loi découle d'une Commission royale d'enquête qui a examiné les méthodes et procédures électorales. Notre loi suit de près la Loi fédérale. Nous avons étudié les différentes lois du Canada et y avons introduit quelques nouveaux principes, notamment le vote par procuration à l'article 93. Ce vote est offert à certaines catégories d'électeurs, en particulier les pêcheurs, les marins, les personnes hospitalisées, les membres des Forces armées et les étudiants célibataires et les malades dans les maisons de convalescence. Comme ces personnes peuvent difficilement voter le jour de l'élection, on a inauguré le vote par procuration. Je dois dire que le vote par procuration se fait le même jour que le vote ordinaire et que les votes sont comptés de la même manière et au même moment. Y a-t-il des questions bien précises à ce sujet?

**M. Lefebvre:** Y a-t-il un nombre limité de votes par procuration qu'une personne peut présenter au bureau de scrutin?

**M. MacDermaid:** Si vous avez la procuration d'un membre de votre famille, vous pouvez voter plus d'une fois. En examinant l'alinéa (iv) du paragraphe (1) de l'article 94, on remarque que le voteur par procuration n'a pas été nommé à ce titre pour un autre électeur, autre qu'un électeur qui est un



[Texte]

tor, other than for an elector who is a child, grandchild, brother, sister, parent, grandparent, husband, or wife of the proxy voter.

So that is the only exception. You can just have the one proxy vote unless it is for a member of your household in which case you can vote more than one.

**The Chairman:** Mr. Francis?

**Mr. Francis:** No questions, Mr. Chairman.

**The Chairman:** Mr. Hamel.

**Mr. J. M. Hamel (Chief Electoral Officer, Government of Canada):** I believe also that the proxy voter has to be on the same list.

**Mr. MacDermaid:** That is correct.

**Mr. Forrestall:** From the same polling division?

**Mr. MacDermaid:** That is right.

**Mr. Forrestall:** This has been in operation how long, Mr. Chairman?

**Mr. MacDermaid:** Since 1962 and I believe we have had two general elections since then.

**Mr. Forrestall:** Could you tell the Committee briefly what has been the experience of the province with regard to this proxy voting?

**Mr. MacDermaid:** Are you thinking of numbers, Mr. Forrestall?

**Mr. Forrestall:** I am thinking of numbers and the general applicability. Does it meet the purpose for which it was included in the Act? Has there been any difficulty with it? If so, what has been the nature of the difficulties?

**Mr. MacDermaid:** I do not know what earlier studies were done. I have not been with the government for five years. I know Mr. Hickey checked a couple of electoral districts this morning. In the last provincial election in the electoral district of Lunenburg Centre where most of our fishing fleet is located, there were some 60 persons who voted this way. In addition he took a look at Halifax-Cornwallis which is the south end of Halifax and mainly a residential area. There were some 20 people who voted by proxy there. I would take a guess that the number would be something like 3,000, perhaps, but that would require a detailed count from all of the poll books because this information does show up in the poll books.

[Interprétation]

enfant, petit-fils, frère, sœur, parent, grand-parent, mari ou épouse du voteur par procuration. Il s'agit vraiment de la seule exception. Vous ne pouvez voter par procuration que pour un membre de votre famille, et dans ce cas, vous pouvez voter plus d'une fois.

**Le président:** Monsieur Francis?

**M. Francis:** Aucune question, monsieur le président.

**Le président:** Monsieur Hamel.

**M. J.-M. Hamel (Directeur général des élections):** Je crois aussi que le voteur par procuration doit figurer sur la même liste.

**M. MacDermaid:** C'est juste.

**M. Forrestall:** Du même arrondissement de vote?

**M. MacDermaid:** Oui.

**M. Forrestall:** Depuis quand, monsieur le président?

**M. MacDermaid:** Depuis 1962. Nous avons eu deux élections générales depuis lors, je crois.

**M. Forrestall:** Pouvez-vous dire brièvement au Comité quelle expérience a connue votre province dans l'application de cet article de la loi?

**M. MacDermaid:** Pensez-vous au nombre?

**M. Forrestall:** Et aussi à l'application générale. Cette disposition répond-elle aux besoins qui l'ont vue naître? A-t-on rencontré des difficultés; dans le cas de l'affirmative, de quelle nature?

**M. MacDermaid:** Je ne connais pas les études précédentes dans ce domaine. Je ne suis pas fonctionnaire depuis 5 ans. Je sais que M. Hickey a vérifié une couple d'arrondissements électoraux ce matin. Aux dernières élections provinciales, dans le district de Lunenburg-Centre où se trouve la plus grande partie des flottes de pêche, 60 personnes ont voté de cette façon. Il a aussi examiné le quartier Halifax-Cornwallis, situé à la pointe sud de la ville. Il s'agit d'un quartier résidentiel. Environ 20 personnes ont voté par procuration. J'oserais dire qu'environ 3,000 personnes auraient voté par procuration, mais il faudrait un examen des livres de scrutin, car c'est vraiment le seul instrument de décompte.



[Text]

**Mr. Forrestall:** Has it been expensive to implement?

**Mr. MacDermaid:** No, the only actual expenses are the forms used in connection with the proxy voting.

**Mr. Forrestall:** Is it something that is now, or was, readily understood by the people?

**Mr. MacDermaid:** Certainly I have not run into any problems with it. Perhaps Mr. MacLellan who is the returning officer and has been right on the spot issuing these proxy papers could say whether there have been any difficulties in that regard.

**Mr. Forrestall:** I wonder, Mr. Chairman, if any of the other witnesses would care to comment on my brief questions because this is an area of concern to most of us.

**Mr. J. R. MacLellan (Returning officer, Province of Nova Scotia):** Thank you, Mr. Chairman. We had proxy voting in two provincial elections and in Halifax Needham, which is the north end of the City of Halifax we had approximately 25.

**The Chairman:** Mr. MacLellan, could you speak up a little louder.

**Mr. MacLellan:** More applications had been given out than that but a lot of them were not completed in time or did not have the proper signatures and did not qualify for voting. I would say in each election we had between 20 and 25.

**Mr. Forrestall:** In your riding?

**Mr. MacLellan:** A lot more application forms were given out.

**Mr. Forrestall:** Is there something wrong with the present form, do you think?

**Mr. MacLellan:** No, I think it serves the purpose. Sometimes the form has to be mailed to a voter to be signed and it is not back in time.

**Mr. Forrestall:** What is the form number, Mr. MacLellan? Do you know that?

**Mr. MacLellan:** Forms 39 and 40.

**Mr. Forrestall:** On what page is that?

**Mr. MacDermaid:** On page 148 is the appointment of proxy voter form and Form 40 is the actual proxy paper which the proxy

[Interpretation]

**M. Forrestall:** Est-ce que l'application de cette disposition a entraîné beaucoup de frais?

**M. MacDermaid:** Non, comme seules dépenses, il y a l'impression des bulletins de vote par procuration.

**M. Forrestall:** La population comprend-elle ou a-t-elle bien compris cette notion?

**M. MacDermaid:** Je ne me suis heurté à aucune difficulté. M. MacLellan, le directeur du scrutin qui s'est occupé de l'émission des bulletins de vote par procuration peut nous dire s'il a connu des difficultés?

**M. Forrestall:** Est-ce qu'un autre témoin pourrait nous donner des explications au sujet de cette question qui nous intéresse beaucoup.

**M. J. R. MacLellan (Directeur du scrutin, Nouvelle-Écosse):** Merci, monsieur le président. Il y a eu des votes par procuration, lors des deux élections provinciales. Dans Halifax-Needham, situé à l'extrémité nord de la ville d'Halifax, il y a eu environ 25 votes de ce genre.

**Le président:** Monsieur MacLellan, pourriez-vous parler un peu plus fort?

**M. MacLellan:** On a envoyé plus de formules, mais plusieurs d'entre elles n'ont pas été remplies à temps ou n'avaient pas les bonnes signatures, de sorte qu'elles ne répondaient pas aux exigences du vote. Dans chaque élection, il y en a eu entre 20 et 25.

**M. Forrestall:** Dans votre circonscription?

**M. MacLellan:** Mais nous avons envoyé un plus grand nombre de formules.

**M. Forrestall:** Est-ce que la formule actuelle comporte des lacunes?

**M. MacLellan:** Non, je crois qu'elle répond à la situation. Quelquefois, la formule doit être envoyée à un voteur pour qu'il la signe, mais elle ne revient pas à temps.

**M. Forrestall:** Quel est le numéro de la formule M. MacLellan?

**M. MacDermaid:** Formule 40.

**M. MacLellan:** Formules 39 et 40.

**M. Forrestall:** A quelle page cela se trouve-t-il?

**M. MacDermaid:** A la page 148 se trouve la formule de la nomination du voteur par procuration et la formule 40 est en fait le docu-



[Texte]

voter takes to the polling station.

**Mr. Forrestall:** What is the weakness in this system? I gather from what you are saying that it is useful, that it does service something in the order of 3,000 people approximately. Has it been useful? What is wrong with the form if anything? Are there any plans to change or modify it?

**Mr. MacDermaid:** Since it was brought in it was modified to include patients in nursing homes. That is the only modification that has been made.

Going back to Mr. MacLellan's remarks, there is one little problem with it. Sometimes a serviceman, if he is not in the province and does not have himself put on the list, cannot vote this way. In other words, he has to be put on the list first and that does create some problems. On the other hand I feel this is a matter that the army has not given us sufficient information on, which they attempt to do in each election.

**Mr. Macquarrie:** Why do students have to be unmarried because there are a great many married students today.

**Mr. MacDermaid:** The reason is that under the laws of Nova Scotia an unmarried student is resident in his home town and not the university where he is, but he may not be home to vote. That is different from the federal Act as I understand it. In the federal Act I think he has a choice, he can vote at the university.

**Mr. Macquarrie:** But I am wondering why the fact that he was married would...

**Mr. MacDermaid:** A different rule applies if he is married. He can vote at the university if he is married because his residence would be there.

**Mr. Macquarrie:** In Nova Scotia?

**Mr. MacDermaid:** Yes. The unmarried student from Yarmouth who is at Dalhousie University under our rules is resident in Yarmouth. If the election is called while he is at Dalhousie in Halifax, he may have difficulties going home to vote but he can vote by proxy.

**Mr. Macquarrie:** I see. So if he is married he is a resident at the university and if he is single he is a resident at his home?

**Mr. MacDermaid:** Right.

[Interprétation]

ment de procuration que le voteur apporte au bureau de scrutin.

**M. Forrestall:** Quelles sont les faiblesses du système? D'après ce que vous dites, environ 3,000 personnes ont pu voter par procuration? Le système a-t-il été utile? Qu'est-ce qui fait défaut dans la formule? Est-ce que vous avez l'intention de changer de formule ou de la modifier?

**M. MacDermaid:** Depuis qu'on l'a adoptée, on l'a modifiée pour inclure les patients des maisons de convalescence, la seule fois en fait.

Pour revenir aux propos de M. MacLellan, il y a un petit problème à ce sujet. Parfois, un militaire qui n'est pas dans la province et qui n'est pas inscrit sur la liste électorale ne peut pas voter de cette façon-là. Il faut d'abord être inscrit sur la liste, c'est ce qui a entraîné certaines difficultés. D'autre part, cela provient du fait que l'année ne nous a pas fourni suffisamment de renseignements même s'ils essaient de le faire à chaque élection.

**M. Macquarrie:** Pourquoi les étudiants doivent-ils être célibataires? Il y a pourtant un grand nombre d'étudiants mariés de nos jours.

**M. MacDermaid:** En vertu de la loi de la Nouvelle-Écosse, l'étudiant célibataire a comme lieu de résidence la ville qu'habite ses parents et non pas où se trouve l'université, mais il est possible qu'il ne soit pas à la maison. C'est différent par rapport à la loi fédérale. Dans la loi fédérale, je crois que l'étudiant peut choisir. Il peut voter là où il étudie.

**M. Macquarrie:** Mais je me demande pourquoi le fait d'être marié pourrait...

**M. MacDermaid:** S'il est marié, il tombe sous le coup d'une autre loi. Il peut voter à l'université, parce que c'est son lieu de résidence.

**M. Macquarrie:** En Nouvelle-Écosse.

**M. MacDermaid:** L'étudiant célibataire qui vient de Yarmouth étudie à l'université Dalhousie réside à nos yeux, à Yarmouth. S'il y a élection alors qu'il étudie à Halifax, il peut avoir des difficultés pour aller voter à Yarmouth, c'est pourquoi il peut voter par procuration.

**M. Macquarrie:** Je vois. S'il est marié, son domicile c'est l'université et s'il est célibataire, c'est le lieu de résidence de ses parents?

**M. MacDermaid:** C'est cela.



[Text]

**Mr. A. J. Hickey (Assistant Chief Electoral Officer, Province of Nova Scotia):** I think, if I may intervene, Mr. Chairman, there was some attempt to get uniformity in the rules relating to residence as applied to hospital insurance, medical insurance and so on. The concept generally has been that the married student is resident at the place where he and his wife have their home, their household; whereas, the unmarried student who ordinarily is living at home inbetween university terms does not change his residence. He does not take up a permanent or even a semipermanent type of residence. It was partly an endeavour to get some uniformity in residence qualifications or requirements for all purposes so that you would not have residence in one place for purposes of hospital insurance and in another place for purposes of voting and so on.

**Mr. Macquarrie:** Yes, thank you.

**The Chairman:** Mr. Carter.

**Mr. Carter:** I have only one or two questions. Perhaps Mr. MacDermaid can tell us if there is an advance poll here in Nova Scotia?

**Mr. MacDermaid:** Yes, very definitely. We changed that at the same time to say that anybody who expects to be absent from the polling division on election day could go to the advance poll by making a declaration to that effect.

**Mr. Carter:** I notice this proxy voting is aimed primarily at fishermen, I think, people who would be away from the polls on voting day, is it not?

**Mr. MacDermaid:** It is aimed primarily at people who will be away, right.

**Mr. Carter:** Would not the advance poll serve the same purpose?

**Mr. MacDermaid:** It might not. You might have somebody out fishing for a week. The advance poll in Nova Scotia is not that far advanced from polling day. It is the Friday and Saturday before polling day which is usually on Tuesday, the fourth and third days before. So if a fishing boat is out for a week the fishermen might miss the vote, or somebody in hospital and so on.

**Mr. Carter:** Thank you very much.

**The Chairman:** Mr. Jerome.

**Mr. Jerome:** Mr. Chairman, I expressed concern yesterday about the Quebec system involving people in hospitals. While they do something about it, as a rule, federally, we do

[Interpretation]

**M. A. J. Hickey (Président général adjoint des élections, Nouvelle-Écosse):** Monsieur le président, on a cherché à uniformiser les dispositions régissant le domicile aux fins de l'assurance-hospitalisation, assurance médicale et autres. De façon générale, on accepte que l'étudiant marié réside à l'endroit où sa femme et lui-même habitent, tandis que l'étudiant célibataire a comme domicile la maison de ses parents. L'université ne représente pas pour lui un domicile permanent ni semi-permanent. On a cherché à obtenir une certaine uniformité dans les dispositions relatives au domicile, aux fins de l'assurance-hospitalisation, de la votation et autres.

**M. Macquarrie:** D'accord, merci.

**Le président:** Monsieur Carter.

**M. Carter:** Est-ce qu'il y a un vote anticipé en Nouvelle-Écosse?

**M. MacDermaid:** Oui. Nous avons tout changé en même temps. Aussi la personne qui prévoit s'absenter le jour des élections peut voter à l'avance en faisant une déclaration à cet effet.

**M. Carter:** J'ai remarqué que ce vote par procuration visait surtout les pêcheurs, enfin les personnes qui seraient absentes le jour de votation, n'est-ce pas?

**M. MacDermaid:** Cela vise surtout les personnes qui seront éloignées de leur lieu de résidence le jour des élections.

**M. Carter:** Est-ce que le bureau de scrutin anticipé ne servirait pas aux mêmes besoins?

**M. MacDermaid:** Non, un pêcheur peut s'absenter pendant une semaine. En Nouvelle-Écosse, le jour du scrutin anticipé se trouve le vendredi et le samedi, soit trois ou quatre jours avant le jour des élections qui ont toujours lieu le mardi. Si les pêcheurs sont partis en mer pour une semaine ou si quelqu'un est hospitalisé, ils ne pourraient pas voter.

**M. Carter:** Merci.

**Le président:** Monsieur Jerome.

**M. Jerome:** Je me suis inquiété hier des personnes hospitalisées au Québec. Règle générale, au niveau fédéral, il n'y a pas de dispositions prévues pour les personnes hospitali-



[Texte]

not have any provision for people in hospitals voting if they are confined. At least, let me say that I am not satisfied with the federal provisions for people in hospital. I note this section specifically includes patients in hospitals. I wonder if we hear about the experience of the province respecting the use of this section by people who are in hospitals and get some enlightenment on whether or not they have to be absolutely sure to be confined on the polling day or whether some time in advance is sufficient and things of that nature.

**Mr. MacDermaid:** I am sorry, I am afraid I just do not know the experience with the hospitals in this regard.

**Mr. Jerome:** Does anybody have any idea of whether or not there has been very wide-spread use of this section in the last couple of elections for people in hospitals? Do you have the evidence or not?

**Mr. MacLellan:** Yes, there would be some use.

**Mr. Forrestall:** I could confirm that there has been.

**Mr. Jerome:** There has been? It seems to be a very simple solution to the problem for people who are going to be in hospital.

Could I get some information, Mr. Chairman, about the approximate percentage of ballots cast by proxy in a general election.

**Mr. MacDermaid:** Roughly 406,000 names were on the list and 312,000 people voted.

**Mr. Jerome:** That is, 312,000 people voted by proxy?

**Mr. MacDermaid:** No, no, that is the total number.

**Mr. Jerome:** I am sorry, but you said something earlier about 3,000.

**Mr. MacDermaid:** I took a guess at 3,000.

**Mr. Jerome:** About 1 per cent of the total vote?

**Mr. MacDermaid:** I think Mr. Hickey probably could get that information for you if you require it.

**Mr. Jerome:** Would 1 per cent be a reasonably accurate guess?

**Mr. MacDermaid:** I would say probably 1 per cent.

**Mr. Jerome:** It operates, so far as you can say, fairly free of problems?

[Interprétation]

sées qui sont alitées. Permettez-moi au moins de dire que je ne suis pas satisfait des dispositions fédérales à leur sujet. J'ai remarqué que cet article de la Loi de la Nouvelle-Écosse comprend les patients hospitalisés. Est-ce que ces messieurs pourraient nous parler de l'application de cet article par les personnes hospitalisées et nous dire s'ils doivent être certains que la personne sera alitée le jour des élections ou s'il ne faut qu'un bref délai pour l'avertissement.

**M. MacDermaid:** Je ne connais pas les faits recueillis à propos du vote des personnes hospitalisées.

**M. Jerome:** Avez-vous une idée si cette décision a été bien utilisée lors des dernières élections par les patients des hôpitaux? En avez-vous la preuve?

**M. MacLellan:** Oui. On s'en serait servi.

**M. Forrestall:** Je puis confirmer que tel a été le cas.

**M. Jerome:** Oui? Ceci me semble une solution très simple pour les gens hospitalisés.

Puis-je obtenir un pourcentage approximatif du nombre de votes par procuration dans une élection générale?

**M. MacDermaid:** 406,000 personnes étaient inscrites sur la liste et 312,000 ont voté.

**M. Jerome:** 312,000 personnes ont voté par procuration?

**M. MacDermaid:** Non, il s'agit du total des votes.

**M. Jerome:** Je m'excuse, mais vous avez parlé plus tôt d'environ 3,000 personnes.

**M. MacDermaid:** Enfin, j'ai dit à peu près 3,000.

**M. Jerome:** Soit environ 1 p. 100 des votes.

**M. MacDermaid:** Je crois que M. Hickey pourrait vous procurer ces renseignements si vous le désirez.

**M. Jerome:** 1 p. 100 serait-il la proportion à peu près exacte?

**M. MacDermaid:** Je disais peut-être ce chiffre.

**M. Jerome:** Cela fonctionne pour ainsi dire sans difficulté?



[Text]

**Mr. MacDermaid:** Certainly we did not encounter too many problems with it. There are seven offences in connection with it which pretty well tie up anything that anybody could do.

**Mr. Jerome:** I was concerned about the security, because certainly the form seemed to be simple enough and in comparison with other election regulations, fairly wide open. I was wondering about the enforcement of any penalties. Have there been any infractions or any prosecutions for infractions?

**Mr. MacDermaid:** No, no prosecutions that I am aware of at all.

**Mr. Macquarrie:** Have any of the potential voters encountered difficulties in that the period, I take it 15 days, was not sufficiently long? I wonder if it might not have a broader effect if it were more than 15 days?

**Mr. MacDermaid:** I am sorry.

**Mr. Macquarrie:** I am looking at 94(1). Do I take it that it is only in the last 15 days you can start working on a proxy certificate?

**Mr. MacDermaid:** The proxy voter has two weeks to get this from the returning officer.

**Mr. Macquarrie:** Would it not possibly give more opportunity if they had four weeks, say. I can think of young people going to the North or what have you.

**Mr. MacDermaid:** One of the problems is that we do not have the lists until that point so you do not know if these people are on the list and that is one of the requirements, that they must be on the list for the polling division.

**Mr. Macquarrie:** So your list is not ready until the fifteenth day before voting?

**Mr. MacDermaid:** Right.

**Mr. Macquarrie:** Certainly you could not do otherwise.

**The Chairman:** Mr. Howard.

**Mr. Howard (Skeena):** Mr. Chairman, I gather from looking through this that a person can choose anyone as a proxy.

**Mr. MacDermaid:** Anyone who is on this list.

**Mr. Howard (Skeena):** Yes, I mean anyone, related or not.

[Interpretation]

**M. MacDermaid:** Nous avons pour ainsi dire pas eu de difficulté. Il n'y a eu que sept délits reliés à ce vote.

**M. Jerome:** Je m'inquiétais au sujet de la sécurité parce que la formule semblait assez simple et par rapport à d'autres règlements assez larges. Je me demandais s'il y avait eu des peines ou poursuites pour toute infraction.

**M. MacDermaid:** Non, à ma connaissance, on n'a pas porté de plainte devant les tribunaux.

**M. Macquarrie:** Est-ce que des électeurs ont eu des difficultés, pour lesquels la période de 15 jours n'aurait pas été assez longue? Est-ce que les dispositions n'auraient pas plus d'effet si le délai était prolongé?

**M. MacDermaid:** Pardon.

**M. Macquarrie:** J'examine le paragraphe (1) de l'article 94(1).

En fait, y a-t-il seulement 15 jours pour décider d'obtenir un permis de vote par procuration?

**M. MacDermaid:** Le voteur par procuration a deux semaines pour se procurer le permis auprès du directeur du scrutin.

**M. Macquarrie:** Ne serait-il pas mieux qu'il y ait un délai de quatre semaines. Je pense aux jeunes qui se rendent dans le Nord ou autres?

**M. MacDermaid:** Nous n'avons pas la liste électorale avant ce moment. On ne sait donc pas si ces gens sont inscrits sur la liste électorale. Il s'agit là d'une exigence. Ils doivent figurer sur la liste pour l'arrondissement de votation.

**M. Macquarrie:** Votre liste n'est donc pas prête avant 15 jours avant le jour des élections?

**M. MacDermaid:** C'est cela.

**M. Macquarrie:** Vous ne pourriez sûrement pas faire autrement.

**Le président:** Monsieur Howard.

**M. Howard (Skeena):** A la lumière de ces explications, une personne peut choisir n'importe qui pour voter par procuration.

**M. MacDermaid:** Toute personne qui figure sur la liste.

**M. Howard:** Oui, n'importe qui, qu'il soit parent ou non.



[Texte]

**Mr. MacDermaid:** Yes.

**Mr. Howard (Skeena):** Ontario, as I understand it, had, or has, a proxy voting system for mariners. I think it was confined to mariners. Did you look at the Ontario law?

**Mr. MacDermaid:** Oh, yes, very definitely. There are references to the Ontario provisions in this report of the Royal Commission.

**Mr. Howard (Skeena):** Could I ask whether the system of enumeration for preparing the voters' lists is comparable to that contained in the federal Act?

**Mr. MacDermaid:** Actually we made quite a change in the preparation of voters' lists and it is a departure from the federal procedure. One of the reasons we did it was to cut down the length of time necessary to have an election. As a result, we can have an election here in 36 days and that includes preparing the lists. The change we made was that in urban areas we did not list the voters geographically, we listed them alphabetically, the same as we did formerly with the rural areas and as you do for rural areas. This had rather beneficial effects because it meant that we just had the one form which we used alphabetically. Also we cut out the revision that the registrars carried out in the rural areas and we left that up to the revising officers as was done in urban areas and this made quite a difference in the time necessary to prepare the lists.

**Mr. Howard (Skeena):** Perhaps I will put in a little more detail what I am getting at. As I understand it, under our federal law there is no requirement that anybody discovers or determines before the person's name is put on the lists whether or not he is eligible to vote. There can be people on the voters lists who really are not in fact eligible to vote and this problem can be put to the test by a challenge on polling day. This is what I am trying to get at about the assuredness that the person who is in fact registered is an individual eligible to vote before he starts putting in proxies.

**Mr. MacDermaid:** You always encounter some difficulties because you have 2,000 enumerators and some of them may not be quite as perfect as other ones. The rules of residence are set right out in the face of this little book they fill in. In rural areas I cannot see where there would be a problem at all because everybody is known to everybody else. If somebody does get on the list that should not be on there, the parties can take

[Interprétation]

**M. MacDermaid:** Oui.

**M. Howard:** Si je comprends bien, l'Ontario possède ou possédait un système de vote par procuration pour les marins. Avez-vous examiné la loi ontarienne?

**M. MacDermaid:** Oui. La Commission royale d'enquête fait allusion aux dispositions de l'Ontario dans son rapport.

**M. Howard (Skeena):** Le système d'énumération destinée à préparer la liste des électeurs est-elle comparable à la méthode contenue dans la loi fédérale?

**M. MacDermaid:** Nous avons apporté bien des changements à la préparation de la liste électorale. Cela nous a éloignés de la manière de procéder du gouvernement fédéral. Nous l'avons fait notamment pour supprimer le temps nécessaire pour une élection. Nous pouvons avoir ainsi une élection dans 36 jours avec la préparation de la liste. Dans les régions urbaines, nous n'avons pas énuméré les gens géographiquement, mais par ordre alphabétique comme ce que nous avons fait et ce que vous faites dans les régions rurales. Cela donne de bons résultats, car nous n'avons qu'une formule alphabétique. Nous avons également supprimé la révision du greffier dans les régions rurales et nous nous en sommes remis aux réviseurs comme cela se fait dans les régions urbaines. Cela change beaucoup le temps nécessaire à la préparation des listes électorales.

**M. Howard (Skeena):** Il voudrait peut-être mieux que je précise ce que je désire savoir. Dans le cadre de la loi fédérale actuelle, aucune disposition n'exige qu'une personne voit ou détermine avant que le nom de la personne soit inscrit sur la liste, si celle-ci a le droit de voter. Il est possible que le nom de certaines personnes figure sur la liste électorale et que cette personne n'ait pas le droit de voter. On peut toutefois le vérifier le jour de l'élection. J'aimerais m'assurer que la personne dont le nom est inscrit sur la liste électorale a le droit de voter avant qu'elle demande à voter par procuration.

**M. MacDermaid:** On rencontre toujours des difficultés car sur 2,000 énumérateurs, il s'en trouve toujours quelques-uns qui ne sont pas aussi parfaits que d'autres. Les règles de résidence sont établies en face de ce petit livret qu'ils remplissent. Dans les régions rurales, je ne puis voir où il y aurait des problèmes parce que tous les gens se connaissent. Si quelqu'un est inscrit par erreur sur une liste, les parties peuvent s'opposer auprès du révi-



[Text]

objection before the revising officer and if the objection is valid then have them struck off the list.

**Mr. Howard (Skeena):** Yes, but in the sense of a person becoming registered then the system is comparable to the federal Act.

**Mr. MacDermaid:** Yes.

**Mr. Howard (Skeena):** Apart from the preparation of the lists the actual process of a name getting on the list is comparable?

**Mr. MacDermaid:** Yes, it is exactly the same.

**Mr. Jerome:** Could I ask a supplementary question, Mr. Chairman? Can you tell us something about the powers of scrutineers at the polls respecting proxy voting. Are they able to challenge the whole proxy system if they have any suspicion that there may be something amiss or require an oath to be taken in that regard?

**Mr. MacDermaid:** I will have to take a look at the Elections Act to give you the answer to that one.

**Mr. Jerome:** Because of the question Mr. Howard just raised, it occurs to me that the powers of the scrutineer in this regard, if they are not specifically spelled out in the Act, might be something worth considering.

**Mr. MacDermaid:** You are thinking more of challenging somebody on election day and saying that they are not qualified as a proxy voter.

**Mr. Jerome:** Exactly. I mean you can take an oath of the person who shows up now in most jurisdictions to say "I challenge your right to vote", and the person has to take an oath and say that he is the person and he is qualified and so on. I wonder if such a provision exists respecting proxies to be able to say "I challenge your right to vote as well by proxy" and require...

**Mr. MacDermaid:** No, there is no such provision. It might be worth considering.

**Mr. Forrestall:** The challenge has only to do with the representation of the individual that is before the clerk as to his name and the other qualifications set out for any ordinary elector. I do not know how you could establish challenge of a proxy. That is a communication between two other people, is it not?

**Mr. MacDermaid:** Well, we would expect that the parties would examine these docu-

[Interpretation]

seur et si l'objection est valable, on supprime le nom de ces personnes de la liste.

**M. Howard:** Pour la personne dont le nom figure sur la liste, il s'agit d'un système comparable à celui de la loi fédérale.

**M. MacDermaid:** Oui.

**M. Howard:** A part la préparation des listes, la méthode suivie pour inscrire le nom d'une personne sur une liste est comparable à celle de la loi fédérale.

**M. MacDermaid:** C'est exactement la même chose.

**M. Jerome:** Pourrais-je poser une question complémentaire, monsieur le président? Pourriez-vous nous parler du pouvoir des scrutateurs aux bureaux de scrutin au sujet des votes par procuration. Peuvent-ils mettre en doute la procuration s'ils soupçonnent quelque irrégularité ou peuvent-ils exiger que la personne prête serment?

**M. MacDermaid:** Je devrai consulter la Loi électorale pour vous répondre.

**M. Jerome:** La question de M. Howard me fait penser que si les pouvoirs du scrutateur à cet effet, s'ils ne sont pas précisés dans la Loi devraient faire l'objet d'une étude.

**M. MacDermaid:** Vous pensez plus à mettre en doute une personne le jour des élections et dire qu'elles ne remplissent pas les conditions d'un voteur par procuration.

**M. Jerome:** C'est cela. Vous pouvez assermenter la personne qui se présente en vertu de toutes les juridictions en mettant en doute le droit de vote de la personne. La personne doit être assermentée et dire qu'elle est véritablement cette personne, qu'elle a le droit de voter et ainsi de suite. Je me demande si une disposition de la loi prévoit la mise en doute possible d'un voteur par procuration...

**Mr. MacDermaid:** Il n'existe aucune disposition de ce genre. Il serait bon d'examiner cette question.

**M. Forrestall:** On ne peut que mettre en doute le nom et les qualités de la personne qui se présente devant le greffier. Je ne sais pas comment vous pourriez établir la contestation de la procuration. Il s'agit d'une communication entre deux autres personnes, n'est-ce pas?

**M. MacDermaid:** Nous pensons que les intéressés examineraient les documents au quar-



[Texte]

ments at the returning officers' headquarters during the period that he is issuing them because they are on public display at that time.

**The Chairman:** Mr. Francis.

**Mr. Francis:** Mr. Chairman, how late can a proxy certificate be issued prior to actual voting? I notice there is a reference here to the Saturday before voting day. What is the ordinary voting day?

**Mr. MacDermaid:** Tuesday. That is the third day before ordinary polling day.

**Mr. Francis:** Now, that is the absolute limit of the issuing, and these proxy certificates must be retained by the deputy returning officer, is it, or by the returning officer?

**Mr. MacDermaid:** They are in the returning officers possession from the fifteenth day before election day until the third day.

**Mr. Francis:** I am trying to think of a process by which a party, say a political party, had reason to be concerned about the number of proxies that might be issued. I am thinking again of the hospital problem in particular, because the number of patients in hospitals who lose votes on election day is a concern to all of us. Where could a political party go to inspect the proxy certificates? There is a section of your Act here, which is Section 95(b), apparently dealing with it. Does this mean that he could go to the office of the returning officer for that riding, for that constituency, and be able to see in one place all the proxy certificates that have been issued?

**Mr. MacDermaid:** For that electoral district.

**Mr. Francis:** And they would have to make their checks up until the Saturday night.

**Mr. MacDermaid:** Right.

**Mr. Francis:** Then, let us look at the situation with people in hospitals, who are in fairly substantial numbers and who are disfranchised every federal election, which gives us concern. There would be, I would think, in any particular day in the province many more than 3,000 patients, otherwise eligible to vote, in hospitals. Would there not?

**Mr. MacDermaid:** There would be approximately 3,500 people in hospital in Nova Scotia at any one time.

**Mr. Francis:** And the overwhelming majority of these would presumably be qualified to vote, I would think—otherwise qualified.

[Interprétation]

tier-général des officiers rapporteurs au moment de la délivrance, parce que les documents sont affichés à ce moment-là.

**Le président:** Monsieur Francis.

**M. Francis:** A quel moment, avant le vote, peut-on délivrer un certificat de procuration? Je vois qu'on fait allusion ici au samedi avant le jour du vote. Quel est le jour normal de vote?

**M. MacDermaid:** Mardi. Le troisième jour avant le vote.

**M. Francis:** Ce serait la limite absolue de la délivrance, et ces certificats doivent être conservés par le sous-officier rapporteur, ou l'officier rapporteur?

**M. MacDermaid:** Les officiers rapporteurs les gardent du quinzième jour, avant les élections jusqu'au troisième jour.

**M. Francis:** Je songe à un procédé par lequel un parti, disons un parti politique, aurait des raisons d'être préoccupé par le nombre des certificats de délégation de pouvoir qui serait émis. Je pense encore au problème des hôpitaux en particulier, parce que le nombre de patients qui perdent des votes le jour des élections nous préoccupe tous. Où un parti politique pourrait-il s'adresser pour inspecter les certificats. Je vois ici l'article 95 b) de votre loi qui en traite. Cela veut-il dire qu'il pourrait s'adresser au bureau de l'officier rapporteur de cette circonscription et voir en un seul endroit tous les certificats qui ont été délivrés?

**M. MacDermaid:** Pour ce district électoral.

**M. Francis:** Et ils devraient faire leur vérification jusqu'au samedi soir.

**M. MacDermaid:** Exactement.

**M. Francis:** Maintenant, pour les malades dans les hôpitaux qui sont passablement nombreux, et qui perdent leur droit de vote à chaque élection fédérale. Je pense qu'il y aurait bien davantage que 3,000 malades dans les hôpitaux de la province, qui autrement pourraient voter, n'est-ce pas?

**M. MacDermaid:** Environ 3,500 hospitalisés en Nouvelle-Écosse.

**M. Francis:** Et la grande majorité de ces personnes auraient vraisemblablement les qualités voulues pour voter.



[Text]

**Mr. MacDermaid:** Well, I wonder if the reason might be that the people who are actually using this are the people who are incapacitated, not the people who are in only for an appendix operation or something like that and can vote right in the hospital.

**Mr. Francis:** This is the next question, then, and it is possibly my misunderstanding of your Act. Is there usually a place to vote in a general hospital? Normally, in federal elections there would not be a place to vote in a general hospital; there would be in a T.B. sanatorium or possibly a mental wing, an active treatment section of a mental wing, where there are stays of long duration. But we would not normally have a polling booth in an acute hospital. Is it your practice to have them there?

**Mr. MacDermaid:** Yes, we do, and also, voting may be suspended during election day and the ballot box taken to bedside.

**Mr. Francis:** That, Mr. Chairman, opens up another section which will be of interest, I am sure, to the Committee. But I feel I have pursued the proxy voting regulations quite enough for now, for which I want to thank you.

**Mr. MacDermaid:** You are welcome.

**The Chairman:** Mr. Jerome.

**Mr. Jerome:** I will not carry this on if we are going to discuss this business of hospital voting later, but if this is the last time we are going to cover it I would like to get the run down on this business of voting in hospitals. I do not know what the will of the Committee is.

**Mr. Francis:** I would think other members would be interested in this section of the Act.

**Mr. Jerome:** One subject that has been raised is the ability of the patient to vote in hospital, and it would appear to me that it is possible for people in hospital to vote notwithstanding the fact that they are there from several different constituencies at the same time. I am interested to know whether or not that is in fact the case in Nova Scotia and if it is, how it is done.

**Mr. MacDermaid:** How is it done? It is done by making them residents at the institution if they have been there for a certain length of time.

**Mr. Francis:** At what date?

**Mr. MacDermaid:** Ten days preceding the date of the writ.

[Interpretation]

**M. MacDermaid:** Je me demande si la raison est que les personnes sont des invalides et non pas des gens qui sont là simplement pour se faire enlever l'appendice, par exemple, et qui peuvent voter à l'hôpital.

**M. Francis:** Voici ma prochaine question. Est-ce que d'habitude il y a un endroit où les gens peuvent voter dans un hôpital général? D'habitude, pour les élections fédérales, il n'y a pas d'endroit où les gens peuvent voter. Il y en aurait dans un sanatorium ou dans un hôpital psychiatrique où les gens restent très longtemps. Mais, d'habitude, nous n'avons pas d'urne dans un hôpital. Est-ce que vous en avez généralement?

**M. MacDermaid:** Oui, et aussi on suspend les votes le jour des élections et on amène les urnes de scrutin au lit des malades.

**M. Francis:** Voilà, monsieur le président, qui ouvre un autre article qui, j'en suis sûr intéressera le Comité. Mais je crois m'être suffisamment étendu sur la question des règlements pour l'instant, et je vous remercie.

**M. MacDermaid:** Vous êtes le bienvenu.

**Le président:** Monsieur Jerome.

**M. Jerome:** Si nous discutons cette question du vote à l'hôpital plus tard, je n'y reviendrais pas, mais si c'est la dernière fois que nous abordons la question, j'aimerais en parler. Qu'en pense le Comité?

**M. Francis:** Je pense que d'autres députés sont intéressés par cet article de la loi.

**M. Jerome:** Une question qui a été soulevée est la possibilité pour les hospitalisés de voter à l'hôpital, et il me semble qu'ils pourraient voter bien qu'ils viennent de circonscriptions différentes. J'aimerais savoir si c'est la situation en Nouvelle-Écosse et comment cela se fait.

**M. MacDermaid:** Comment ce vote se fait? Parce que l'institution devient la résidence de l'hospitalisé, s'il a été là pendant un certain temps.

**M. Francis:** A quelle date?

**M. MacDermaid:** Dix jours avant l'ordonnance.



[Texte]

**Mr. Francis:** So, if they are resident in an acute hospital and they are admitted ten days preceding the issuance of the writ, that would be their place of enumeration and place of voting, even if they are returned to their constituency between that time and voting day. Is that right?

**Mr. MacDermaid:** No, as a matter of fact we had to put in an amendment to cover the point that you are making, that if they go home in the meantime, they can vote at home. That is Section 28 subsection (2).

**Mr. Francis:** I am sorry, Mr. Chairman, for anticipating. It may not be the wish of the Committee to go into it, but I find that the proxy section leads into one that gives me concern, and that is the right to vote in hospital. I am particularly interested in the provisions here.

**The Chairman:** These are really related subjects.

**Mr. Francis:** As long as the members of the Committee do not think I am abusing in pursuing this.

**Mr. MacDermaid:** Under Section 28(2A) it says that if the person mentioned in the two foregoing subsections returns home to his ordinary residence after the date of the writ, then he can vote there.

**Mr. Francis:** Then he would have to be stricken off the list of those in hospital otherwise eligible to vote. Is that right? Is there a provision to strike off?

**Mr. MacDermaid:** No, there is not.

**Mr. Forrestall:** There is provision for application on the part of a third party, I think, to have names struck off, but whether it is applicable I do not know. Does the Act deny that to the enumerated people in a poll located in an institution or a hospital?

**Mr. MacDermaid:** I am not quite sure how it would work.

**Mr. Francis:** Is it an advanced poll for the hospital?

**Mr. MacDermaid:** No, not especially for the hospitals. There are usually one, two, or three advanced polls for each electoral district.

**Mr. Francis:** That is conceivably one solution to the problem of the voter enumerated in hospital and discharged prior to election day. They could vote in the advanced poll for the hospital on that list, or they could vote in their own constituency. There would be many choices apparently open to them.

[Interprétation]

**M. Francis:** Donc, s'ils résident à l'hôpital et qu'ils sont admis dix jours avant l'ordonnance, l'hôpital deviendrait leur lieu de résidence, même s'ils retourneraient dans leur circonscription entre-temps?

**M. MacDermaid:** Non, s'ils rentrent à la maison entre-temps, ils peuvent voter à la maison. Nous avons fait une modification. Voyez l'article 28, paragraphe 2).

**M. Francis:** Je regrette d'anticiper, mais il me semble que l'article sur la procuration m'entraîne à parler du droit de voter à l'hôpital. Ces dispositions m'intéressent tout particulièrement.

**Le président:** Ce sont des sujets connexes.

**M. Francis:** Du moment que les membres du Comité ne croient pas que j'abuse si je continue dans cette voie.

**M. MacDermaid:** En vertu de l'article 28 (2a), il est dit que si la personne citée dans les deux paragraphes suivants retourne chez elle après la date de l'ordonnance, elle peut voter dans sa circonscription.

**M. Francis:** Elle serait donc radiée de la liste de ceux qui sont hospitalisés et qui auraient le droit de voter. Est-ce exact? Y a-t-il une disposition qui prévoit la radiation?

**M. MacDermaid:** Non.

**M. Forrestall:** Il y a une disposition prévoyant l'application, de la part d'un tiers parti, de la radiation des noms, mais j'ignore si elle s'applique. La loi nie-t-elle cela aux gens inscrits à un bureau situé dans une institution ou un hôpital?

**M. MacDemaïd:** Je ne sais au juste comment cela fonctionnerait.

**M. Francis:** S'agit-il d'un vote anticipé pour l'hôpital?

**M. MacDermaid:** Non, pas spécialement pour les hôpitaux. Il y a généralement un, deux ou trois pour chaque district électoral.

**M. Francis:** Il y a sans doute une solution au problème du votant inscrit à l'hôpital et libéré avant le jour de l'élection. Il peut voter au scrutin anticipé pour l'hôpital, ou voter dans sa propre circonscription. Il semble bien que beaucoup de choix s'offrent à lui.



[Text]

**Mr. MacDermaid:** Well, they would certainly have to get up and leave the hospital to cast their advanced votes...

**Mr. Francis:** Yes.

**Mr. MacDermaid:** ...but if they are still in hospital that day, it would be getting pretty close to election day.

**Mr. Francis:** But the average stay in a hospital, in an acute general hospital, is what, about 10 or 12 days? This would be the average length of stay. I know there is a gentleman here who has worked in hospital positions, whom I have known in another capacity, but it seems to me that this is not an academic kind of problem; it would be a situation involving a very substantial number of those enumerated in hospital that far in advance of the voting day. I would say that the majority of patients in any acute treatment institution would be discharged prior to election day.

**Mr. MacDermaid:** Yes, well, the revising officer, of course, can strike off his name if he is made aware of the fact that he is on the list and no longer resident there.

**The Chairman:** Mr. Lefebvre?

**Mr. Lefebvre:** If I understand your explanations correctly, if the person is in hospital ten days prior to the declaration of the election, you have a choice. He may get out of hospital before election day; he could end up walking into the polling booth in his own proper poll; he could vote by proxy from the hospital or he could vote right in his bedroom in the hospital. I mean, there is no way a hospital patient can have his vote removed in Nova Scotia. In other words, he cannot miss.

**Mr. MacDermaid:** Well, it is pretty hard to miss.

**Mr. Lefebvre:** You have covered just about everything. But from the experience you have had, have you had any complaints about attempts at voting twice or any of these things?

**Mr. MacDermaid:** No, the only complaints I had were under that offences section. I am going back to proxy voting. I am sorry I am slipping back.

**Mr. Lefebvre:** yes.

**Mr. MacDermaid:** We added three more offences there to our original section, which are things that cropped up during one of the elections, people signing these proxy certificates in blank and things like that.

[Interpretation]

**M. MacDermaid:** Oui, il doit pouvoir quitter l'hôpital pour voter à l'avance . . .

**M. Francis:** Oui.

**M. MacDermaid:** . . . mais s'il est encore à l'hôpital ce jour-là. Il serait très près du jour des élections.

**M. Francis:** Mais la moyenne d'un séjour à l'hôpital général est de 10 ou 12 jours. Je connais un monsieur ici qui a travaillé dans les hôpitaux, et que j'ai connu ailleurs, mais à mon avis ce n'est pas une question hypothétique. C'est une situation qui porte sur un nombre très considérable de gens inscrits dans les hôpitaux avant le jour du scrutin. Je dirais que la majorité des patients dans les hôpitaux de traitement actif peuvent être libérés avant les élections.

**M. MacDermaid:** Naturellement, le responsable peut radier son nom de la liste s'il sait qu'il est sur la liste et qu'il ne réside plus là.

**Le président:** Monsieur Lefebvre?

**M. Lefebvre:** Si je vous comprends bien, si la personne est à l'hôpital dix jours avant la déclaration de l'élection, il peut y avoir un choix. Il peut sortir de l'hôpital avant le jour de l'élection, il peut marcher pour se rendre à un bureau de vote, voter par procuration ou alors voter depuis son lit à l'hôpital. Un patient ne peut absolument pas perdre son droit de vote en Nouvelle-Écosse. Autrement dit, il ne peut manquer son coup.

**M. MacDermaid:** Ce serait difficile.

**M. Lefebvre:** Vous avez abordé à peu près tout. Mais d'après votre expérience, avez-vous eu des plaintes concernant des tentatives de voter deux fois?

**M. MacDermaid:** Non, les seules plaintes ont été sur les délits. Je retourne au vote par procuration. Excusez-moi.

**M. Lefebvre:** Oui.

**M. MacDermaid:** Nous avons ajouté trois nouveaux délits à l'article d'origine qui se sont révélés au cours d'une élection, des gens qui signaient un certificat de procuration en blanc et autres choses analogues.



[Texte]

**Mr. Lefebvre:** Yes. If I understood you correctly, also on proxies, now that you mention it, all the proxies that have been sent in to the returning officer in one voting county or electoral district are in his office from—what time did you say? Fifteen days before the election?

**Mr. MacDermaid:** Right.

**Mr. Lefebvre:** Until the third day before.

**Mr. MacDermaid:** Right

**Mr. Lefebvre:** Now where do they go?

**Mr. MacDermaid:** He still maintains those, but he sends a copy along to the deputy returning officer at the poll where the elector appears on the list as well.

**Mr. Lefebvre:** But I as a candidate, or my agent, could go to the returning officer's office and ask to see the total number of proxy forms that have been officially filled in for my riding.

**Mr. MacDermaid:** Right.

**Mr. Lefebvre:** And after the third day before the election, when are they cut off again?

**Mr. MacDermaid:** They are cut off that third day before the election.

**Mr. Lefebvre:** So if I want to see the complete list, I would have to make sure I would see it that third day before the election.

**Mr. MacDermaid:** Right.

**An hon. Member:** I think you could see them at any time.

**Mr. Lefebvre:** No, but what I am getting at is, how do I know? Supposing I am a scrutineer or a poll clerk. Do I ask for identification for every fellow who comes in to vote by proxy?

**Mr. MacDermaid:** Well, a copy of it has gone to the poll.

**Mr. Lefebvre:** But I cannot challenge him at the polling station.

**Mr. MacDermaid:** No, not unless you challenge him for some other reason, that he is not qualified or something like that.

**Mr. Macquarrie:** On Mr. Francis' point, could I ask for your practice in reference to these hospitals? I see that your Act does use the expression "chronic hospital" in Section

[Interprétation]

**M. Lefebvre:** Oui. Si j'ai bien compris, à propos de la procuration, toutes les procurations qui ont été envoyées à l'officier rapporteur dans un district électoral sont à son bureau—15 jours avant les élections, avez-vous dit?

**M. MacDermaid:** C'est exact.

**M. Lefebvre:** Jusqu'au troisième jour avant?

**M. MacDermaid:** C'est exact.

**M. Lefebvre:** Où sont-elles envoyées après?

**M. MacDermaid:** Il les garde, mais il en envoie une copie au sous-officier rapporteur du bureau sur la litse duquel le commettant figure.

**M. Lefebvre:** Mais moi-même, en tant que candidat, ou mon agent pouvons demander au bureau de l'officier rapporteur de voir le nombre total des formules de procuration qui ont été officiellement remplies dans ma circonscription.

**M. MacDermaid:** Oui.

**M. Lefebvre:** Et après le troisième jour avant les élections, on les arrête?

**M. MacDermaid:** Oui.

**M. Lefebvre:** Si je veux voir la liste complète je dois la voir ce troisième jour avant les élections?

**M. MacDermaid:** C'est juste.

**Une voix:** Je crois que vous pourrez les voir n'importe quand.

**M. Lefebvre:** Non, mais ce que je veux dire, c'est comment puis-je le savoir? A supposer que je sois scrutateur ou énumérateur, est-ce que je demande une pièce d'identité à toute personne qui vient voter par procuration?

**M. MacDermaid:** Une copie a été envoyée au bureau de votation.

**M. Lefebvre:** Je ne peux pas le contester au bureau de votation.

**M. MacDermaid:** Non, à moins que ce soit pour d'autres raisons, parce qu'il ne remplit pas les conditions voulues etc....

**M. Macquarrie:** A propos de la question de M. Francis, que faites-vous pour ces hôpitaux. Je vois que dans la loi, vous avez l'expression «hôpitaux de malades chroniques», à l'article



[Text]

28(2). Would that include the Victoria General Hospital?

**Mr. MacDermaid:** I am sorry, was your question: could a poll be in the Victoria General Hospital?

**Mr. Macquarrie:** Yes.

**Mr. MacDermaid:** The answer is yes. What you are looking at here is the question of establishing residence.

**Mr. Macquarrie:** You would have a poll in the Victoria General, and it would be regarding these people as chronic hospital patients. Now, I see you are getting them through the proxy, but I was wondering if you were getting them in a different way through the hospitals, as Mr. Francis was pursuing.

**Mr. MacDermaid:** This residence rule does make reference to chronic hospitals and I would think that Victoria General would come within that definition.

**Mr. Macquarrie:** I am no expert on what is acute and what is chronic, but it would look unlikely.

**An hon. Member:** I would say that the Victoria General is not a chronic hospital; it is an active treatment hospital.

**The Chairman:** Mr. Howard.

**Mr. Howard (Skeena):** Mr. Chairman, I wonder if there have been any representations, and from whom and to what extent, from others than those who are now eligible to cast proxy votes. Has there been any sort of pressure develop for other groups to be included?

**Mr. MacDermaid:** Certainly while I was Chief Electoral Officer there was no suggestion from anybody that we expand the classes.

**Mr. Howard (Skeena):** For arguments sake, apart from fishermen you do not have an economic situation that has workers migrating or transient to any large extent then, or do you?

**Mr. MacDermaid:** Nothing that has come to our attention. Certainly the royal commission suggested that this class could be expanded if it worked out okay.

**Mr. Howard (Skeena):** Thank you.

**An hon. Member:** The fishermen seem to be the ones most interested.

**Mr. Howard (Skeena):** I am thinking of course—and I am very partial to this idea,

[Interpretation]

28(2). Est-ce que ceci inclut le Victoria General Hospital?

**M. MacDermaid:** Voulez-vous savoir s'il pourrait y avoir un bureau à cet hôpital?

**M. Macquarrie:** Oui.

**M. MacDermaid:** La réponse est oui. Ce que vous examinez ici est la question de la résidence.

**M. Macquarrie:** Vous auriez un bureau de votation au Victoria General Hospital et il viserait ces patients en tant que malades chroniques. Je vois qu'ils peuvent voter par procuration, mais est-ce qu'ils peuvent voter autrement, comme M. Francis vous l'a demandé?

**M. MacDermaid:** La règle concernant la résidence s'applique aux hôpitaux de malades chroniques et je pense que cela s'applique à l'hôpital Victoria.

**M. Macquarrie:** Je ne sais pas exactement faire la différence entre une maladie aiguë ou une maladie chronique, mais cela semble improbable.

**Une voix:** L'hôpital Victoria est plutôt un hôpital de traitement actif.

**Le président:** Monsieur Howard.

**M. Howard (Skeena):** Je me demande s'il y a eu des démarches, de qui et dans quelle mesure, émanant d'autres personnes que celles qui peuvent maintenant voter par procuration. Est-ce qu'il y a eu des pressions pour inclure d'autres groupes?

**M. MacDermaid:** Lorsque j'étais Directeur général des élections, personne n'a demandé qu'on augmente les catégories.

**M. Howard (Skeena):** A part les pêcheurs, vous n'avez pas de situation économique qui fait que les travailleurs sont très mobiles?

**M. MacDermaid:** Pas que nous sachions. La Commission royale disait que cette classe pouvait être agrandie si tout marchait bien.

**M. Howard (Skeena):** Merci.

**Une voix:** Les pêcheurs semblent être ceux qui sont les plus intéressés.

**M. Howard (Skeena):** Cette idée me touche tout particulièrement, mais je crois que si



[Texte]

this concept—that if we apply it at the federal level then we are involved all across Canada with all sorts of economic situations and movements of people that may not be applicable in any particular part of the country. Thank you, Mr. Chairman.

**The Chairman:** Mr. Gibson.

**Mr. Gibson:** Concerning eligible people, Section 28(4) provides that:

where a person is serving on full time service with the Naval, Army or Air Forces of Canada, he is ordinarily resident on the date of the writ.

And there are the provisions of subsections (4) (a) and (4) (b). I am wondering whether there is any reason why people serving in the Department of External Affairs or at the United Nations and other fairly fixed and determinable areas where Nova Scotians reside, could not be included under this provision.

**Mr. MacDermaid:** Certainly I have never heard any suggestion of that either, but there is always the possibility.

**Mr. Gibson:** I noticed at the United Nations that the officials there were very resentful if they did not have a federal vote, and it seemed to me particularly applicable that Nova Scotians should have their vote as well. I thought I would draw that out.

**Mr. MacDermaid:** At least with the serviceman you have him tied down if he has made a declaration under the rules, which you would not have with your chap of External Affairs.

**Mr. Gibson:** Of course, some of these people have been in the service for many years. I was thinking of those cases.

**Mr. MacDermaid:** That would certainly be something for the government to consider.

**Mr. Gibson:** One other point comes to mind. You have provided very well, it seems to me, for people in hospitals. Would it be stretching things too far to cover people who are aged or infirm and unable to walk to the polls? Can they be covered in some way? There are many thousands of these people.

**Mr. MacDermaid:** We do have one provision here that there must be one polling station within the electoral district that must provide easy access for people in wheelchairs and this type of thing. That is in Section 84.

**Mr. Gibson:** But let us face it: there are many thousands of people who just

[Interprétation]

nous l'appliquons au niveau fédéral, nous nous attaquons alors, dans tout le Canada, à toutes sortes de situations économiques et à une mobilité de main d'œuvre qui peuvent ne s'appliquer à aucune région du pays. Merci, monsieur le président.

**Le président:** Monsieur Gibson.

**M. Gibson:** A propos des personnes admissibles, l'article 28 4) stipule que: lorsqu'une personne sert à plein temps dans les forces armées, la marine ou l'aviation du Canada, elle est d'ordinaire résidente le jour de l'ordonnance. Il y a aussi les dispositions des paragraphes 4) a) et 4) b). Pourquoi les personnes travaillant au ministère des Affaires extérieures ou aux Nations Unies et qui ont un domicile relativement stable ne pourraient-elles pas être incluses dans ces dispositions?

**M. MacDermaid:** Personne n'en a jamais parlé, mais c'est une possibilité.

**M. Gibson:** J'ai remarqué aux Nations Unies que les hauts fonctionnaires avaient des sentiments très amers du fait qu'ils n'avaient pas le droit de vote, et il m'a paru tout à fait approprié que les habitants de la Nouvelle-Écosse devraient aussi avoir le droit de voter.

**M. MacDermaid:** Du moins avec le militaire, s'il a fait une déclaration en vertu des règlements, il est prisonnier, ce qui n'est pas le cas pour un membre du corps diplomatique.

**M. Gibson:** Naturellement, certains d'entre eux ont été dans le service pendant de nombreuses années. C'est à eux que je pensais.

**M. MacDermaid:** Le gouvernement devrait certainement étudier cela.

**M. Gibson:** Une autre question. Vous avez très bien prévu toutes les conditions pour les hospitalisés. Est-ce que vous ne pourriez pas aller plus loin et inclure les vieillards et les infirmes, ceux qui ne peuvent pas marcher jusqu'au bureau de votation? Est-ce que vous ne pouvez pas prévoir quelque chose pour eux? Il y a des milliers de ces gens.

**M. MacDermaid:** Nous avons prévu qu'il doit y avoir un bureau de votation dans chaque district électoral qui doit permettre un accès facile aux paraplégiques. Il s'agit de l'article 84.

**M. Gibson:** Regardons les choses en face: il y a bien des milliers de personnes qui ne



[Text]

cannot go to the polls, and if we could trust our system well enough—I think the average Canadian is a straight shooter, and Nova Scotians too—is it not possible that we should explore that and take another step?

**Mr. MacDermaid:** Also, we do have a provision for people who are infirm to transfer to another polling division. Those are the two things that we do have, but that is not as broad as you are suggesting.

**Mr. Lefebvre:** A supplementary question. Do you mean people who are confined to a wheelchair, say. Even if they are in poll number 30 but they have to go up five steps, you would transfer them to a polling station which had an easy access for a wheelchair?

**Mr. MacDermaid:** Right, and give them a transfer certificate to accomplish this transfer.

**Mr. Lefebvre:** But probably it would mean an expense for those people. I am thinking of my riding which is a couple of hundred miles long. If they had to travel 100 miles to get to that particular polling booth, this would add quite a bit of expense to their right to vote.

**Mr. MacDermaid:** Well, it is up to the returning officer in each electoral district to have one or more.

**Mr. Lefebvre:** One or more.

**Mr. MacDermaid:** Yes. So if he knows of a particular situation, he can certainly have more than one. And these are very well advertised as well.

**Mr. Lefebvre:** Do you have these polling booths in the homes for the aged also?

**Mr. MacDermaid:** Yes.

**Mr. Lefebvre:** If you had 100 old people in a home, would they have a polling booth right there?

**Mr. MacDermaid:** Yes.

**The Chairman:** When are the proxy votes registered, counted?

**Mr. MacDermaid:** They are counted on the same day as the rest of the votes. In other words, on election night.

**The Chairman:** Does this delay the final results?

**Mr. MacDermaid:** Oh, no, it does not affect the final result and there is no delay at all; they are counted at the same time.

[Interpretation]

peuvent aller voter et, si nous pouvons avoir suffisamment confiance en notre système—je crois que le Canadien moyen et l'habitant de la Nouvelle-Écosse sont des gens directs—ne pourrait-on pas étudier cela et prendre d'autres mesures?

**M. MacDermaid:** Nous avons aussi une disposition concernant les infirmes pour les transférer à un autre bureau de votation. Ce sont les deux choses que nous devons faire, mais ce n'est pas aussi vaste que vous le suggérez.

**M. Lefebvre:** Une question supplémentaire. Voulez-vous dire, par exemple, un paraplégique? Même s'il vote au bureau 30, mais qu'il doit monter cinq marches, vous le transférez à un autre bureau où il est plus facile à un paraplégique de pénétrer?

**M. MacDermaid:** Oui, et nous lui donnerions un certificat de transfert à cette fin.

**M. Lefebvre:** Mais ceci impliquerait sans doute des dépenses pour ces gens. Je pense à ma circonscription qui a deux cent milles de long. S'il doit faire 100 milles pour se rendre à ce bureau, cela augmenterait beaucoup ses frais.

**M. MacDermaid:** Il incombe à l'officier rapporteur de chaque district électoral d'en avoir un ou davantage.

**M. Lefebvre:** Un ou davantage.

**M. MacDermaid:** Oui. S'il est au courant d'une situation particulière, il peut décider d'avoir plus d'un bureau. D'ailleurs, l'existence de ces bureaux est rendue publique.

**M. Lefebvre:** Avez-vous de ces bureaux de votation dans les hospices aussi?

**M. MacDermaid:** Oui.

**M. Lefebvre:** S'il y a une centaine de vieillards dans un hospice, est-ce qu'il y aura un bureau de vote?

**M. MacDermaid:** Oui.

**Le président:** Quand est-ce qu'on compte les bulletins des votes par procuration?

**M. MacDermaid:** Le même jour que les autres votes, soit le soir des élections.

**Le président:** Cela retarde-t-il le résultat définitif?

**M. MacDermaid:** Non, ceci ne touche et ne retarde pas les résultats définitifs. Ils sont tous comptés en même temps.



[Texte]

**An hon. Member:** They are not counted separately?

**Mr. MacDermaid:** No.

**Mr. Howard (Skeena):** They go into the same box.

**Mr. MacDermaid:** The same box, yes.

**Mr. A. J. Hickey (Assistant Chief Electoral Officer, Nova Scotia):** They are recorded on a different sheet in the pool book. There is a separate sheet in the poll book for proxy voters.

**Mr. Forrestall:** That elector number so and so voted.

**Mr. Hickey:** That is right.

**Mr. Forrestall:** His vote, or we will say franchise, was exercised by elector so and so via form such and such.

**Mr. Hickey:** That is right.

**Mr. MacDermaid:** During one of our elections, one of the returning officers set up a special poll for the infirm rather than incorporate it with another polling station as he is supposed to do. It turned out that one person voted in that election, and everybody knew what his vote was.

**Mr. Forrestall:** Could we move for a moment, Mr. Chairman, to the area of conformity as between this Act and the federal Act, and might I ask the witnesses orally if any of them would care to comment on any apparent difficulties that come up from time to time either in writing acts such as this or in their execution as it would relate one to the other? Does the presence of the federal Act—I know that certainly it is a guide—hinder the writing of an act like this?

**Mr. MacDermaid:** I think basically speaking, the royal commission followed the federal Act where it could and streamlined it where it thought it was best streamlined. There is no great conflict of which I am aware between the two acts.

**Mr. Forrestall:** What is the practice in Nova Scotia with regard to constituency boundaries, as to provincial constituency boundaries within federal boundaries, and as to polling division boundaries within both?

**Mr. MacDermaid:** Well, basically, you do not run into a problem there. Of the 2,000 polling divisions, probably about 1,900 are exactly the same as the federal ones, and with the other ones you have to use your

[Interprétation]

**Une voix:** Ils ne sont pas comptés séparément?

**M. MacDermaid:** Non.

**M. Howard (Skeena):** Ils vont dans la même urne?

**M. MacDermaid:** Oui.

**M. A. J. Hickey (Adjoint du Directeur général des élections de Nouvelle-Écosse):** Ils sont enregistrés sur une feuille distincte dans le registre du scrutin. Il y a une feuille spéciale dans ce registre pour les votes par procuration.

**M. Forrestall:** Que l'électeur numéro tant a voté.

**M. Hickey:** Oui.

**M. Forrestall:** Que son vote, ou, disons, son droit, a été exercé par tel électeur suivant telle forme.

**M. Hickey:** C'est exact.

**M. MacDermaid:** Au cours d'une de nos élections, un de nos officiers rapporteurs a établi un bureau spécial pour les infirmes au lieu de l'intégrer à un autre bureau, comme il devait le faire. Il est arrivé qu'une personne vota à cette élection, et tout le monde connut son vote.

**M. Forrestall:** Pouvons-nous passer à la question de la conformité entre cette loi et la loi fédérale? Pourrais-je demander aux témoins s'ils veulent nous donner des explications sur les difficultés qui sont apparues de temps en temps dans la rédaction ou l'application de cette loi dans le mesure où elles ont des relations communes? Est-ce que la loi fédérale,—je sais que c'est un guide—gêne la rédaction d'une telle loi?

**M. MacDermaid:** Je crois que, fondamentalement, la Commission royale d'enquête a suivi la loi fédérale lorsque c'était possible et l'a amélioré lorsqu'il était approprié de le faire. À ma connaissance, il n'y a pas de grand conflit entre les deux lois.

**M. Forrestall:** Que fait-on, en Nouvelle-Écosse, à propos des limites des circonscriptions, en fonction des limites des circonscriptions provinciales à l'intérieur de limites fédérales, et des limites des divisions de votation au sein de deux?

**M. MacDermaid:** Au fond, il n'y a pas de problème. Sur 2,000 divisions de votation, environ 1,900 correspondent aux divisions fédérales, et pour les autres, vous devez faire preuve d'imagination lorsqu'elles dépassent



[Text]

imagination where they cross boundary lines. But basically speaking, the provinces followed the federal ones because they were more up to date than our own.

**Mr. Forrestall:** That is a deliberate thing that is done.

**Mr. MacDermaid:** Yes.

**Mr. Forrestall:** And the Province of Nova Scotia would find that useful.

**Mr. MacDermaid:** Well, we find the federal boundaries useful, yes. We do have provision for revising them on our own under the Act, but we try to keep them similar if we can because it prevents confusion.

**Mr. Forrestall:** Are there any areas that come to your mind where conformity could be further sought in connection with our own Act, our own provincial Act?

**Mr. MacDermaid:** No, I do not think so. Generally speaking, we certainly get very good co-operation from the Chief Electoral Officer in Ottawa, and he helps us in certain spots. There is no great conflict, I think, that needs to be resolved.

**Mr. Forrestall:** It is probably an unfair question to ask you, Mr. MacDermaid, because I know you are not directly associated any longer. But from what you have said I would assume that you would not feel that there might be any need for any kind of a national forum to be developed in which questions of conformity could be discussed. Would that be an accurate assumption?

**Mr. MacDermaid:** Well, certainly I do not think it hurts the Chief Electoral Officer in Nova Scotia to know what his counterpart in Quebec and elsewhere is doing. I think it is an excellent idea. Certainly when the royal commission worked on this report here, they consulted with all the electoral officers across Canada, and I think it would be useful if they could get together, yes.

**Mr. Forrestall:** Is there any move in Nova Scotia, officially or otherwise, to do anything such as the lowering of the voting age, which might give rise to some difficulties, for example in terms of polling division boundaries?

**Mr. MacDermaid:** I think Mr. Muggah should reply to that.

**Mr. H. E. Muggah (Deputy Provincial Secretary, Province of Nova Scotia):** I have heard nothing official on it. I have heard, or I

[Interpretation]

les limites. Mais, en principe, les provinces ont suivi les limites fédérales parce qu'elles sont plus à point que les nôtres.

**M. Forrestall:** C'est une chose faite délibérément.

**M. MacDermaid:** Oui.

**M. Forrestall:** Et la province de Nouvelle-Écosse trouve cela utile.

**M. MacDermaid:** Les délimitations fédérales nous sont utiles. Nous avons des dispositions pour les reviser en vertu de notre loi, mais nous tâchons de les garder semblables pour éviter la confusion.

**M. Forrestall:** Y a-t-il des régions où la conformité pourrait être améliorée à l'égard de notre propre loi provinciale?

**M. MacDermaid:** Je ne pense pas. De façon générale, nous obtenons une excellente collaboration du Directeur général des élections d'Ottawa, et il nous aide. Il n'y a pas de grand conflit à résoudre.

**M. Forrestall:** Il est probablement injuste de vous poser cette question, car je sais que vous ne travaillez plus dans ce domaine. Mais d'après ce que vous avez dit, je présume que vous ne pensez pas qu'il serait nécessaire d'établir une tribune nationale où l'on pourrait aborder les questions de conformité. Ai-je raison?

**M. MacDermaid:** Il est certainement très bon que le Directeur général des élections de la Nouvelle-Écosse sache ce que fait son homologue du Québec et ailleurs. Je crois que c'est une excellente idée. Lorsque la Commission royale d'enquête a travaillé à son rapport ici, elle a consulté tous les directeurs d'élection au Canada, et il serait très bon qu'ils se réunissent.

**M. Forrestall:** Est-ce qu'en Nouvelle-Écosse, on a un plan, officiel ou autre, pour abaisser l'âge du droit de vote, ce qui pourrait soulever des difficultés, par exemple pour ce qui est des délimitations des arrondissements électoraux.

**M. MacDermaid:** Je crois que M. Muggah devrait vous répondre. Je n'ai rien entendu d'officiel à ce sujet.

**M. Muggah (Sous-secrétaire de la Nouvelle-Écosse):** J'ai lu des rapports de différents groupes, demandant l'abaissement de l'âge



[Texte]

have read reports of groups in the community who felt, that the voting age should be lowered, but I am probably not as familiar with the public, or do not have my hand as closely on the public pulse as you have, Mr. Forrestall.

**Mr. Forrestall:** I am committed to it being lowered; there is no question about that. But I was trying to find some way of getting into the area of the necessity today of keeping elections short. One of the ways that this can best be done, I would think, is through the maximum amount of conformity as between federal and provincial acts. Would the lowering of the voting age to 18 present, in your opinion any serious difficulties?

**Mr. MacDermaid:** No, there would be absolutely no difficulties at all.

**Mr. Forrestall:** What is the average number of electors within the terms of the Act, in each polling division?

**Mr. MacDermaid:** Electoral district or polling division?

**Mr. Forrestall:** Polling division.

**Mr. MacDermaid:** It is 300 in our Act and it is 350 in yours, I believe.

**Mr. Forrestall:** The addition of 10 per cent, more or less, would not make any difference then.

**Mr. MacDermaid:** You can always divide the poll, anyway.

**Mr. Macquarrie:** I am not nit-picking but I notice that the qualifications for electors include the expression "is a Canadian citizen or other British subject." And the qualifications for a candidate, the expression "as a British subject by birth or naturalization." Is this just an accident or something the lawyers forgot?

**Mr. MacDermaid:** An accident, sir. I assume we followed your Act but we may have dropped a couple of words.

**The Chairman:** Mr. Jerome.

**Mr. Jerome:** Mr. Chairman, I was interested in the statement earlier that the system in this province now permits election campaigns to be as short as 36 days.

**Mr. MacDermaid:** Yes.

**Mr. Jerome:** I am very interested in pursuing that matter further to ascertain whether or not there are certain modifications in Nova Scotia in which we should be interested for

[Interprétation]

donnant le droit de vote, mais je ne suis pas d'aussi près de l'opinion publique que vous monsieur Forrestall.

**M. Forrestall:** C'est indiscutablement une question que j'ai à cœur. Mais j'essayais de revenir à la question de diminuer la période des élections. Une des meilleures façons est d'intensifier la conformité entre les lois fédérales et provinciales. Est-ce que cet abaissement de l'âge de vote entraînerait des difficultés?

**M. MacDermaid:** Aucune difficulté, non.

**M. Forrestall:** Quel est le nombre moyen d'électeurs fixé par la loi dans les arrondissements de votation?

**M. MacDermaid:** Parlez-vous du district électoral ou de la division de votation?

**M. Forrestall:** De la division de votation.

**M. MacDermaid:** 300 dans notre loi, et 350 dans la votre, je crois.

**M. Forrestall:** L'addition de 10 p. 100 ne ferait donc pas de différence.

**M. MacDermaid:** On peut toujours réduire le nombre des votants.

**M. Macquarrie:** Je ne veux pas fendre les cheveux en quatre, mais je remarque que les exigences comme électeur comprennent l'expression «est un citoyen canadien ou autre sujet britannique» et que les exigences comme candidat comportent l'expression «sujet britannique de naissance ou par naturalisation». Est-ce une erreur ou un oubli des avocats?

**M. MacDermaid:** Un accident, monsieur. Nous avons suivi votre loi, mais nous avons peut-être oublié quelques mots.

**Le président:** Monsieur Jerome.

**M. Jerome:** Monsieur le président, j'aimerais revenir au système dans cette province qui permet de raccourcir les campagnes électorales à aussi peu que 36 jours.

**M. MacDermaid:** Oui.

**M. Jerome:** J'aimerais savoir si certaines des positions qui existent en Nouvelle-Écosse pourraient permettre de raccourcir les campagnes électorales fédérales. Pourriez-vous nous



[Text]

the purpose of shortening federal election campaigns. Could you elaborate on just exactly how it can be accomplished in that short space of time.

**Mr. MacDermaid:** I think one of the big reasons that we were able to shorten it was the fact that all the lists, whether urban or rural, are prepared on an alphabetic basis.

**Mr. Francis:** Not by streets.

**Mr. MacDermaid:** No. In urban areas it is alphabetical as well. This lends itself to great simplicity and also the cutting out of the revision which is held by your rural registers under your Federal Act, which takes up time as well. From the completion of this alphabetical book it goes directly to the printer and the list is mailed out. But we seem to do it in a much shorter length of time than you people do. For instance, you appoint your enumerators 49 days before an election; we can appoint them 31 days before the election and still carry the election out.

**Mr. Jerome:** Thirty-one?

**Mr. MacDermaid:** Yes. That is the day enumeration starts. Yours start 49 days before an election, and that is a difference of about three weeks?

**Mr. Jerome:** Eighteen days.

**Mr. MacDermaid:** Eighteen days, yes.

**Mr. Jerome:** And how long does it take you to complete your enumeration?

**Mr. MacDermaid:** We run our enumeration the same length of time as you do.

**Mr. Jerome:** Your timesaving then is between the completion of the enumeration and the publication of the voters' lists?

**Mr. MacDermaid:** Our lists are printed 17 days before the election and yours are printed 26 days before.

**Mr. Jerome:** Now the gap is down to nine days. We have lost 10 days some place.

**The Chairman:** Mr. Hamel, could you comment on the differences.

**Mr. J. M. Hamel (Chief Electoral Officer, Government of Canada):** I do not want to comment too extensively on this but perhaps I should mention that under the Canada Elections Act we conduct a general election in the Northwest Territories in 45 days. The main difference is that I have seven returning officers to do the job of one returning officer at a

[Interpretation]

expliquer comment tenir des élections dans une aussi courte période de temps.

**M. MacDermaid:** Je crois qu'une des raisons qui nous permette de raccourcir les campagnes est que toutes les listes, urbaines ou rurales, sont préparées par ordre alphabétique.

**M. Francis:** Non par rues.

**M. MacDermaid:** Non. Dans les régions urbaines, les listes sont alphabétiques. C'est un système très simple qui permet de réduire les délais de révision qui sont faits suivant les registres ruraux en vertu de la loi fédérale et qui prennent beaucoup de temps. Une fois la liste établie elle est envoyée à l'imprimeur et ensuite expédiée par la poste. Cette méthode exige beaucoup moins de temps que l'autre. Par exemple, vous nommez, vous, un énumérateur 49 jours avant l'élection; nous, nous les nommons 31 jours avant l'élection et c'est suffisant.

**M. Jerome:** 31 jours?

**M. MacDermaid:** Oui. Vous avez besoin de 49 jours, ce qui fait une différence de trois semaines?

**M. Jerome:** 18 jours.

**M. MacDermaid:** Oui, 18 jours.

**M. Jerome:** Combien de temps vous faut-il pour terminer votre énumération?

**M. MacDermaid:** Le même temps que vous.

**M. Jerome:** Vous réussissez donc votre économie de temps entre la fin de l'énumération et la publication des listes d'électeurs?

**M. MacDermaid:** Nos listes sont imprimées 17 jours avant l'élection et les vôtres, 26 jours avant.

**M. Jerome:** Ceci réduit l'écart à 9 jours. Il manque 10 jours quelque part.

**Le président:** Monsieur Hamel, pourriez-vous nous expliquer les différences?

**M. J.-M. Hamel (directeur général des élections, Gouvernement du Canada):** Je ne veux pas m'étendre trop longuement là-dessus, mais je pourrais peut-être mentionner qu'en vertu de la Loi canadienne sur les élections, nous menons une élection générale dans les Territoires du Nord-Ouest en 45 jours. La différence est que j'ai sept présidents d'élec-



[Texte]

general election. In Nova Scotia I believe you have 26 or 27 returning officers.

**Mr. MacDermaid:** Oh, no we have 43.

**Mr. Hamel:** Well, I have 11 for exactly the same population. That question was raised yesterday at Quebec. The largest electoral district in Quebec is 57,000 square miles. We have 14 electoral districts in excess of 50,000 square miles, so I do not think that the problem is quite the same.

**Mr. Jerome:** In the Northwest Territories we have several electoral districts that must be larger than the Province of Nova Scotia.

**Mr. Hamel:** In the Northwest Territories?

**Mr. Jerome:** Yes. My own is larger than the Province of Nova Scotia.

**Mr. Hamel:** That is correct. I think you have nine electoral districts in excess of 100,000 square miles.

**Mr. Jerome:** Yes.

**Mr. Hamel:** If I may come back to this question of lists, for instance, 43 returning officers means that there are 43 printers printing his lists while, in my case, I have 11 returning officers dealing with 11 printers to deal with 11 sets of lists. I think the problem is not quite the same.

**Mr. Jerome:** Do you in fact use a different printer for each electoral list or does one printer do it all?

**Mr. MacDermaid:** We might use three or four; it just depends on how competent and how large the printer is.

**Mr. Jerome:** You might use three or four.

**Mr. MacDermaid:** For one electoral district, if necessary.

**Mr. Jerome:** Mr. Hamel, is the preparation of the lists the area in which we require so much more time?

**Mr. Hamel:** No, not necessarily. We require more time before the enumeration, in fact, because at the moment we run an election between 58 and 60 days and since we start the enumeration on the forty-ninth day it means we have roughly between eight to 10 days to get all the machinery in motion. It is very seldom that the writs are issued and we find all the returning officers ready to start.

[Interprétation]

tions pour faire le travail d'un seul lors d'une élection générale. Je crois qu'en Nouvelle-Écosse vous en avez 26 ou 27.

**M. MacDermaid:** Non, nous en avons 43.

**M. Hamel:** J'en ai 11 pour exactement la même population. Le point a été soulevé hier pour le Québec. La plus grande circonscription électorale au Québec est de 57,000 milles carrés. Nous avons 14 circonscriptions électorales supérieures à 50,000 milles carrés; le problème n'est donc pas le même.

**M. Jerome:** Dans les Territoires du Nord-Ouest, nous avons plusieurs circonscriptions électorales qui sont beaucoup plus grandes que la province de la Nouvelle-Écosse.

**M. Hamel:** Dans les Territoires du Nord-Ouest?

**M. Jerome:** Oui. La mienne est beaucoup plus grande que la province de la Nouvelle-Écosse.

**M. Hamel:** C'est exact. Je crois que nous avons 9 circonscriptions électorales qui dépassent 100,000 milles carrés.

**M. Jerome:** Oui.

**M. Hamel:** Pour revenir à la question des listes, il y a 43 présidents d'élections qui travaillent avec 43 imprimeurs qui impriment leurs listes tandis que, dans mon cas, j'en ai 11 qui travaillent avec 11 imprimeurs qui impriment 11 jeux de listes. Je crois que le problème est différent.

**M. Jerome:** Avez-vous un imprimeur différent pour chaque liste électorale ou un imprimeur fait-il tout le travail pour une élection?

**M. MacDermaid:** Nous en employons 3 ou 4; tout dépend de l'importance des installations de l'imprimeur.

**M. Jerome:** Vous en utilisez 3 ou 4.

**M. MacDermaid:** Pour une circonscription électorale, au besoin.

**M. Jerome:** Monsieur Hamel, est-ce la préparation des listes qui absorbe une si grande partie de notre temps?

**M. Hamel:** Non, par nécessairement. Nous prenons plus de temps avant l'énumération, en fait, parce qu'il nous faut de 58 à 60 jours pour faire une élection. Quand nous commençons l'énumération le 49<sup>e</sup> jour nous disposons d'environ 8 à 10 jours. Il arrive très rarement que tout soit imprimé et que tous les présidents d'élection soient prêts à commencer. A chaque élection, nous en avons au



[Text]

At every election we always have at least half a dozen who have to be replaced because they have died, were involved in car accidents, were in Europe or Mexico, and so on. Furthermore, we have to allow political parties time to nominate their urban enumerators, and when you deal with a large urban electoral district with 150 to 200, and at times 300 polling divisions, it means that each party has to nominate 300 enumerators, the returning officer has to appoint 600 enumerators, brief them, because he does not have time to train them, and concurrently he has to find office accommodation. At one meeting of the Committee somebody mentioned, and quite rightly so, that some of the returning officers did not have adequate office accommodation. They have no more than 24 to 48 hours to find this accommodation, have two, three or four, telephones installed, have the proclamation printed and everything in motion.

If you are interested in looking at the possibility of cutting the period for an election I would suggest that we look at each operation and find out where it is possible to cut. But I would like you to keep in mind the fact that if you take together all the returning officers for the whole of Canada at the provincial level you have 560-odd returning officers while at the Federal level I have 264 to cover exactly the same area. If I had only the southern part of the country—let us exclude the northern part of the country—we could run elections as they do in Ontario, in 37 days, quite easily, but we cannot go any faster than where communications are the worst. I believe this is the crux of the problem.

**Mr. MacDermaid:** The point I was really trying to make was that because of the way we prepare our lists, with the changes we have made, we are able to run an election in an eight to 10 day shorter period of time.

**Mr. Jerome:** Eight to 10 days shorter than you used to run it.

**Mr. MacDermaid:** Than we used to run it.

**Mr. Jerome:** All right. You say one of the important changes was an alphabetical listing of the electorate.

**Mr. MacDermaid:** Of the urban ones, which had always been done geographically before.

**Mr. Jerome:** Had you always done your rural electors by alphabetical order?

**Mr. MacDermaid:** Yes, we have used the same procedure.

[Interpretation]

moins une demi-douzaine qui doivent être remplacés parce qu'ils sont morts, qu'ils ont eu un accident d'automobile, qu'ils sont en Europe ou au Mexique, et ainsi de suite. De plus, nous devons accorder aux partis politiques le temps nécessaire pour nommer leurs énumérateurs urbains. Dans une grande circonscription électorale urbaine, il peut y avoir de 150 à 200 et même jusqu'à 300 arrondissements ce qui veut dire que chaque parti doit nommer 300 énumérateurs, que le président doit nommer 600 énumérateurs, leur faire un exposé sommaire de leurs fonctions et, en même temps, trouver des locaux. A une réunion du Comité, quelqu'un a mentionné que certains des présidents n'avaient pas de locaux adéquats. Ils n'ont pas plus que 24 à 48 heures pour trouver des locaux, faire installer 2, 3 ou 4 téléphones, faire imprimer la proclamation et mettre le tout en branle.

Si vous désirez réduire la période nécessaire à l'organisation d'une élection, je vous proposerais d'examiner chaque opération et de trouver le moyen de réduire le temps nécessaire pour la compléter. Cependant il ne faut pas oublier que les provinces comptent un total d'environ 560 présidents d'élection alors que le fédéral en compte 264 pour couvrir exactement le même territoire. Si je n'avais que la partie sud du pays, je pourrais faire des élections en 37 jours, comme c'est le cas en Ontario, mais nous ne pouvons pas le faire dans tout le pays parce que, dans certains endroits, les moyens de communication sont mauvais. Je crois que c'est là que gît le problème.

**M. MacDermaid:** Le point que je voulais souligner est que notre façon de préparer nos listes avec les changements que nous y avons apportés, nous permet de faire une élection dans 8 à 10 jours.

**M. Jerome:** 8 à 10 jours de moins qu'auparavant.

**M. MacDermaid:** C'est exact.

**M. Jerome:** Très bien. Vous dites que l'un des changements importants touche l'établissement de listes alphabétiques des électeurs?

**M. MacDermaid:** Des listes urbaines, qui étaient établies géographiquement auparavant.

**M. Jerome:** Vos listes d'électeurs ruraux avaient-elles toujours été établies par ordre alphabétique?

**M. MacDermaid:** Oui, nous avons employé le même processus.



[Texte]

**Mr. Jerome:** How is it that this is such a dramatic time-saver?

**Mr. MacDermaid:** We have got away from preliminary lists, typing of lists, and different forms. This book here has actually cut down the time.

**Mr. Jerome:** In other words, by using the alphabetical system you were able to go directly from the book without a further tabulation of the list, right to the printer.

You were mentioning that this was in conjunction with other changes that you had made which enabled you to cut down the time by eight or 10 days. Could you tell us what the other changes are?

**Mr. MacDermaid:** I do not know if I made that statement but I cannot recall anything else. This is the major thing that enabled us to shorten the period of time.

**Mr. Jerome:** Your enumeration then is now carried out in such a way that your enumerators can make entries directly in that book at the door?

**Mr. MacDermaid:** At the door, right.

**Mr. Jerome:** They make entries directly in the book and then the book goes directly to the printer.

**Mr. MacDermaid:** Yes, but there is something in between there: one copy goes to each political party, one copy remains in the returning officer's office, and one copy goes to the printer.

**Mr. Lefebvre:** I have a supplementary, Mr. Chairman. How can the enumerator do it alphabetically as he goes along.

**Mr. MacDermaid:** There is no problem because it is all lettered A, B, C, D, E, F, G—right down to Z. There are three or four unlettered pages at the end, the same as your own rural registrar's book. In other words, it is not strictly alphabetical but all the A's are together.

**Mr. Hamel:** In our case we are only one day on the actual transcription. In other words, the enumerators complete their enumerations on Saturday and they have to have the list in the hands of the returning officer by Monday. So the only time that this may be exceeded is in rural areas to allow time for the list to travel to the office of the returning officer.

[Interprétation]

**M. Jerome:** Comment réalisez-vous donc cette grande économie de temps?

**M. MacDermaid:** Nous avons éliminé les listes préliminaires, la dactylographie des listes et diverses formules. Ce livre nous permet d'éliminer les pertes de temps.

**M. Jerome:** Autrement dit, le système actuel vous permet de passer directement du livre à l'imprimeur, sans étape intermédiaire.

Vous avez dit que ceci était un des changements que vous aviez fait pour raccourcir le délai de 8 à 10 jours. Pourriez-vous me parler des autres changements?

**M. MacDermaid:** Je ne me souviens pas vous avoir dit cela. Le changement dont je viens de vous parler est le changement principal qui nous permet de raccourcir les délais nécessaires.

**M. Jerome:** Votre système d'énumération permet donc à vos énumérateurs de faire l'inscription directement dans le livre, à la porte?

**M. MacDermaid:** A la porte, c'est exact.

**M. Jerome:** Ils font leurs inscriptions directement dans le livre et le livre est ensuite envoyé directement à l'imprimeur.

**M. MacDermaid:** Oui, mais il y a quelque chose d'autre; une copie est envoyée à chaque partie politique, le président en garde une copie et une copie est envoyée à l'imprimeur.

**M. Lefebvre:** J'aurais une question supplémentaire, monsieur le président. Comment un énumérateur peut-il établir une liste alphabétique?

**M. Macdermaid:** Il n'y a pas de problème, parce que les pages sont marquées en majuscules, A, B, C, D, E, F, G, jusqu'à Z. Il y a trois ou quatre pages non marquées à la fin comme dans votre propre livre d'inscription rurale. Autrement dit, la liste n'est pas strictement alphabétique, mais tous les A sont ensembles.

**M. Hamel:** Dans notre cas, nous ne passons qu'une journée à la transcription. Autrement dit, les énumérateurs terminent leur énumération le samedi et ils doivent remettre leur liste au président le lundi. Le seul temps perdu dans les régions rurales est donc le temps nécessaire pour que la liste provienne au bureau du président.



[Text]

May I ask one question. Is your urban enumeration done by one enumerator.

**Mr. MacDermaid:** Oh no, two.

**Mr. Hamel:** How are they appointed?

**Mr. MacDermaid:** The same way yours are.

**Mr. Hamel:** Are your returning officers permanent?

**Mr. MacDermaid:** Oh, yes, very definitely.

**Mr. Hamel:** They are appointed. Do they receive some remuneration between elections?

**Mr. MacDermaid:** No, they do not.

**Mr. Hamel:** Just if they are called upon to do some work.

**Mr. MacDermaid:** That is all.

**Mr. Hamel:** Such as a revision and that kind of thing.

**Mr. MacDermaid:** As a matter of fact, they went around and registered everybody for Medicare. They used the same book. We got 98 per cent of the population.

**Mr. Francis:** Have we finished with this subject now, Mr. Chairman? I wanted to raise another one.

**The Chairman:** You can do so, if you wish.

**Mr. Francis:** I am interested in the provisions for candidates' representatives in the polls on election day.

**Mr. MacDermaid:** Yes.

**Mr. Francis:** I presume a candidate is permitted to have a representative in each of the deputy returning officers polling districts.

**Mr. MacDermaid:** That is correct, yes.

**Mr. Francis:** Is there provision for a candidate to have a representative in the office of the returning officer during election day?

**Mr. MacDermaid:** No. The only provision in our Act having to do with the headquarters of the returning officer is that he must be there at certain times, but if somebody wants to look at the proxy papers or some other papers...

**Mr. Francis:** But if the candidate, for reasons that he judged proper, made an official

[Interpretation]

Puis-je poser une question? Votre énumération urbaine est-elle faite par un énumérateur?

**M. MacDermaid:** Non, deux.

**M. Hamel:** Comment sont-ils nommés?

**M. MacDermaid:** De la même façon que les vôtres.

**M. Hamel:** Vos présidents sont-ils permanents?

**M. MacDermaid:** Oui.

**M. Hamel:** Ils sont nommés. Reçoivent-ils une rémunération entre les élections?

**M. MacDermaid:** Non, ils n'en reçoivent pas.

**M. Hamel:** Seulement lorsqu'ils travaillent.

**M. MacDermaid:** C'est exact.

**M. Hamel:** Comme une revision, et ainsi de suite.

**M. MacDermaid:** Ils ont été utilisés pour faire l'inscription de tout le monde pour Medicare. Ils ont utilisé le même livre. Ils ont atteint 98 p. 100 de la population.

**M. Francis:** Est-ce tout sur ce sujet, monsieur le président? J'aimerais passer à un autre.

**Le président:** Vous pouvez le faire, si vous le désirez.

**M. Francis:** J'aimerais en savoir plus long sur les dispositions régissant la présence des représentants des candidats aux bureaux de scrutin, le jour des élections.

**M. MacDermaid:** Oui.

**M. Francis:** Je crois qu'un candidat peut avoir des représentants dans chacun des bureaux de scrutin?

**M. MacDermaid:** C'est exact.

**M. Francis:** Y a-t-il une disposition permettant à un candidat d'avoir un représentant dans le bureau du président le jour des élections?

**M. MacDermaid:** Non. La seule disposition dans notre loi traitant du bureau principal du président est qu'il doit s'y trouver à certains temps, mais si quelqu'un veut examiner les documents de procuration ou quelque autre document...

**M. Francis:** Mais si le candidat, pour des raisons qu'il juge valables, fait une demande



[Texte]

request to the returning officer that he would like to have an agent there during election day, would that request be refused?

**Mr. MacDermaid:** Oh, heavens, no.

**Mr. Francis:** I know in the Federal Act there is no provision because, as a candidate, I made a very specific request and I was very specifically refused. I would hope that when this Committee makes a report it would take this into consideration.

**Mr. MacDermaid:** As a matter of fact, I should correct myself because in cities we brought in a provision whereby you are allowed to swear on, as you do in rural areas, if you are not on the list by appearing before the revising officer on election day, who must sit at the headquarters of the returning officers. So certainly the opposition or the party in power would be entitled to have people there to hear these applications.

**Mr. Francis:** Then in fact it would be quite impossible for one party to have any advantage on election day through partisan conduct of a returning officer because it would be open to any candidate to request that an agent be present and he would be permitted to do so.

**Mr. MacDermaid:** Certainly if there is anything of a partisan nature it would be referred to the Chief Electoral Officer and would be dealt with expeditiously.

**Mr. Francis:** Mind you, on election day it is not always easy to do things. There is the physical problem of time in coping with these things. While the right to go to a Chief Electoral Officer is always there it is not always in fact practicable to do so within the limitations of time.

I feel that there is a serious defect in the Federal Act. I feel any candidate who requests the right to have a representative in the office of the returning officer should have that right. He is specifically barred from having this right, according to an interpretation I received from your predecessor, Mr. Hamel. You may well be aware of that.

**Mr. Hamel:** Yes.

**Mr. MacDermaid:** In my opinion, that would be a very reasonable provision to have in your Act.

**Mr. Francis:** Thank you very much.

**The Chairman:** Mr. Lefebvre.

**Mr. Lefebvre:** In rural ridings if you show up at a poll on election day and your name is not on the list—nobody checked it, including

21173-3

[Interprétation]

officielle auprès du président pour qu'il admette son agent le jour des élections, cette demande sera-t-elle refusée?

**M. MacDermaid:** Non, certes pas.

**M. Francis:** Je sais que dans la loi fédérale, il n'y a aucune disposition parce que, en tant que candidat, j'ai fait une demande précise et j'ai reçu un refus précis. J'aimerais que le Comité tienne compte de ce point en faisant son rapport.

**M. MacDermaid:** J'aimerais corriger ce que j'ai dit, parce que, dans les villes nous avons adopté une disposition par laquelle vous pouvez vous faire assermenter, comme dans les régions rurales, si vous ne figurez pas sur la liste en comparaisant devant le reviseur qui doit se trouver au bureau central du président le jour de l'élection. Le parti au pouvoir ou l'opposition pourrait certainement avoir là quelqu'un pour vérifier les demandes.

**M. Francis:** Il serait ainsi impossible pour un parti d'avoir un avantage le jour des élections à cause d'un président partisan parce que tout candidat pourrait avoir un agent qui le représenterait.

**M. MacDermaid:** Certainement, s'il y avait partisanerie quelconque, la question serait portée à l'attention du président général des élections qui l'étudierait sans délai.

**M. Francis:** N'oubliez-pas que le jour des élections il faut faire vite et qu'il a beaucoup à faire. Même s'il a le droit d'en appeler au président général des élections, il n'est pas toujours facile de le faire dans des délais si courts.

Je crois qu'il y a une lacune grave dans la Loi fédérale. Je crois qu'on devrait accorder à tout candidat le droit d'avoir un représentant dans le bureau du président. On lui refuse catégoriquement ce droit, suivant l'interprétation que nous a donné votre prédécesseur, M. Hamel. Vous êtes peut-être au courant de cela.

**M. Hamel:** Oui.

**M. MacDermaid:** Je crois que c'est une disposition qu'il serait très raisonnable d'avoir dans votre loi.

**M. Francis:** Merci beaucoup.

**Le président:** Monsieur Lefebvre.

**M. Lefebvre:** Dans les circonscriptions rurales, si vous vous présentez au bureau de scrutin le jour des élections, et que votre nom



[Text]

the voter himself—you can be sworn in. Do you have the same thing in your provincial elections?

**Mr. MacDermaid:** We have the same thing for the rural areas. In the urban areas if you have been left off the list you may appear before the revising officer on election day and get a certificate from him saying that you are qualified to vote, then you go with your voucher and you may be sworn on on election day in the urban areas as well.

**Mr. Lefebvre:** That is good.

**Mr. MacDermaid:** We put that little extra precaution in because it is a little harder to check people in the cities.

**Mr. Lefebvre:** Yes, very much. I do not think too many of the provinces allow voters to be sworn in on election day.

**Mr. MacDermaid:** In cities.

**Mr. Lefebvre:** Even in rural districts. In Quebec they cannot. Does Ontario allow it?

**Mr. Hamel:** Ontario does in both rural and urban areas, but they are recommending now that it be dropped in both rural and urban areas.

**Mr. Lefebvre:** I hope this Committee does not follow that practice because I think we should do everything possible to make sure that a person wanting to vote has the opportunity of doing so.

**Mr. MacDermaid:** We sort of nailed them down a bit too by putting a form in the poll book that both the person vouched for and the voucher have to sign—they have to put their “John Henry” right in the poll book—which usually cuts out any abuse of that.

**Mr. Lefebvre:** Yes.

**Mr. Forrestall:** Mr. MacDermaid, could you comment on the form of the ballot. We have had some indication that Ontario has recommended the adoption—I think Quebec have adopted it...

**Mr. Hamel:** No, not yet; it has been recommended.

**Mr. Forrestall:** The Province of Quebec has already adopted a new form of ballot.

**Mr. MacDermaid:** This is what the Royal Commission wanted here, based on the system.

[Interpretation]

ne figure pas sur la liste, personne ne l'ayant vérifié, y compris l'électeur lui même, vous pouvez être assermenté. Avez-vous le même système dans vos élections provinciales?

**M. MacDermaid:** Oui, nous avons le même système pour les régions rurales. Dans les régions urbaines, si votre nom n'apparaît pas sur la liste, vous pouvez vous présenter chez le reviser le jour d'élection et obtenir de lui un certificat qui dit que vous êtes qualifié pour voter. Vous vous présentez donc avec votre certificat et vous pouvez être assermenté le jour de l'élection dans les régions urbaines également.

**M. Lefebvre:** Très bien.

**M. MacDermaid:** Nous sommes un peu plus prudents parce qu'il est un peu plus difficile de vérifier dans des villes.

**M. Lefebvre:** Oui, en effet. Je crois qu'il n'y a pas beaucoup de provinces qui permettent aux électeurs d'être assermentés le jour des élections.

**M. MacDermaid:** Dans les villes.

**M. Lefebvre:** Même dans des circonscriptions rurales. Dans le Québec, ce n'est pas permis. Le permet-on en Ontario?

**M. Hamel:** En Ontario, c'est permis dans les régions rurales et urbaines, mais on voudrait l'abandonner.

**M. Lefebvre:** J'espère que ce Comité ne prendra pas une telle décision, parce que je crois qu'on devrait faire tout ce qui est possible pour permettre à une personne qui veut voter de le faire.

**M. MacDermaid:** On a décidé d'être plus exigeant en insérant dans le livre une formule que la personne qui a obtenu le certificat et celle qui l'a délivré doivent signer. Leur signature doit figurer dans le livre, ce qui réduit les abus.

**M. Lefebvre:** Oui.

**M. Forrestall:** Monsieur MacDermaid, pourriez-vous nous parler du bulletin de vote lui-même. Je crois que l'Ontario a recommandé l'adoption du nouveau bulletin de vote et je crois que le Québec l'a fait.

**M. Hamel:** Non, pas encore; on l'a recommandé.

**M. Forrestall:** La province de Québec a déjà adopté un nouveau bulletin de vote.

**M. MacDermaid:** C'est ce que la Commission royale voulait.



[Texte]

**Mr. Forrestall:** Could you tell us why it was rejected.

**Mr. MacDermaid:** I cannot tell you why it was rejected because I was not present when they were deliberating what they were going to adopt. They tried to simplify it so there would be only one place to put your "X" and it could not be rejected. There are quite a few rejected ballots in each election.

**Mr. Forrestall:** Would there be one per poll?

**Mr. MacDermaid:** I could tell you how many there are. We had 2,700 in the last election.

**Mr. Forrestall:** How many polling divisions are there?

**Mr. MacDermaid:** There are 2,000.

**Mr. Forrestall:** So it is better than one per roll—1.5 per poll.

**An hon. Member:** Mr. Chairman, is party affiliation shown on the ballot?

**Mr. MacDermaid:** No. I am sorry; it is now, under an amendment passed this year.

**Mr. Francis:** What does appear on the ballot? The name and the party affiliation appears. Is there anything else?

**Mr. A. J. Hickey (Assistant Chief Electoral Officer, Nova Scotia):** The address.

**Mr. MacDermaid:** The name, the party's address, and the name of his party, if he has one—if not, the word "independent".

**Mr. Francis:** No occupation?

**Mr. MacDermaid:** No. That is not quite in force yet; at the end of this month that will be in force.

**Mr. Francis:** Yes, but we are interested.

**Mr. Carter:** And the names will appear alphabetically?

**Mr. MacDermaid:** Yes, alphabetically. If there are two people to be elected in the one constituency they can agree to an arrangement of their names other than alphabetically. We have three constituencies here where, such is the case. I do not think you have any anymore?

**Mr. Carter:** No, but ordinarily it would be alphabetically?

**Mr. MacDermaid:** That is right.

[Interprétation]

**M. Forrestall:** Pourriez-vous me dire pourquoi on l'a rejeté.

**M. MacDermaid:** Je ne puis pas vous dire pourquoi on l'a rejeté parce que je n'étais pas présent aux délibérations. Ils ont essayé de le simplifier en prévoyant un endroit pour mettre le «X» afin qu'il ne soit pas rejeté. Il y a, en effet, un nombre imposant de bulletins rejetés à chaque élection.

**M. Forrestall:** Y en aurait-il un par bureau de scrutin?

**M. MacDermaid:** Je pourrais vous dire combien il y en avait. Il y en a eu 2,700 à la dernière élection.

**M. Forrestall:** Combien y avait-il de bureaux?

**M. MacDermaid:** Il y en avait 2,000.

**M. Forrestall:** Il y en avait donc plus d'un par bureau, 1,5 par bureau.

**Une voix:** Monsieur le président, indique-t-on les partis sur les bulletins de vote?

**M. MacDermaid:** Non. Je suis désolé, oui, en vertu d'une modification adoptée cette année.

**M. Francis:** Que voit-on sur le bulletin? Le nom du candidat et le parti qu'il représente y figurent. Y a-t-il quelque chose d'autre?

**M. A. J. Hickey (Président général adjoint des élections, Nouvelle-Écosse):** L'adresse.

**M. MacDermaid:** Le nom, l'adresse du parti, et le nom du parti s'il en a un; s'il n'en a pas, le mot «indépendant».

**M. Francis:** Pas la profession?

**M. MacDermaid:** Non. Ce n'est pas encore en vigueur, mais cela le sera à la fin de ce mois-ci.

**M. Francis:** Cet aspect nous intéresse.

**M. Carter:** Et les noms figureront par ordre alphabétique?

**M. MacDermaid:** Oui, par ordre alphabétique. Deux candidats d'une même circonscription peuvent se mettre d'accord sur une disposition de leur nom autre qu'alphabétique. Nous avons deux ou trois circonscriptions où un tel accord existe. Je n'en connais pas d'autre.

**M. Carter:** Non, mais ordinairement, c'est par ordre alphabétique?

**M. MacDermaid:** C'est exact.



[Text]

**Mr. Carter:** Would an independent get the same privilege or would he be put on the bottom of the ballot?

**Mr. MacDermaid:** No, he would be listed alphabetically.

**Mr. Lefebvre:** That is different than Quebec, where the independent does not get on the alphabetical, portion.

**The Chairman:** Mr. Gibson.

**Mr. Gibson:** Do you have any provision for two candidates with the same name and initials, say "W. F. Anderson"?

**Mr. Forrestal:** We have that problem in Cape Breton with "MacDonald" in municipal elections.

**Mr. MacDermaid:** There is really nothing in our Act. We would expect the returning officer to use some discretion when accepting the nomination paper. People are described by the names that they are known by in the community and there would be some distinction. Mind you, there is a distinction now with the party being listed on the ballot, but that is not quite the same thing.

**The Chairman:** It seems that you abide by the same order as used in Quebec for the recognized parties. You put them on the ballots.

**Mr. Muggah:** Yes, that is correct.

We had the Royal Commission that Mr. MacDermaid refers to and then we had another a year or so ago which recommended fairly substantial changes, including the recognition of parties and the payment or reimbursement of parties and candidates for their expenses. A substantial part of these amendments followed very closely the Quebec provisions.

**Mr. Lefebvre:** On page 3 of the amendments they talk about a recognized party having at least 10 official candidates. I note that you have taken it for a new party that was formed also.

**Mr. MacDermaid:** Yes. If they expect to field 10 candidates they call the Chief Electoral Officer and he grants them the same privileges.

**Mr. Lefebvre:** Yes.

**The Chairman:** Mr. Francis.

**Mr. Francis:** Mr. Chairman, I would like to open the question of election expenses, which is one of considerable interest. I note that in the 1969 amendments, Section 164B on page

[Interpretation]

**M. Carter:** Un candidat indépendant jouit-il du même privilège ou son nom figure-t-il au bas du bulletin?

**M. MacDermaid:** Non, il est inscrit dans l'ordre alphabétique.

**M. Lefebvre:** C'est différent du Québec, où le candidat indépendant ne figure pas dans l'ordre alphabétique.

**Le président:** Monsieur Gibson.

**M. Gibson:** Y a-t-il une disposition dans le cas de deux candidats ayant les mêmes initiales, mettons «W. F. Anderson»?

**M. Forrestal:** Nous avons eu ce problème aux élections municipales, au Cap Breton, à cause du nom «MacDonald».

**M. MacDermaid:** Il n'y a rien dans la loi à ce sujet. Nous nous fions au jugement du président quand il reçoit les mises en candidature. Les gens sont décrits par les noms sous lesquels ils sont connus dans leur milieu. Il y aurait une différence d'inscription dans le parti qu'ils représentent, mais ceci est une autre question.

**Le président:** Je crois que vous suivez le même ordre que celui qui est utilisé au Québec pour les partis reconnus. Vous les inscrivez sur les bulletins.

**M. Muggah:** Oui, c'est exact. Nous avons eu la Commission royale dont M. MacDermaid parlait, et, ensuite, il y en a eu une autre, il y a environ un an, qui a recommandé des changements assez importants, y compris la reconnaissance des partis et le paiement ou le remboursement de leurs frais aux partis et aux candidats. Une partie importante de ces amendements ressemblait étroitement aux dispositions du Québec.

**M. Lefebvre:** A la page 3 des amendements, on parle de reconnaître les partis qui ont au moins 10 candidats officiels. Je crois que ceci s'applique également aux partis nouvellement formés.

**M. MacDermaid:** Oui. S'ils croient pouvoir présenter 10 candidats, ils communiquent avec le président général des élections qui leur accorde les mêmes privilèges.

**M. Lefebvre:** Oui.

**Le président:** Monsieur Francis.

**M. Francis:** Monsieur le président, j'aimerais attaquer la question des dépenses électorales, qui en est une de grand intérêt. Je note que, dans les modifications de 1969, l'article



[Texte]

10, there is provision for payment to the candidate who is declared elected or who has received not less than 15 per cent of the valid votes cast up to 25 cents for each elector.

Other than failure to be reimbursed, what penalty applies to an unsuccessful candidate for failing to file his statement of election expenses?

**Mr. MacDermaid:** There is a section dealing with that, if I can find it.

**Mr. Francis:** I am thinking of a candidate who has failed and who does not make a claim for election expenses.

**Mr. MacDermaid:** It says here in Section 164E—

**Mr. Francis:** I am sorry but I have not had a chance to read them all as carefully as I should.

**Mr. MacDermaid:** —that he shall “be disqualified from sitting or voting in the House of Assembly.”

**Mr. Francis:** I noticed that. But if he is not successful?

**Mr. MacDermaid:** If he is not successful and does not file?

**Mr. Francis:** Yes. There would be no penalty, I presume, in that case. But presumably it is the carrot rather than the stick, the carrot being that you get reimbursement up to 25 cents per voter if you file within the prescribed period and have in excess of 15 per cent of the valid votes cast. Is that a fair summary of the provision?

**Mr. MacDermaid:** That is my understanding of it. I am just about as familiar with it as you are.

**Mr. Muggah:** I thought that to fail would come under the general offence provisions, which would lead to the possibility of prosecution, a summary conviction matter, and probably a relatively small fine.

**Mr. Francis:** Is there any record of prosecutions for failing to present a statement of election expenses?

**Mr. MacDermaid:** I do not think it has ever . . .

**Mr. Francis:** In the previous Act were there any such records? Presumably there was a similar provision for failure to file prior to these amendments.

[Interprétation]

164B, à la page 10, il y a une disposition relative au paiement, au candidat qui est déclaré élu et qui a reçu non moins de 15 p. 100 des votes acceptés, d'une somme allant jusqu'à 25 cents pour chaque électeur.

Quelle peine, autre que le non-remboursement, prévoit-on pour un candidat battu qui n'envoie pas la déclaration de ses dépenses électorales?

**M. MacDermaid:** Il y a un article là-dessus, si je puis le trouver.

**M. Francis:** Je parle d'un candidat qui a été battu et qui ne réclame pas le remboursement de ses dépenses électorales.

**M. MacDermaid:** Il y a l'article 164E . . .

**M. Francis:** Je suis désolé, mais je n'ai pas eu l'occasion de les lire tous, comme j'aurais dû.

**M. MacDermaid:** . . . qui dit qu'il ne pourra pas siéger ou voter à l'Assemblée.

**M. Francis:** Je le sais. Mais, s'il est battu?

**M. MacDermaid:** S'il est battu et s'il ne produit pas de déclaration?

**M. Francis:** Oui. Il n'y aurait pas de punition, je crois, dans ce cas. Il peut obtenir le remboursement jusqu'à 25 cents par électeur s'il produit sa déclaration dans la période prévue et s'il a obtenu plus de 15 p. 100 des votes acceptés. Est-ce un bon résumé des dispositions?

**M. MacDermaid:** Je le crois. Je ne connais pas les dispositions plus que vous.

**M. Muggah:** Je croyais qu'un tel candidat tomberait sous le coup des dispositions régissant les infractions d'ordre général et qu'il serait passible de poursuite, d'une conviction sommaire et probablement d'une légère amende?

**M. Francis:** Connaissez-vous des cas de poursuite contre un candidat qui n'aurait pas produit une déclaration de ses dépenses électorales?

**M. MacDermaid:** Non, je ne pense pas . . .

**M. Francis:** La loi précédente contenait-elle une disposition semblable, quand on ne faisait pas de rapports.



[Text]

**The Chairman:** Under the previous Act you were only required to file if one of the other parties demanded it. As far as I can see nobody ever demanded a statement of election expenses. However, if you say you did not do it, then you would be liable to the offence section of the general Act.

**Mr. Francis:** But the situation now is that: failure to file deprives you of the right to claim up to 25 cents per voter, which is a fair way of approaching the problem. If a statement is filed which does not report all of the expenses, what penalty is applied?

**Mr. MacDermaid:** It says that you are then guilty of a corrupt practice.

**Mr. Francis:** Which means?

**Mr. Muggah:** The fine is not more than \$2,000 or imprisonment for a term not exceeding two years, or both.

**Mr. Francis:** Fine. Thank you, Mr. Chairman.

**Mr. MacDermaid:** There is also an additional penalty here for it being a corrupt practice under Section 186 of the Act. You are not allowed to sit in the House for five years, and so on.

**Mr. Francis:** In other words, there would be a fairly substantial penalty for an incorrect statement and the incentive to file, really, is to be reimbursed?

**Mr. MacDermaid:** Yes.

**Mr. Francis:** That in fact is a reasonable summary of the provisions. Thank you, Mr. Chairman.

**The Chairman:** Mr. Benjamin?

**Mr. Benjamin:** Mr. Chairman, a recognized party, if they have filed a list of their officers and leader, and their addresses and the addresses of their provincial headquarters, and so forth, while they may be a recognized party in an election they could not qualify for reimbursement of election expenses unless they nominate 10 candidates. Is that correct? I was looking at the section on official agents on page 7, which reads:

The Chief Electoral Officer shall not accept an appointment of official agent unless the party had at least ten candidates at the last election or it is shown to him that it will have that number during the current general election...

I presume that is only for the purposes of being reimbursed for election expenses. Is that correct?

[Interpretation]

**Le président:** En vertu de la loi précédente, on ne devait déposer un rapport que si une des parties, l'exigeait. Mais si vous ne l'avez pas fait, comme vous le dites, vous tombez sous l'empire de l'article de la loi qui prévoit des sanctions.

**M. Francis:** Mais si vous ne faites pas de rapport, vous ne pouvez réclamer \$0.25 par votant. Et si le rapport ne contient pas toutes les dépenses, quelle est la sanction?

**M. MacDermaid:** Vous êtes alors coupable de pratique malhonnête.

**M. Francis:** Ce qui veut dire?

**M. Muggah:** ...l'amende ne dépasse pas \$2,000, ou une période d'emprisonnement ne dépassant pas deux ans, ou les deux à la fois.

**M. Francis:** Très bien. Merci monsieur le président.

**M. MacDermaid:** Il y a aussi une autre sanction pour pratique malhonnête, en vertu de l'article 186 de la Loi. Une personne ne peut pas siéger dans la Chambre pendant 5 ans, etc.

**M. Francis:** Il y aurait donc une sanction assez sévère pour ces deux offenses?

**M. MacDermaid:** Oui.

**M. Francis:** Merci, monsieur.

**Le président:** Monsieur Benjamin.

**M. Benjamin:** Quand un parti reconnu remet la liste de ses agents et de son chef, leurs adresses et celle de leur bureau central, etc. il ne peut obtenir le remboursement de ses dépenses à moins de nommer 10 candidats. N'est-ce pas? Je lisait l'article qui se rapporte aux agents officiels à la page 7:

(3) Le directeur général des élections ne doit pas accepter la nomination d'un agent officiel, sauf si le parti comptait au moins 10 candidats officiels aux dernières élections générales ou s'il lui est démontré que le parti en comptera autant aux élections générales courantes...

Je présume que c'est simplement pour le remboursement des dépenses électorales?



[Texte]

**Mr. Muggah:** For the purpose of being reimbursed and I think for the purpose of appointing official agents, and perhaps also for the purpose of identification on the ballot.

**Mr. Benjamin:** Suppose a new party started up. You would be a recognized party by just filing a statement with the Chief Electoral Officer showing the names and addresses of your leader and your officers, and so forth, but for the purposes of being reimbursed for election expenses you would have to field 10 candidates?

**Mr. MacDermaid:** No, I would not interpret Section 164(d) that way. There is no reference that I can see to "recognized party" in that at all.

**Mr. Benjamin:** What is that again?

**Mr. Muggah:** There is reimbursement of both the party and the candidate.

**Mr. MacDermaid:** Take the case of an independent; is he reimbursed?

**Mr. Benjamin:** Oh, no. I am thinking of a political party. Let us say they run nine candidates and under the Act they are a recognized party. Does that mean that the party could not be reimbursed for election expenses or that those nine candidates could not be reimbursed for their election expenses?

**Mr. Muggah:** I should be able to answer that question right off the bat because I worked on the bill. My recollection is that a recognized party—which, as you say, is a party having 10 candidates at the last preceding general election or a party that indicates in advance of nomination day that it expects to have 10 and in fact does have 10 candidates who run—may be treated as a recognized party and may be reimbursed for its election expenses in part, and that a candidate, whether a candidate of a recognized party or an independent candidate, may be reimbursed. So, we get reimbursement of both the party and the candidate, and of the party only if it is a recognized party.

**Mr. Benjamin:** If you have the 10 candidates?

**Mr. Muggah:** If you have the 10 candidates, yes.

**Mr. Benjamin:** If you had 9 candidates the party could not be reimbursed, but could the candidates be reimbursed?

**Mr. Muggah:** The individual candidates could, yes.

**Mr. Benjamin:** Right.

[Interprétation]

**M. Muggah:** Pour le remboursement et aussi, je pense, pour la nomination des agents officiels, et peut-être aussi pour l'identification du bulletin de vote, . . .

**M. Benjamin:** Supposons un nouveau parti, serait-il reconnu tout simplement en déposant chez le directeur général des élections une liste des noms et adresses de son chef, du bureau, etc?

**M. MacDermaid:** Non, je n'interpréterais pas ainsi la section 164 (d). Je n'y voit pas de dispositions relatives au «parti reconnu».

**M. Benjamin:** Pardon?

**M. Muggah:** Il y a remboursement au parti et au candidat.

**M. MacDermaid:** S'il s'agit d'un indépendant: est-il remboursé.

**M. Benjamin:** Non; je parle d'un parti politique. Disons qu'il présente 9 candidats et qu'il s'agit d'un parti accrédité. Ceci veut-il dire que le parti ne pourrait pas être remboursé de ses dépenses électorales ou que les 9 candidats ne seraient pas remboursés de leurs dépenses électorales?

**M. Muggah:** Je devrais pouvoir vous répondre tout de suite, j'ai aidé à rédiger le bill. Si ma mémoire est bonne, un parti accrédité—soit un parti ayant 10 candidats à l'élection précédente ou celui qui prévient qu'il aura et qui a de fait 10 candidats, qui se présentent—peut être traité comme un parti accrédité et peut être partiellement remboursé de ses dépenses. Le candidat—celui d'un parti reconnu ou un candidat indépendant—peut aussi être remboursé de ses frais. Il y a donc remboursement au parti et au candidat, et s'il s'agit d'un parti reconnu, au parti seulement.

**M. Benjamin:** S'il y a 10 candidats de présentés?

**M. Muggah:** Oui.

**M. Benjamin:** Si vous avez 9 candidats, le parti ne pourrait être remboursé, mais les candidats le pourraient-ils?

**M. Muggah:** Oui, les candidats le pourraient, individuellement.

**M. Benjamin:** Bien.



[Text]

**Mr. Muggah:** If they qualify otherwise.

**Mr. Lefebvre:** That holds true for an independent as well?

**Mr. Muggah:** Oh yes.

**The Chairman:** If he gets 15 per cent of the votes cast in that riding.

**Mr. Muggah:** This is Section 16 (b). It is on page 9.

**The Chairman:** It seems that under this law the percentage of reimbursement of candidates' expenses is a bit higher than it is in Quebec. Could you tell me if there was any reason behind increasing the percentages?

**Mr. Muggah:** I cannot recall. I have forgotten how long that Quebec provision has been in effect and whether it was simply another example of inflation.

**The Chairman:** It was in 1965.

**Mr. Muggah:** In 1965. I was instructed to insert the figures here. I cannot tell you what led to that.

**The Chairman:** Mr. Jerome?

**Mr. Jerome:** Is the method of enforcement of the limit on election expenses, on party or candidates' expenses, tied to the statement of expenses that has to be filed when the election is over? Is your enforcement of that section entirely dependent upon the accuracy of that return?

**Mr. Muggah:** I am afraid, Mr. Chairman, I do not quite understand. The method of enforcement...

**Mr. Jerome:** Am I correct in assuming that the only way you can really enforce control of election expenses is through the use of the return that is made by the candidate or his party within the terms prescribed by this legislation? In other words, you are stuck by the fact that he tells you in his return, which I take it is a sworn statement, that he did in fact spend certain dollars and therefore conformed with the provisions of Section 16 (a) of this Act. Has there been any instance of those statements being challenged by any other candidates or any other...

**Mr. Muggah:** No, we have not had any such experience.

**Mr. Jerome:** But you have not tested it. I see, this is new legislation.

**Mr. Muggah:** Yes.

[Interpretation]

**M. Muggah:** S'ils sont éligibles à d'autres points de vue.

**M. Lefebvre:** Ceci est vrai d'un indépendant aussi?

**M. Muggah:** Oui.

**Le président:** S'il obtient 15 p. 100 des votes dans cette circonscription.

**M. Muggah:** C'est l'article 164 (b), à la page 9.

**Le président:** Il semble que, en vertu de cette loi, le pourcentage des dépenses remboursées aux candidats est un petit peu plus élevé qu'au Québec: est-ce qu'il y a une raison?

**M. Muggah:** Je ne me souviens pas. Je ne sais pas depuis quand existe ce règlement au Québec, ou s'il s'agit tout simplement d'un autre exemple d'inflation.

**Le président:** C'était en 1965.

**M. Muggah:** En 1965. Non, je ne sais vraiment pas. Je n'ai fait qu'insérer les chiffres qu'on m'a donnés.

**Le président:** Monsieur Jerome.

**M. Jerome:** La limite des dépenses électorales frappe-elle le parti ou le candidat et se fonde-t-elle uniquement sur l'exactitude du bilan qui est déposé après l'élection?

**M. Muggah:** Je crains fort de ne pas très bien comprendre le jeu de cette limite.

**M. Jerome:** La seule façon de contrôler les dépenses d'élections, c'est en se fondant sur le bilan de dépense présenté par le candidat dans le délai prescrit. Autrement dit, il vous dit dans sa déclaration, le montant de ses dépenses. C'est une déclaration assermentée, je suppose? S'il présente certaines dépenses conformes à la Loi, vous les acceptez? Est-ce qu'il y a eu des cas où ces déclarations ont été contestées?

**M. Muggah:** Non.

**M. Jerome:** C'est une nouvelle loi. Merci.

**M. Muggah:** Oui.



[Texte]

**Mr. Forrestall:** Mr. Chairman, I wonder if any of the witnesses could tell us how you arrived at the amount of the return for both the party and the candidate? How did you arrive at the particular figures, the amount of money?

**Mr. Muggah:** As I mentioned earlier, there was a commission of inquiry on this subject and my recollection is that the legislation follows substantially the recommendations of the commission, and the commission in turn was much impressed by the Quebec Act. I do not recall what justification the commission may have had for picking the figures that it did or what reason the government may have had for departing from the figures used in Quebec. They are not exactly the same.

**Mr. Forrestall:** I suppose it such a new procedure that there is not an established body of direction on the question, is there?

**Mr. Muggah:** I do not think there was any volume of former election expense returns from which an average could have been reached.

**Mr. Forrestall:** Does the commission deal with that in their report or do they simply arbitrarily suggest figures?

**Mr. Muggah:** I am sorry, I do not recall. I think I could give you a copy of that report if you do not already have one. You may have a copy of the green report.

**Mr. Hamel:** Mr. Chairman, I read the report of the royal commission but I do not remember all of the details. However, there is one point that perhaps should be kept in mind, and this is the fact that under Quebec law each party or each candidate of a recognized party is entitled to a representative in each poll and this representative is paid by the state, and this is not provided in your Act, so under the Quebec Act the maximum expenses allowed are smaller than they are in the Nova Scotia Act, and this is one of the reasons...

**Mr. Forrestall:** Supplied by the party.

**Mr. Hamel:** Yes, that is right.

**Mr. Forrestall:** In Nova Scotia. I wonder, Mr. Chairman, if we could ask the province if they could make up or more copies of the report available to us at their convenience.

**The Chairman:** Do you have additional copies of the Commission report?

**Mr. Hickey:** How many would you like to have?

**Mr. Forrestall:** About 20.

[Interprétation]

**M. Forrestall:** Monsieur le président, un des témoins peut-il nous dire comment vous avez établi le montant des dépenses du parti et du candidat?

**M. Muggah:** Comme je l'ai dit tout à l'heure, il y a eu une Commission d'enquête à ce sujet, dont, si je me souviens bien, la Loi suit de près les recommandations. La Commission à son tour a été frappée par la Loi québécoise. Je ne me souviens plus pour quelles raisons la Commission a choisi ces chiffres ou pourquoi le gouvernement s'est départi des chiffres utilisés au Québec.

**M. Forrestall:** C'est une procédure tellement nouvelle qu'il ne doit pas encore y avoir de règles d'établies?

**M. Muggah:** Je ne pense pas qu'il y avait autrefois des montants de dépenses d'élections qui auraient pu servir à établir une moyenne.

**M. Forrestall:** La Commission en parle-t-elle dans son rapport ou si elle suggère simplement un montant?

**M. Muggah:** Je ne me souviens pas. Je pourrais vous donner un exemplaire de son rapport. Vous avez un exemplaire du rapport vert.

**M. Hamel:** Monsieur le président, j'ai lu le rapport de la Commission royale, mais je ne me souviens pas de tous les détails. Mais il y a un point à ne pas oublier, c'est qu'en vertu de la Loi québécoise, chaque candidat d'un parti reconnu a droit à un représentant dans chacun des bureaux de votation et ce représentant est payé par l'État—et ceci n'est pas dans votre Loi—le montant maximum permis par la Loi québécoise est inférieur à celui de la Nouvelle-Écosse, et alors—c'est une des raisons...

**M. Forrestall:** Fourni par le parti.

**M. Hamel:** Oui.

**M. Forrestall:** Pourrait-on demander à la province de nous faire parvenir un ou deux exemplaires supplémentaires de ce rapport?

**Le président:** Avez-vous des exemplaires supplémentaires de ce rapport?

**M. Hickey:** Combien en voudriez-vous?

**M. Forrestall:** 20, environ.



[Text]

**Mr. Hickey:** I have already sent 14 copies to the House of Commons.

**The Chairman:** We already have 14 copies that were sent by Mr. Hickey.

**Mr. Forrestall:** That is fine. Presumably when we get back to Ottawa we will have them available to us to look over this fall.

**The Chairman:** Mr. Hamel?

**Mr. Forrestall:** If we could go on a bit further, does this absolutely restrict money in every sense? Does it restrict the right of others to spend money on a candidate's behalf or on behalf of a party? I am talking about funds that might be expended other than by the official party, by the candidate, by the party's agent or agents or by the candidate's official agent.

**Mr. Muggah:** As I recall it, Mr. Chairman, all expenses are to be paid by or through the agent. there is quite a lengthy definition of election expenses, and it excludes the following:

(7A) "election expenses" means all expenses incurred during an election for the purpose of promoting or opposing directly or indirectly the election of a candidate, or a person who becomes or is likely to become a candidate, or the program or policy of a candidate or party and includes expenditures incurred before an election for literature, objects or materials of an advertising nature used during the election for a purpose above referred to, but does not include:

(a) the cost of publication in a newspaper or other periodical of editorials, news, reports or letters to the editor...

(b) the cost of transmission by a radio or television station of a broadcast of news or comment that is made in the same manner and under the same regulations as outside the election period...

(c) the necessary cost of holding a convention...

[Interpretation]

**M. Hickey:** J'en ai déjà fait parvenir 14 aux Communes.

**Le président:** Nous avons déjà les 14 exemplaires qui ont été envoyés par M. Hickey.

**M. Forrestall:** Très bien. Nous les retrouverons probablement à notre retour à Ottawa, et nous les examinerons cet automne.

**Le président:** M. Hamel.

**M. Forrestall:** Allons un peu plus loin—ceci restreint-il l'argent dans tous les sens? Ceci restreint-il le droit pour d'autres personnes de dépenser de l'argent pour un candidat ou pour un parti? Je parle des fonds qui peuvent être dépensés par d'autres que par le parti officiel ou par le candidat ou le ou les agents officiels du parti?

**M. Muggah:** Si je me souviens bien, monsieur le président, toutes les dépenses doivent être payées par l'agent ou par son intermédiaire l'expression «dépenses électorales». On peut y diaire. Il y a toute une longue définition de lire ce qui suit:

(7A) «dépenses électorales» désignent toutes les dépenses encourues pendant une élection dans le but de favoriser ou combattre directement ou indirectement l'élection d'un candidat, ou d'une personne qui devient ou peut devenir candidate, ou le programme ou la politique d'un candidat ou d'un parti, et englobent les dépenses encourues avant une élection pour la diffusion de brochures, objets et matériel de nature publicitaire dans le but sus-mentionné, mais n'incluent pas:

(a) le coût de la publication dans un journal ou autre périodique d'éditoriaux, nouvelles, rapports ou lettres à l'éditeur, publiés de la même manière et selon les mêmes règles qu'en temps habituel et gratuitement, sans récompense ou promesse de paiement ou de récompense, si le journal ou autre périodique n'est pas établi dans le but de l'élection et si le rythme et la distribution de la publication ne diffère pas des périodes non-électorales.

(b) le coût de la transmission par une station de radio ou de télévision de la diffusion de nouvelles ou de commentaires organisée de la manière habituelle aux périodes non-électorales, et selon les mêmes règlements, sans paiement, récompense ou promesse de paiement ou de récompense.

(c) les frais nécessaires à la tenue d'un congrès...



[Texte]

**Mr. Forrestall:** It excludes the cost . . .

**Mr. Muggah:** The cost of holding a convention.

**Mr. Forrestall:** Of a convention that nominates a candidate.

**Mr. Muggah:** It reads:

(c) the necessary cost of holding a convention in respect of an electoral district for the selection of a candidate including the reasonable expenses of the candidates at the convention, the cost of renting a hall and the convening of delegates but not including publicity costs and apart from expenses of candidates other than the candidates selected, shall not exceed one thousand dollars;

It allows up to \$1,000 convention expenses.

**Mr. Forrestall:** Going back to the restrictions on the newspapers, is there a requirement under the regulations which would imply a legal responsibility on the part of a newspaper not to accept a volunteered ad?

**Mr. Muggah:** No.

**Mr. Forrestall:** What if somebody with the best of intentions unwittingly went ahead and simply did something after the fact? Does all a party have to do is say "Oh, gee, look what my friend has gone and done", such as \$4,000 worth of television time or a full page ad in the newspaper. How is that protected against?

**Mr. Muggah:** I think I would have to check back on that.

**Mr. Forrestall:** Do you recall if there are regulations that would cover . . .

**Mr. Muggah:** I do not recall that, no.

**Mr. Forrestall:** However, the Act does stimulate the responsibility of the candidate and his party for money spent on their behalf?

**Mr. Muggah:** Yes.

**The Chairman:** Mr. Francis?

**Mr. Forrestall:** Perhaps somebody else could pursue more articulately what I am after.

[Interprétation]

**M. Forrestall:** Cela ne comprend pas le coût . . .

**M. Muggah:** Le coût nécessaire à la tenue d'un congrès.

**M. Forrestall:** D'un congrès où un candidat est mis en nomination.

**M. Muggah:** Le texte se lit comme il suit:

(c) les frais nécessaires à la tenue d'un congrès relatif à une circonscription électorale pour le choix d'un candidat y compris les dépenses raisonnables des candidats au congrès, les frais de location de salle et de réunion des délégués, sans inclure les frais de publicité et, en dehors des dépenses des candidats autres que les candidats choisis, ne devront pas excéder mille dollars;

On alloue jusqu'à \$1,000 pour les dépenses de la tenue d'un congrès.

**M. Forrestall:** Mais pour revenir aux restrictions imposées aux journaux, n'y a-t-il pas un article en vertu du Règlement qui laisserait entendre qu'un journal a la responsabilité légale de ne pas accepter une annonce bénévole.

**M. Muggah:** Non.

**M. Forrestall:** Qu'est ce qui se passe si quelqu'un avec les meilleures intentions du monde, sans le vouloir, agit à l'encontre de ce Règlement. Est-ce que tout ce que le parti peut faire, c'est de dire: «Oh, je regrette; voyez ce que mon ami a fait, mais c'est fait et nous n'y pouvons rien». Par exemple, si on accepte \$4,000 de publicité à la télévision ou d'annonces dans les journaux? Comment peut-on se protéger contre une telle chose?

**M. Muggah:** Il faudrait que je vérifie cela à nouveau.

**M. Forrestall:** Vous vous souvenez s'il y a des règlements qui couvriraient . . .

**M. Muggah:** Non, je ne me souviens pas de cela.

**M. Forrestall:** La Loi stipule la responsabilité du candidat et de son parti pour l'argent dépensé par eux?

**M. Muggah:** Oui.

**Le président:** Monsieur Francis?

**M. Forrestall:** Quelqu'un pourrait peut-être expliquer plus clairement ce que je veux dire.



[Text]

**Mr. Lefebvre:** I do not understand this completely, but with respect to reimbursement of election expenses is the reimbursement only made to the candidate or are expenses also reimbursed to the recognized parties as well?

**Mr. Muggah:** To both.

**Mr. Lefebvre:** To both?

**Mr. Muggah:** Yes.

**Mr. Lefebvre:** That is different than in Quebec, is it not? In Quebec they only pay it to the candidates.

**Mr. Francis:** What is...

**Mr. Lefebvre:** I am trying to understand this.

**Mr. Muggah:** If you will look at Section 164A on page 8 of the amendments, that sets out the limit on the party expenses and then Section 164B deals with the reimbursement of candidates' expenses.

**Mr. Lefebvre:** Yes. I understand that, but I cannot see where you reimburse the parties.

**Mr. Benjamin:** It is 40 cents.

**Mr. Lefebvre:** No, that is the limit of the expenses, not the reimbursement.

**Mr. MacDermaid:** Pardon me, you are right.

**Mr. Lefebvre:** You control the party's expenses but you do not reimburse any part of it.

**Mr. Benjamin:** Is it correct then, for example, in a riding of 10,000 voters that the candidate would be eligible to be reimbursed for a total of \$9,250 and the party would be limited to expanding not more than \$4,000?

**Mr. MacDermaid:** How many electors did you say there were?

**Mr. Benjamin:** Say, for example, that there are 10,000 electors, the party is then limited to spending \$4,000, 40 cents a voter, for which there is no reimbursement and the candidate would be eligible to be reimbursed in an amount not exceeding \$9,250, \$5,000 for the first 5,000 voters and \$4,250 for the next 5,000 voters? The party one is out. Do I have that right? Oh, I see, the candidate's expenses cannot exceed \$9,250?

**Mr. MacDermaid:** Yes.

**Mr. Benjamin:** That is it. The party can spend up to \$4,000, the candidate can spend

[Interpretation]

**M. Lefebvre:** A propos de remboursement des dépenses électorales, est-ce que le remboursement n'est fait qu'au candidat ou bien y a-t-il aussi des dépenses qui sont remboursées aux partis reconnus?

**M. Muggah:** Aux deux.

**M. Lefebvre:** Aux deux?

**M. Muggah:** Oui.

**M. Lefebvre:** C'est différent à Québec n'est-ce pas? Au Québec, on ne rembourse que le candidat.

**M. Francis:** Qu'est-ce que...

**M. Lefebvre:** J'essaie de comprendre cela.

**M. Muggah:** L'article 164A à la page 8 des amendements établit la limite des dépenses du parti et l'article 164B traite du remboursement des dépenses du candidat.

**M. Lefebvre:** Oui, je comprends cela, mais comment est-ce que vous pouvez rembourser les partis?

**M. Benjamin:** C'est 40 cents.

**M. Lefebvre:** Non, cela c'est la limite des dépenses, non le remboursement.

**M. MacDermaid:** Excusez-moi, vous avez raison.

**M. Lefebvre:** Vous contrôlez les dépenses du parti, mais vous n'en remboursez aucune partie.

**M. Benjamin:** Par exemple, est-ce juste de dire que dans une circonscription de 10,000 électeurs, le candidat aurait droit à un remboursement totalisant \$9,250 et le parti ne pourrait pas dépenser plus de \$4,000?

**M. MacDermaid:** Combien d'électeurs, avez-vous dit?

**M. Benjamin:** Disons 10,000 électeurs. Le parti est limité à \$4,000 de dépenses, \$0.40 par électeur, une dépense qui n'est pas remboursée et le candidat pourrait avoir un remboursement d'un montant ne dépassant pas \$9,250, \$5,000 pour les 50 premiers électeurs et \$4,250 pour les autres 5,000 électeurs. Le remboursement au parti est exclu. Est-ce que j'ai ce droit? Oh, je vois les dépenses du candidat ne peuvent pas dépasser \$9,250?

**M. MacDermaid:** Oui.

**M. Benjamin:** C'est juste. Les partis peuvent dépenser \$4,000; le candidat peut dépenser



[Texte]

up to \$9,250, and then the reimbursement is 25 cents per elector. He could be reimbursed for a maximum of \$2,500.

**Mr. MacDermaid:** Yes.

**Mr. Benjamin:** They could have spent \$13,250? I have it now, I think. Then you are not as generous as I thought.

**The Chairman:** This has not been applied yet.

**Mr. Benjamin:** No.

**The Chairman:** Do you have any idea of the cost of the general provincial election in Nova Scotia?

**Mr. Hickey:** The last general election in 1967 cost \$569,000, in round figures.

**The Chairman:** \$569,000.

**Mr. Forrestall:** What was the federal cost?

**Mr. Hamel:** Our election cost \$1.25 per elector and we had 412,791 electors in Nova Scotia, so it was roughly \$525,000.

**Mr. MacDermaid:** Ours cost us about \$1.20 or \$1.25, roughly.

**Mr. Hickey:** I have a breakdown of the enumeration costs if you are interested. The cost of the enumeration was \$170,938; the printing of the voters' lists was \$73,026; returning officer, deputy returning officer, election clerks and poll clerks totalled \$257,290; the revising officers, \$19,413; the forms, the ballot paper, trucking and miscellaneous items cost approximately \$30,000; salaries and additional help, \$10,000; rent for the polling booths and the constables' fees on election day, \$8,345, and rough and ready that totals \$569,000.

**Mr. MacDermaid:** The province's tariff of fees is practically identical with the federal, and that is why our costs per voter is the same as yours.

**Mr. Forrestall:** We found it slightly higher in Quebec, did we not, the cost of having a provincial election?

**The Chairman:** The cost of the provincial election in Quebec included the reimbursement of the election expenses to candidates. This is why it is difficult to make comparisons between the two systems before they apply in both provinces. Do you have any estimated figures on what this amendment is going to cost the province?

[Interprétation]

\$9,250 et le remboursement est de \$0.25 par électeur? Il pourrait être remboursé pour un maximum de \$2,500.

**M. MacDermaid:** Oui.

**M. Benjamin:** Ils auraient pu dépenser \$13,250? J'ai compris, Vous n'êtes pas aussi généreux que je le pensais.

**Le président:** Ceci n'a pas encore été mis en vigueur.

**M. Benjamin:** Non.

**Le président:** Avez-vous une idée des frais des élections provinciales de la Nouvelle-Écosse?

**M. Hickey:** Les dernières élections en 1967 ont coûté \$569,000 en chiffres ronds.

**Le président:** \$569,000.

**M. Forrestall:** Quel est le coût d'une élection fédérale?

**M. Hamel:** Notre élection coûte \$1.25 par électeur et nous avons 412,791 électeurs en Nouvelle-Écosse, ce qui fait environ \$525,000.

**M. MacDermaid:** La nôtre nous a coûté environ \$1.20 ou \$1.25.

**M. Hickey:** J'ai fait une ventilation des frais d'énumération. Frais de l'énumération: \$170,938; impression de la liste des électeurs: \$73,026; officiers rapporteurs, leurs adjoints, commis etc.: \$257,290; réviseurs: \$19,413, papier, camionnage, etc.: \$30,000 environ; salaires, traitements, aide supplémentaire, etc.: \$10,000; loyer des bureaux de votation, honoraires des constables: \$8,345, ce qui fait un total de \$569,000.

**M. MacDermaid:** Les frais des provinces sont à peu près les mêmes; voilà pourquoi le coût par électeur est le même que le vôtre.

**M. Forrestall:** Dans le Québec, le coût est légèrement supérieur, n'est-ce pas? Le coût de tenir une élection provinciale?

**Le président:** Le coût des dernières élections fédérales comprenait le remboursement aux candidats. C'est la raison pour laquelle il est difficile de faire des comparaisons entre les deux régimes avant qu'ils n'aient été appliqués dans les deux provinces. Avez-vous une estimation des frais aux provinces à cause de cet amendement?



[Text]

**Mr. Hickey:** No, I have not completed that yet.

**Mr. MacDermaid:** It would be one quarter of \$550,000, whatever that works out to.

**Mr. Hamel:** It is more than that because you have more than one candidate per elector.

**Mr. MacDermaid:** You are quite right. It is double.

**Mr. Hamel:** It depends on the number of candidates. You almost have to work on the actual figures of the last election because you may have one candidate who gets 85 per cent of the votes and he is the only one who will be reimbursed. The others do not get anything. However, in another district all the candidates may be reimbursed for the whole amount.

Mr. Chairman, may I ask one further question?

**The Chairman:** Yes, Mr. Hamel.

**Mr. Hamel:** It is going back a bit, but what was the percentage of electors on the list who actually voted in the last provincial election?

**Mr. MacDermaid:** It was 77 per cent, I believe.

**Mr. Hamel:** It was 77 per cent in Nova Scotia.

**Mr. MacDermaid:** It is usually higher than that.

**Mr. Hamel:** It was 82 per cent in the federal election in 1968 in Nova Scotia.

**The Chairman:** Yes, Mr. Benjamin.

**Mr. Benjamin:** Going back to this business of the limits on expenses, I notice there is a section here which states:

164A (1) Election expenses of a party during a general election...

It is not specific regarding candidates, it just says:

(3) Election expenses of a candidate shall not exceed...

What is to prevent a party from spending large amounts of money immediately before a general election? Do you have any safeguards or provisions in your legislation that prior to the calling of an election—I presume you are safe enough with your candidate because it just says: "His expenses shall not exceed." It does not say during an election. Yes it does,

[Interpretation]

**M. Hickey:** Non, je n'ai pas terminé encore.

**M. MacDermaid:** Ce serait un quart de \$550,000.

**M. Hamel:** C'est plus que cela car vous avez plus d'un candidat par électeur.

**M. MacDermaid:** C'est tout à fait juste, C'est le double.

**M. Hamel:** Cela dépend du nombre de candidats. Il faut vraiment utiliser des chiffres réels de la dernière élection car vous pouvez avoir un candidat qui obtient 85 p. 100 des votes et il sera le seul à être remboursé. Les autres n'obtiennent rien. Néanmoins, dans un autre district tous les candidats peuvent être remboursés pour tout le montant. Monsieur le président, puis-je poser une autre question?

**Le président:** Oui, monsieur Hamel.

**M. Hamel:** Je fais un retour en arrière. Quel a été le pourcentage des électeurs qui ont voté aux dernières élections provinciales?

**M. MacDermaid:** 77 p. 100, je crois.

**M. Hamel:** 77 p. 100 en Nouvelle-Écosse.

**M. MacDermaid:** C'est plus que cela ordinairement.

**M. Hamel:** En Nouvelle-Écosse, pour l'élection fédérale de 1968, le pourcentage était de 82 p. 100.

**Le président:** Oui, Monsieur Benjamin.

**M. Benjamin:** Revenons à la question des restrictions des dépenses électorales. Je remarque qu'un article stipule que:

164A(I) Les dépenses d'élection engagées par un parti au cours des élections générales...

En ce qui concerne les candidats, on y trouve rien de précis.

(3) Les dépenses d'élection d'un candidat ne doivent pas excéder ..

Qu'est-ce qui empêche un parti de dépenser de fortes sommes immédiatement avant les élections? Est-ce que vous avez des dispositions dans votre loi qui assurent une certaine sécurité avant le déclenchement d'une élection. Je suppose que vous êtes en sécurité vis-à-vis de votre candidat puisqu'on lit: Les dépenses d'élection d'un candidat ne doivent pas ex-



[Texte]

too, so in both cases either the candidates and the party—would prevent them from expending much greater amounts of money prior to the actual issue of the election writ?

**Mr. MacDermaid:** Mind you, they would have to be a little careful here because if you look at the definition of "during an election" it includes the period between the dissolution of the House of Assembly or the appearance of a vacancy in consequence of which a writ for election is eventually issued and when a candidate is declared elected. You may have a little period there before you issue your writ, I would assume, under that definition.

**Mr. Benjamin:** Yes, you might be covered here in a by-election, but in a general election when the House is dissolved...

**Mr. MacDermaid:** You go right to the polls.

**Mr. Benjamin:** ... the election is not on the same day and everybody in the province knows there is an election coming any time, so you have no way of overseeing expenditures immediately prior to it.

**Mr. Lefebvre:** That is a good point. I will have to remember that.

**Mr. Benjamin:** I am thinking of the parties. They have got lots to spend.

**The Chairman:** Mr. Francis.

**Mr. Francis:** Mr. Chairman, I wanted to ask one other question and sort out the answer which, no doubt is very simple, but I just have not been able to find it. Who nominates the Deputy Returning Officer and the Poll Clerk? How are the Deputy Returning Officer and the Poll Clerk named?

**Mr. MacDermaid:** They are selected by the Returning Officer.

**Mr. Francis:** Is there any recommendation from any of the official parties in this respect?

**Mr. MacDermaid:** I would not know.

**Mr. Francis:** But the Act allows the discretion to the Returning Officer?

**Mr. MacDermaid:** Right.

**Mr. Francis:** I understand in Quebec they have this split between the Deputy Returning Officer and the Poll Clerk, the two official

[Interprétation]

céder... Il n'est pas dit au cours des périodes électorales, si oui c'est ce qui est dit, de sorte que pour les candidats aussi bien que pour les partis, dites-moi ce qui les empêche de dépenser des sommes beaucoup plus fortes avant qu'on ait déclaré des élections, avant la parution du «bref» d'élection?

**M. MacDermaid:** Il faut qu'ils soient très prudents parce que cette période «durant les élections» va depuis le moment de la dissolution des chambres ou la création d'une vacance grâce à laquelle un brief d'élection fait son apparition, jusqu'au moment où le candidat est déclaré élu. En vertu de cette définition, il reste peut-être peu de temps avant la tenue du brief d'élection.

**M. Benjamin:** Vous pouvez être protégés dans une élection complémentaire mais aux élections générales au moment où la Chambre est dissoute...

**M. MacDermaid:** Vous prenez directement part au vote.

**M. Benjamin:** On dissout les chambres dès qu'on déclare des élections. Tout le monde sait qu'une élection aura lieu très prochainement. Vous n'avez aucun moyen de contrôler les dépenses immédiatement avant les élections.

**M. Lefebvre:** C'est une excellente étude du problème. J'essaierai de m'en souvenir.

**M. Benjamin:** Je pense aux partis qui ont beaucoup à dépenser.

**Le président:** Monsieur Francis.

**M. Francis:** Je voulais poser une autre question et saisir la réponse qui est très simple, sans doute. Je ne parviens pas toutefois à la trouver. Qui nomme le président général des élections et le greffier du bureau de scrutin?

**M. MacDermaid:** C'est le président général actuel qui les nomme.

**M. Francis:** Est-ce que les partis officiels ont formulé des recommandations à ce sujet?

**M. MacDermaid:** Je ne le sais pas.

**M. Francis:** Mais la loi n'accorde-t-elle pas une certaine latitude au président général?

**M. MacDermaid:** C'est juste.

**M. Francis:** Dans le Québec, si je comprends bien, il existe une division entre le président général et les greffiers des deux



[Text]

parties, which seems to me to have some merit because that guarantees two opposite and opposed interests being present to watch each other during election day. Has this been considered in Nova Scotia?

**Mr. MacDermaid:** No.

**Mr. Francis:** Thank you, Mr. Chairman.

**Mr. Macquarrie:** I noticed, Mr. Chairman, you have Tuesday set as the day of election. Is this a long-standing practice in Nova Scotia?

**Mr. MacDermaid:** No, it was a variable factor before this Election Act came into force.

**Mr. Macquarrie:** I wonder what prompted the fixation upon Tuesday. Over in Prince Edward Island we had a Royal Commission of which I was a member, I may say. They moved the date from Thursday which it had been for a long long time to Monday believing that that was the best possible day. Why do you have Tuesday? Does anyone recall any particular reason for that?

**Mr. MacDermaid:** There may be an answer for it in the Royal Commission's report.

**Mr. Muggah:** What is the cut-off date for radio or television broadcasts?

**Mr. MacDermaid:** Forty-eight hours.

**Mr. Muggah:** This gives you two or three days I suppose, Saturday night, Sunday and Monday.

**Mr. Macquarrie:** Mr. Chairman, the Radio Act—I think this is what the Chief Electoral Officer said on the broadcasting side of things—has cut it down to 24 hours in the federal jurisdiction, whereas the Canada Elections Act still has it at 48 hours. Many people find that this Sabbath calm is literally a God send to candidate, people and everyone else.

**Mr. MacDermaid:** To go back to your earlier question, Mr. Chairman, on why polling day was on a Tuesday. During recent years, Tuesday has been the most frequently chosen day by the Governor in Council for polling day in their general elections was the main reason they chose it. They noticed that the Canada Elections Act was on Monday, but they felt that that ran into quite a few holidays and those were the two reasons for selecting Tuesday.

**Mr. Macquarrie:** Thank you.

[Interpretation]

partis officiels. Ceci me semble bon car cela assure une garantie à un des deux adversaires. Ils ont la possibilité de surveiller leur comportement réciproque. A-t-on envisagé une formule semblable en Nouvelle-Écosse?

**M. MacDermaid:** Non.

**M. Francis:** Merci, monsieur le président.

**M. Macquarrie:** Monsieur le président, généralement, vous choisissez le mardi comme jour d'élection. Est-ce une tradition en Nouvelle-Écosse?

**M. MacDermaid:** Non c'était un facteur variable avant que la Loi électorale ne soit en vigueur.

**M. Macquarrie:** Je me demande pourquoi vous vous êtes arrêtés au mardi. Dans l'Île-du-Prince-Édouard, une commission royale dont j'ai été membre a passé du jeudi au lundi, le jeudi étant une journée traditionnelle, pensant que c'était la journée la plus avantageuse possible. Pourquoi avez-vous choisi le mardi? Y a-t-il quelqu'un ici qui se souviendrait d'une raison spéciale attachée à ce choix?

**M. MacDermaid:** Peut-être que le rapport de la Commission donne des justifications.

**M. Muggah:** A cause de la cessation des rapports? Quel est le délai de la publicité électorale?

**M. MacDermaid:** Quarante-huit heures.

**M. Muggah:** Ceci vous laisse le samedi soir, le dimanche et le lundi j'imagine.

**M. Macquarrie:** Monsieur le président, ce que le président général des élections a dit, je pense, concernant la loi sur la radio et l'aspect de la radiodiffusion est que la loi fixe un délai de 24 heures, alors que la loi des élections fédérales garde toujours le délai de 48 heures. Bien des gens estiment que ce calme sabbatique est très bénéfique aux candidats et aux partis.

**M. MacDermaid:** Si nous revenons à une question antérieure, monsieur le président, en ce qui a trait à la raison de l'élection du mardi, c'est que le Gouverneur général a choisi ce jour pour les élections générales et nous avons suivi ses pas. Ils ont remarqué que la loi sur les élections fédérales était fixée au lundi, mais ils ont pris conscience que ceci se heurtait à bien des jours de congé. Voilà pourquoi on a proposé le mardi.

**M. Macquarrie:** Merci.



[Texte]

**The Chairman:** May we say that the Chief Electoral Officer in Quebec suggested yesterday that one of the three best days for an election was Tuesday.

**Mr. MacDermaid:** One of the things we did do in our new Elections Act and this is apropos of nothing that anybody has brought up, was to reduce the number of people required to sign nomination papers. I notice you have 25 people signing the nomination papers as we used to have, but we reduced it to 5. This is just a little point.

**Mr. Macquarrie:** We used to have 10 not long ago and then we put it up to 25.

**The Chairman:** Do you have another point, Mr. Benjamin?

**Mr. Benjamin:** Mr. Chairman, Mr. Jerome just pointed out what might be the answer. I notice on the first page as he has pointed out to me;

... a candidate or party and includes expenditures incurred before an election for literature, objects or materials of an advertising nature...

I guess that covers you in general elections.

**Mr. MacDermaid:** Yes.

**An hon. Member:** Is that the definition of election expenses on the first page?

**Mr. Benjamin:** This leads me then to another question. Is there anyone in the Chief Electoral Office or do Returning Officers monitor literature and advertisements on T.V. and radio? What check do you have in terms of expenditures for literature and the dissemination of advertising on media before an election? Do you do any monitoring or do you envisage doing any monitoring since you have not had any experience with this as yet?

**Mr. Hickey:** It is all brand new. We have not had any experience with it at all.

**Mr. Benjamin:** Do you intend to monitor advertising, run a check on printing plants and this sort of thing?

**Mr. Muggah:** The Commission recommended a full-time chief electoral officer with an adequate staff to scrutinize expense accounts and generally to keep an eye constantly on party activities. I know this is being studied by the government, but they have not yet created an organization. How far that will go I could not say.

[Interprétation]

**Le président:** On peut dire que le chef général des élections du Québec, disait hier qu'un des trois jours les plus propices pour les élections était le mardi.

**M. MacDermaid:** Un des effets de notre nouvelle loi, effet qui n'a été soulevé par personne ici, fut de réduire le nombre de gens nécessaires pour signer les papiers de mise en candidature. J'ai remarqué que vous avez 25 personnes pour cette fonction et que le nombre a été réduit à 5 personnes.

**M. Macquarrie:** Nous en avions 10, il n'y a pas très longtemps, puis nous en avons demandé 25.

**Le président:** Vous avez un autre point à souligner, monsieur Benjamin?

**M. Benjamin:** M. Jerome vient de suggérer ce que pourrait être la réponse. Je lis à la page 1, que

la politique d'un candidat ou d'un parti englobe les dépenses encourues avant une élection pour la diffusion de brochures, objets et matériel de nature publicitaire...

Ceci couvre les dépenses des élections.

**M. MacDermaid:** C'est exact.

**Une voix:** Est-ce la définition des dépenses électorales en première page?

**M. Benjamin:** Ceci m'amène à poser une autre question, est-ce que quelqu'un du bureau du directeur général des élections ou du bureau du président général, assure une vérification des émissions publiques, des réclames électorales à la TV et à la radio? Du point de vue pécuniaire, quel contrôle exercez-vous sur les moyens publics de diffusion, de renseignements avant l'élection? Est-ce que vous avez une méthode de contrôle? Prévoyez-vous en organiser une si vous n'en avez pas encore fait l'expérience?

**M. Hickey:** Tout cela est neuf. Nous n'avons aucune expérience dans ce domaine.

**M. Benjamin:** Avez-vous l'intention d'exercer un contrôle sur la publicité auprès des imprimeries?

**M. Muggah:** La commission recommandait au directeur général des élections d'avoir suffisamment de personnel pour contrôler les dépenses, veiller constamment sur les activités des partis. Ceci a été examiné par le gouvernement mais il n'y a pas encore une organisation créée à cette fin. Dans quelle mesure, cela ira? Je ne saurais dire.



[Text]

**Mr. Benjamin:** The other point is where do you draw the line? How do you differentiate between what is election advertising and ordinary political education that any political party might put out before the actual calling of an election, such as the advertising of a political leader and the party's platform two months or one month before an election is called? Could that be construed as election advertising or not? Where do you draw the line?

**Mr. Muggah:** You might have to have the courts do that. It says:

...during an election for the purpose of promoting or opposing directly or indirectly the election of a candidate, or a person who becomes or is likely to become a candidate, or the program or policy of a candidate or a party...

**Mr. Benjamin:** This goes on all the time between elections. I mean elections are never over in that sense. All parties put out literature and advertisements, promoting themselves and opposing other parties. Do you not feel that you need some sort of a cut-off date prior to an election being called because even if you intend or plan to do some monitoring, when you have your first experience with these amendments, where do you draw the line?

**Mr. Muggah:** I do not know that any of us would have the answer. I doubt it. I think probably we had better send our chief electoral officer, when we get one, to Quebec and see how they handle it there.

**The Chairman:** Are there any more questions?

**Mr. Jerome:** Mr. Chairman, is it possible—assuming that we are now about to adjourn, which appears likely—if any of the members have private questions or would like discussions will our guests be available for some time this afternoon in the event that there is the possibility of exploring some of these subjects further with informal discussion? I just wanted to find this out.

**Mr. MacDermaid:** Yes.

**The Chairman:** They said that they will be.

**Mr. Jerome:** Thank you.

**The Chairman:** Mr. Carter.

**Mr. Carter:** Maybe the question was asked during my absence, but I wonder if the Chief

[Interpretation]

**M. Benjamin:** Où est la limite? Comment définissez-vous ce qui est de la publicité électorale ou simplement de la publicité éducative émanant d'un parti ou d'un autre avant le déclenchement d'une élection? La publicité électorale, un mois ou deux avant des élections, peut-elle être considérée comme publicité électorale? Où faut-il établir la ligne de démarcation?

**M. Muggah:** La cour devra peut-être se charger de cela. Le statut dit:

pendant une élection dans le but de favoriser ou combattre directement ou indirectement l'élection d'un candidat, ou d'une personne qui devient ou peut devenir candidate, ou le programme ou la politique d'un candidat ou d'un parti...

**M. Benjamin:** Ceci est constamment entre les élections. Ceci se passe continuellement entre deux élections. La période électorale n'est jamais terminée dans ce sens; chacun des partis diffuse des imprimés pour se mettre en valeur et s'opposer à d'autres partis politiques. N'avez-vous pas besoin d'une ligne de démarcation avant le déclenchement d'une élection même si vous avez l'intention d'exercer une certaine surveillance lorsque vous aurez fait vos premières expériences dans l'application de cet amendement? Où tracez-vous la ligne de démarcation?

**M. Muggah:** Je ne pense pas que nous ayons pour le moment une réponse à ce sujet. Il faudra peut-être prendre conseil du directeur général des élections du Québec pour voir comment ils règlent la question là-bas.

**Le président:** Avez-vous d'autres questions à poser messieurs?

**M. Jerome:** Monsieur le président, à supposer que nous allons ajourner, ce qui semble très possible, et si les députés ont des questions privées, serait-il possible que nos invités soient à notre disposition pour un peu de temps cet après-midi, pouvons-nous nous entretenir cœur à cœur avec eux? Je voudrais bien savoir si cela est possible?

**M. MacDermaid:** Oui.

**Le président:** Nos invités disent qu'ils y seront.

**M. Jerome:** Je vous remercie.

**Le président:** M. Carter.

**M. Carter:** Il se peut que cette question ait été posée pendant mon absence. Je me



[Texte]

Electoral Officer, Mr. MacDermaid, could tell us whether or not posters are allowed to be displayed on polling day in or near polling stations?

**Mr. MacDermaid:** No, not within a certain distance, other than the official ones.

**Mr. Carter:** Do you have a set limit or distance?

**Mr. MacDermaid:** It is a limit by distance, in or without the polling station. I will try to find it.

**Mr. Benjamin:** How far out is it?

**Mr. MacDermaid:** I think it is 3,000 feet.

**Mr. Forrestall:** I think it is 500 or 600 feet or something like that.

**Mr. Francis:** That is a healthy provision and I think it is a good thing.

**The Chairman:** Is that different, Mr. Hamel, from the Canada Elections Act?

**Mr. Hamel:** There is no restriction whatsoever in the Canada Elections Act.

**The Chairman:** There is no restriction?

**Mr. Hamel:** The only thing we can control is in the poll itself because we rent the place and, therefore, we act not as owner, but as renter, so we take down everything, but there could be a banner or there could be a sign right across the street. The only provision in the Canada Elections Act covers banners, signs on cars and trucks and that kind of thing.

**Mr. MacDermaid:** This is covered under Section 178 of our Act and it is within 200 feet. Also, the one Mr. Hamel referred to about the loud speakers, flags and so on, is covered under Paragraph (b).

**Mr. Carter:** Do you allow loud speakers to be used in the cities on polling day by a candidate?

**Mr. MacDermaid:** No, they are not allowed on election day.

**Mr. Carter:** Not allowed?

**Mr. MacDermaid:** No.

**Mr. Francis:** There would be municipal ordinances regulating that in the cities. In the rural areas it is not usually desirable.

[Interprétation]

demande si le directeur général des élections pourrait nous dire si nous avons le droit d'afficher des placards le jour des élections, près des bureaux de scrutin?

**M. MacDermaid:** Non, pas à l'intérieur d'une certaine distance, qui est autre que la distance officielle.

**M. Carter:** Avez-vous une limite fixe ou précise?

**M. MacDermaid:** C'est une limite imposée par la distance entre ou en dehors des bureaux de vote. Je vais tout faire pour vous renseigner.

**M. Benjamin:** Quelle serait cette distance?

**M. MacDermaid:** Je pense que c'est 3,000 pieds.

**M. Forrestall:** Je pense que c'est 500 ou 600 pieds.

**M. Francis:** Je crois que c'est une bonne disposition et qu'elle aura d'heureux effets.

**Le président:** Monsieur Hamel, est-ce différent pour la Loi sur les élections fédérales?

**M. Hamel:** Aucune restriction à ce sujet dans la loi fédérale.

**Le président:** Aucune restriction?

**M. Hamel:** Le seul contrôle que nous pouvons exercer est à l'intérieur du bureau de scrutin parce que nous le louons et dès lors nous n'agissons pas en propriétaire mais en locataire, nous tenons compte de tout, mais il pourrait y avoir banderoles et signes de l'autre côté de la rue.

La seule disposition qui figure dans la loi fédérale régit les oriflammes, les banderoles sur les voitures dans les rues, etc. Les affiches aussi.

**M. MacDermaid:** Ceci est couvert en vertu de l'article 178 de la loi et il ne permet pas une distance à l'intérieur de 200 pieds. Quant aux haut-parleurs et aux drapeaux monsieur Hamel dit que l'alinéa (b) s'occupe d'eux.

**M. Carter:** Vous autorisez les haut-parleurs dans les villes, le jour de l'élection?

**M. MacDermaid:** Non, nous ne les permettons pas.

**M. Carter:** Ils ne sont pas permis?

**M. MacDermaid:** Non.

**M. Francis:** Dans les villes, il y a normalement des règlements à cet effet. Ce n'est habituellement pas souhaitable dans les régions rurales.



[Text]

**Mr. MacDermaid:** It has happened and we have stopped it. We also had posters in a polling booth on one occasion and we had them removed.

**Mr. Jerome:** There is perhaps one final question I would like to ask. Have any representations been made about keeping open drinking establishments and liquor stores in the Province of Nova Scotia? Have any representations been made to any of the gentlemen here in that direction?

**Mr. MacDermaid:** No.

**Mr. Benjamin:** Are they closed all day or do you open them after the polls close?

**Mr. MacDermaid:** I think the bars are allowed to open after the polls close. I have forgotten the exact regulation.

**Mr. Forrestall:** Mr. MacDermaid, there is an amendment proposed to our federal Act which will make it much easier to accommodate the principle of the utilization of public buildings, such as schools in the location of polling booths. Is this a practice that is prevalent here?

**Mr. MacDermaid:** Yes, that is very strongly recommended to the returning officers. We do use schools, universities and so on where it is convenient to get a number of polling stations located in the one building. There is a provision in our Act permitting that.

**Mr. Forrestall:** There has been no trouble arising from that?

**Mr. MacDermaid:** No, none at all.

**Mr. Macquarrie:** I am delighted with your sample ballot on which you have a Christmas tree exporter. That is good. I take it that the printer's name is on the back of your ballot?

**Mr. MacDermaid:** That is correct, that is on the next page.

**Mr. Macquarrie:** There is the old joke, of course, that when they used to have the printer's name on the front he got a good many votes in the olden days.

**Mr. Jerome:** Mr. Chairman, does the Province of Nova Scotia retain the requirement of marking the ballot with an "x" or a cross?

**Mr. MacDermaid:** Yes, with a cross or an "x", but let me check.

**Mr. Jerome:** Yes, I notice the instructions are for making an "x" and I take it then that

[Interpretation]

**M. MacDermaid:** C'est arrivé mais on y a mis fin. Nous avons aussi des affiches dans les bureaux de votation et nous les avons fait enlever.

**M. Jerome:** C'est peut-être la dernière question que je voudrais poser. Est-ce qu'on a demandé que les régies des alcools et les débits de boissons soient ouverts les jours des élections en Nouvelle-Écosse?

**M. MacDermaid:** Non.

**M. Benjamin:** Ces établissements sont-ils fermés toute la journée, ou les ouvre-t-on après la fermeture des bureaux de votation.

**M. MacDermaid:** Je crois que les bars peuvent ouvrir à la fermeture des bureaux de votation. Je ne me souviens pas du règlement exact.

**M. Forrestall:** M. MacDermaid, on a proposé qu'une modification soit apportée à notre loi fédérale ce qui faciliterait l'utilisation de bâtiments publics comme les écoles pour en faire des bureaux de votation. Cette pratique existe-t-elle ici?

**M. MacDermaid:** Ceci est recommandé aux présidents d'élection. Nous installons en effet les bureaux de votation dans les écoles, les universités partout où plusieurs bureaux peuvent être installés dans un seul bâtiment. Notre loi comporte une disposition à cet effet.

**M. Forrestall:** Il n'y a pas eu de problèmes?

**M. MacDermaid:** Non aucun.

**M. Macquarrie:** Votre modèle de bulletin me plaît beaucoup. Vous avez un exportateur d'arbres de Noël. Si je comprends bien, le nom de l'imprimeur figure au recto?

**M. MacDermaid:** C'est exact, à la prochaine page.

**M. Macquarrie:** Autrefois paraît-il, le nom de l'imprimeur figurait au recto et il obtenait ainsi un grand nombre de votes.

**M. Jerome:** Est-ce que la province de la Nouvelle-Écosse exige toujours qu'on marque le nom du candidat avec une croix ou un X?

**M. MacDermaid:** Oui, avec un X ou une croix, permettez-moi de vérifier.

**M. Jerome:** Les directives demandent que l'on marque un X. Je pense que d'après les



[Texte]

your regulations would require that any two lines which cross one another in the space opposite the candidate's name would be accepted as a properly marked ballot?

**Mr. MacDermaid:** Yes, it says:

... by making a cross with a black lead pencil within the white space containing the name of the candidate.

**Mr. Jerome:** Do you require in the Province of Nova Scotia that the elector use the pencil that is provided or can he use a ballpoint pen or any other—

**Mr. MacDermaid:** No, he has to use the pencil.

**Mr. Jerome:** Failure to do so results in a spoiled ballot?

**Mr. MacDermaid:** That is right.

**Mr. Jerome:** Thank you.

**Mr. Benjamin:** There is no exception on the mark that is made, it has to be an "x" or a cross?

**Mr. MacDermaid:** There are various kinds of "x's", as Mr. Hamel knows, which are quite legal. They have been before the courts. As long as it comes within the legal definition of a cross.

**Mr. Benjamin:** It is limited to that and the matter of what is obviously the voter's intent with some other mark is not allowed.

**Mr. MacDermaid:** No, for instance, we have had them mark them on the back of the ballot in the exact space where it should go, but that would not be counted.

**Mr. Forrestall:** Judges of jurisdiction who have presided over recounts, though, have historically been very lenient. Many of them have been very lenient in accepting as a general principle the intention of the voter in the marking of the ballot. We have had some pretty diversified examples here in Nova Scotia of ballots that have been accepted by judges at recounts, including double "x's" and.

**Mr. MacDermaid:** The only problem you get into there, Mr. Forrestall, is that it may be a means of identification of the voter that he cast his ballot for the proper party and I could see if you had two "x's" that it might be read that way.

**Mr. Forrestall:** In many years involved with it I never saw any ballots identified.

[Interprétation]

règlements deux lignes qui se croisent et sont apposées près du nom du candidat seront acceptées?

**M. MacDermaid:** Le texte est le suivant:

... en faisant une croix avec un crayon à mine noire dans l'espace blanc qui contient le nom du candidat.

**M. Jerome:** En Nouvelle-Écosse, l'électeur doit-il se servir du crayon fourni ou s'il peut se servir d'un stylo à bille ou d'autre chose?

**M. MacDermaid:** Non, il doit se servir du crayon.

**M. Jerome:** Autrement, le bulletin de vote est nul?

**M. MacDermaid:** C'est exact.

**M. Jerome:** Merci.

**M. Benjamin:** Le règlement concernant les marques ne souffre pas d'exception? Il doit s'agir d'un X ou d'une croix?

**M. MacDermaid:** Comme M. Hamel le sait, divers genres de X sont permis. Le cas a été porté devant les tribunaux. Du point de vue juridique la marque est admissible tant qu'on peut la définir comme étant une croix.

**M. Benjamin:** Le règlement se limite à cela, on ne tient pas compte de ce que pourrait être l'intention du voteur qui appose toute autre marque.

**M. MacDermaid:** Par exemple, certains ont marqué au verso du bulletin, à l'endroit même où la marque devait figurer mais cela n'a pas compté.

**M. Forrestall:** Les juges qui s'occupaient de recompter les votes ont montré beaucoup d'indulgence dans le passé. Ils acceptaient comme principe général l'intention du voteur. Par exemple, en Nouvelle-Écosse, il y a eu des bulletins qui ont été acceptés lors du recompte, alors qu'ils étaient marqués d'une double croix ou de deux traits.

**M. MacDermaid:** Il n'y a qu'un seul problème, M. Forrestall. Le voteur pourrait indiquer ainsi qu'il vote pour le bon parti. Je pense que les deux X pourraient être interprétés de cette façon.

**M. Forrestall:** Je m'occupe d'élections depuis des années et je n'ai jamais vu reconnaître l'auteur d'un bulletin de vote.



[Text]

**Mr. MacDermaid:** You would be amazed how people can identify their ballot.

**The Chairman:** With this new amendment which dealt with the request to put the recognized party on the ballot, will the ballot be different from the one shown on page 143?

**Mr. MacDermaid:** Yes, if you cross out the word "barrister" and put in "recognized party" instead, you will see the way it will look.

**The Chairman:** But you have kept the same form of ballot?

**Mr. MacDermaid:** Yes, that is right.

**Mr. Muggah:** We just replaced the occupation by the party name or the independent designation.

**Mr. Forrestall:** When does this amendment come into effect?

**Mr. MacDermaid:** Six months after it was passed, October 22.

**Mr. Benjamin:** Does it apply to any by-elections from here on or only general elections?

**Mr. Forrestall:** On the 25th day, 6 months hence.

**The Chairman:** In a few days. Mr. Peddle.

**Mr. Peddle:** I would like to ask Mr. Hickey a question. Some time ago, not too long ago, there was a statement made by a senator, I think Senator Stanbury, regarding Nova Scotian politics. I wonder if he was referring to the election practices in Nova Scotia?

**Mr. Hickey:** I did not hear your question. I am sorry.

**Mr. Peddle:** Yes, Senator Stanbury made a statement a while ago, was he referring to election practices?

**Mr. Hickey:** Not to my knowledge.

**Mr. Francis:** Without a direct quotation from the Senator, I do not quite know what the hon. member is referring to.

**Mr. Forrestall:** A deliberate malicious attack on the Province of Nova Scotia.

**Mr. Francis:** I am not aware of the problem. I am sure that the hon. member knows that press reports are hardly the basis on which to form an opinion.

[Interpretation]

**M. MacDermaid:** Vous seriez surpris de voir les moyens que prennent les gens pour faire reconnaître leur bulletin.

**Le président:** Avec cette modification demandant que les partis admis figurent sur le bulletin, est-ce que cela signifie que le bulletin sera différent de celui qui figure à la page 143?

**M. MacDermaid:** Oui, si vous supprimez le mot, avocat pour mettre «parti admis» vous verrez de quoi cela aura l'air.

**Le président:** ...Est-ce que vous conservez le même genre de bulletin? Uniquement remplaçant la profession par le parti.

**M. MacDermaid:** Oui.

**M. Muggah:** Nous avons simplement remplacé l'occupation par le nom du parti ou la désignation indépendante.

**M. Forrestall:** Quand cet amendement est-il entré en vigueur?

**M. MacDermaid:** Six mois après son adoption, le 22 octobre.

**M. Benjamin:** Le règlement s'applique-t-il aux élections complémentaires futures, ou seulement aux élections générales?

**M. Forrestall:** Le 25<sup>e</sup> jour dans six mois.

**Le président:** Dans quelques jours. M. Peddle.

**M. Peddle:** Je voudrais poser une question à M. Hickey. Il n'y a pas très longtemps, un sénateur, le sénateur Stanbury, je crois, a fait une déclaration à propos de la politique en Nouvelle-Écosse. Est-ce qu'il parlait des pratiques électorales de la Nouvelle-Écosse?

**M. Hickey:** Je n'ai pas compris la question. Je m'excuse.

**M. Peddle:** Oui. Dans sa déclaration d'il y a quelque temps, le sénateur Stanbury faisait-il allusion aux pratiques électorales?

**M. Hickey:** Pas que je sache.

**M. Francis:** Je ne sais pas ce que le député veut dire, s'il ne cite pas les paroles du sénateur.

**M. Forrestall:** C'était une méchante attaque contre la province de la Nouvelle-Écosse.

**M. Francis:** Je ne connais pas le problème. Je suis certain que le député sait que l'on ne peut formuler une opinion personnelle d'après ce que rapportent les journaux.



[Texte]

**The Chairman:** Order, please.

**Mr. Peddle:** This was a press statement and I wonder if Mr. Hickey knew if the Senator was referring to election practices in Nova Scotia as being corrupt.

**Mr. MacDermaid:** As was reported in the paper, it had nothing to do with the operation of the election machinery.

**Mr. Peddle:** I see.

**Mr. Macquarrie:** Mr. Chairman, I would like to ask about Section 125, "Time to Employees" and so on. I thought Mr. Peddle would bring this up since he did yesterday. Your section dealing with this seems a bit more detailed than in other acts. Has there been any experience in Nova Scotia that has brought difficulty to employees in getting this hour off?

**Mr. MacDermaid:** This is a new provision in the Act. I believe we basically copied it from the federal Act.

**Mr. Peddle:** It is better than in the federal Act, actually.

**Mr. MacDermaid:** It is a little better; there have been no difficulties with it other than inquiries on what the law is.

**Mr. Macquarrie:** Yes, I would agree with my colleague, it is better than the other two. I also am glad, considering what happened in Newfoundland during the last election where many things happened, that you clarified what kind of time you are using, whether it is daylight or standard.

**The Chairman:** Are there any other points?

**Mr. Francis:** I have a question and it is the last one I have in mind which relates to procedures for the revision of the enumerated list which has always been a bit of a difficulty. Is there a distinction in your revisal procedures between rural and urban polls, to start with?

**Mr. MacDermaid:** No, it is run in exactly the same way in both areas. The Revising Officer sits for the required number of days.

**Mr. Francis:** The procedure is somewhat similar, I take it, to the federal Act in the representation before the Revising Officer and so forth?

[Interprétation]

**Le président:** A l'ordre s'il vous plaît!

**M. Peddle:** Monsieur le président, il s'agit d'une déclaration qui a été relevée par les journaux. Je voudrais savoir si M. Hickey savait si le sénateur disait que les pratiques électorales de la Nouvelle-Écosse étaient malhonnêtes.

**M. MacDermaid:** D'après le journal, cela n'a rien à voir avec le mécanisme électoral.

**M. Peddle:** Je vois.

**M. Macquarrie:** M. le président je voulais poser une question à propos de l'article 125, «Temps pour voter». Je croyais que M. Peddle en parlerait puisqu'il l'a fait hier. Votre article qui touche à ce sujet semble un peu plus détaillé que dans les autres lois. Est-ce qu'en certaines occasions des employés ont eu, en Nouvelle-Écosse, des difficultés à obtenir cette heure de congé?

**M. MacDermaid:** C'est une nouvelle disposition dans la Loi. Nous nous sommes fondés sur la loi fédérale.

**M. Peddle:** En réalité, elle est supérieure à la loi fédérale.

**M. MacDermaid:** Elle est un peu mieux; nous n'avons pas eu de difficulté à ce sujet sinon des demandes de renseignements sur la teneur de la loi.

**M. Macquarrie:** C'est vrai, je suis d'accord avec mon collègue; la Loi est supérieure aux deux autres. En vue de ce qui s'est passé à Terre-Neuve aux dernières élections, je suis heureux que vous ayez précisé si l'on doit se servir de l'heure avancée ou de l'heure normale.

**Le président:** Avez-vous d'autres questions?

**M. Francis:** Ma question est la dernière qui se rapporte aux procédures de la révision de la liste électorale qui a toujours présenté certaines difficultés; est-ce qu'il y a une distinction entre les électeurs ruraux et les électeurs urbains dans vos procédés de révision?

**M. MacDermaid:** Non, la révision des listes se fait de la même façon dans les deux régions. Le reviseur des listes électorales siège pendant le nombre de jours requis.

**M. Francis:** La procédure est semblable à celle de la loi fédérale. Il y a représentation devant le reviseur des listes électorales et ainsi de suite?



[Text]

**Mr. MacDermaid:** It is exactly the same as yours for the urban areas, but ours applies to the rural areas as well.

**Mr. Francis:** Yes, thank you, Mr. Chairman, that is all.

**Mr. Muggah:** On that point, Mr. Chairman, in a recent by-election in a fairly large constituency there were two Revising Officers rather than the one. It is possible to have more than one.

**Mr. Francis:** You have not had any particular difficulty with this feature of the Act?

**Mr. MacDermaid:** No, we would not because in any event if the worst comes to the worst they can swear to it on election day.

**Mr. Francis:** That they cannot do under the federal Act. It can be done only in a very limited range where there is a proved error and omission between the enumeration and the printing of the list. I think that is the only circumstance under which this can be done with the federal Act, is that not so, Mr. Hamel?

**Mr. Hamel:** I am sorry I did not get the beginning.

**Mr. Francis:** The only situation, I believe in which someone could vote on election day if his name were not on the printed list and he had not gone before a Revising Officer would be because of an error in the list and proof of enumeration.

**Mr. Hamel:** That is correct.

**Mr. Francis:** I think the only situation is a printing error and omission from the list.

**Mr. Hamel:** That is correct. If he can prove, in other words, that he actually was enumerated.

**Mr. Francis:** Yes, with the enumerator's slip.

**Mr. Hamel:** Yes, if he goes to the Returning Officer's office he will give him a statement or certificate and then he can vote with that.

**Mr. Francis:** That is the only circumstance in which we permit a person to vote on election day who has not gone through the formal procedure before a Revising Officer. I gather the Nova Scotia procedure is a little different on election day than the federal one.

**Mr. Hamel:** In urban areas.

**Mr. MacDermaid:** No, your Section 46 is pretty well what we followed. If your name is

[Interpretation]

**M. MacDermaid:** La méthode est la même que la vôtre pour les régions urbaines, mais la nôtre concerne aussi les régions rurales.

**M. Francis:** Oui. Merci, M. le président, c'est tout.

**M. Muggah:** A ce sujet, M. le président, lors d'une récente élection complémentaire dans une grande circonscription, il y a eu deux réviseurs au lieu d'un seul. Il est possible d'en avoir plus d'un.

**M. Francis:** Cette disposition de la loi ne vous a pas causé de difficulté?

**M. MacDermaid:** Non, parce que si le pire se produit, ils peuvent en jurer le jour des élections.

**M. Francis:** Ils ne peuvent le faire en vertu de la loi fédérale sauf d'une façon très limitée lorsqu'il y a une erreur ou une omission trouvée entre l'impression et la parution de la liste. Au fédéral, la chose ne peut se faire qu'en une circonstance pareille, n'est-ce pas, monsieur Hamel?

**M. Hamel:** Je regrette, je n'ai pas compris le début.

**M. Francis:** Si le nom d'une personne ne figure pas sur la liste imprimée et qu'il n'a pas vu le réviseur, la seule raison qui lui permettrait de voter le jour de l'élection serait une erreur dans la liste et le recomptage des votes.

**M. Hamel:** C'est juste.

**M. Francis:** La seule exception serait une erreur d'impression et l'omission sur la liste.

**M. Hamel:** C'est juste. S'il peut prouver en d'autres mots que son nom avait réellement été porté sur la liste.

**M. Francis:** Oui, avec le bulletin de recensement.

**M. Hamel:** Oui, s'il va au bureau du réviseur, il peut lui donner une déclaration ou un certificat et voter.

**M. Francis:** C'est le seul cas où on autorise une personne à voter le jour des élections s'il n'a pas passé par la procédure normale de révision. Je crois qu'en Nouvelle-Écosse la procédure n'est pas tout à fait la même qu'au fédéral.

**M. Hamel:** Dans les régions urbaines.

**M. MacDermaid:** Non, votre article 46 est à peu près le même que le nôtre. Si votre nom



[Texte]

not on the list you can go and be vouched for in a rural area.

**Mr. Francis:** In a rural area, yes, that is so. I thought we were talking about the urban areas. In the urban areas it is not possible to vote.

**Mr. MacDermaid:** It is possible to vote in the urban areas with the added precaution that you must go before the Revising Officer on election day to get a certificate from him which you then take along with your voucher so it can be sworn on.

**Mr. Francis:** But you cannot do this under the federal Act?

**Mr. MacDermaid:** No.

**Mr. Francis:** In other words, you have added something of the rural procedures in the federal Act for election day only, but otherwise you followed the urban procedures of the federal Act.

**Mr. MacDermaid:** Yes.

**Mr. Francis:** I think that is a fair summary.

**The Chairman:** Mr. Hamel.

**Mr. Hamel:** If we find, even on the day before polling day, that a group of people were left out, we could by virtue of subsection 3 of Section 5 extend for that revisal district or that polling division the period of revision.

**Mr. Francis:** You have done so. I remember one instance where you did.

**Mr. Hamel:** Oh yes, but we would not do it for one or two people. We would do it for perhaps 10 or 12 people.

**Mr. Forrestall:** I know of many instances where people have presented themselves at the polls, found their names not on the list and have had to go back to a revising agent, and they get furious.

**Mr. MacDermaid:** Actually we are giving them something that they did not have before in the urban areas.

**Mr. Forrestall:** Perhaps this was not dealt with by the Commission in any way but would it not be more useful to have the simplicity of an oath. You said that as an added precaution you require the elector to go to a

[Interprétation]

ne figure pas sur la liste, l'on peut se porter garant de vous dans une région rurale.

**M. Francis:** Il en est ainsi dans les régions rurales. Je pensais que nous parlions des régions urbaines. Dans les régions urbaines, il n'est pas possible de voter.

**M. MacDermaid:** Oui, il est possible de voter à condition que vous voyiez le reviseur le jour de l'élection et qu'il vous remette un certificat que vous apportez lorsque vous prêtez serment avec votre garant.

**M. Francis:** Mais vous ne pouvez pas le faire en vertu de la loi fédérale?

**M. MacDermaid:** Non.

**M. Francis:** Autrement dit, vous avez ajouté quelque chose de la procédure rurale de la loi fédérale pour le jour de l'élection, mais autrement vous vous en tenez aux procédures de la loi fédérale en ce qui concerne les régions urbaines?

**M. MacDermaid:** Oui.

**M. Francis:** Je crois que nous avons là un bon résumé?

**Le président:** Oui. M. Hamel.

**M. Hamel:** Si nous constatons, la veille même d'une élection que les noms d'un groupe de personnes ont été omis, nous pouvons, en vertu du paragraphe 5 prolonger la période de révision pour ce district ou cette division électorale.

**M. Francis:** Vous l'avez fait. Je me souviens d'une occasion où vous l'avez fait.

**M. Hamel:** Oh oui, mais nous ne l'aurions pas fait s'il s'agissait d'une ou de deux personnes. Nous l'aurions fait peut-être s'il y avait 10 ou 12 personnes.

**M. Forrestall:** J'ai entendu plusieurs cas où des gens se sont présentés aux bureaux de scrutin et ont constaté que leurs noms n'étaient pas inscrits sur la liste et ont dû aller voir l'agent de revision; cette situation les rend furieux.

**M. MacDermaid:** En fait, nous leur fournissons quelque chose qui n'existait pas auparavant dans les régions urbaines.

**M. Forrestall:** Il se peut que la Commission ne s'en soit pas occupée du tout, mais ne serait-il pas préférable de les faire assermenter, tout simplement? Vous avez dit que par mesure de précaution supplémentaire, vous



[Text]

certain place and establish, I suppose, certain evidence. Why would that be required?

**Mr. MacDermaid:** The reason we put it in is that in the rural areas the population is generally known to the people at the poll, whereas here they are not.

**Mr. Forrestall:** What is the process at the revising agent's office?

**Mr. MacDermaid:** It is not the revising agent, it is the revising officer, and he sits during certain hours on election day, when a person may appear before him.

**Mr. Forrestall:** But it is a simple oath he takes? Does he fill out a form?

**Mr. MacDermaid:** Yes, form 48; Section 114 is the one that governs it.

**Mr. Forrestall:** A certification...

**Mr. MacDermaid:** All that says is that he has to obtain form 48 from the revising officer, so he has to satisfy to the revising officer that he is eligible to vote.

**Mr. Forrestall:** And he has to appear with another elector, a qualified one, whose name is on the same list?

**Mr. MacDermaid:** Oh yes, who swears to and signs form 47 in the poll room. So it is an oath.

**Mr. Forrestall:** It just seems to me to be a cumbersome process which is hotly resented by ..

**Mr. MacDermaid:** Well, we are giving people something they do not have anywhere else, as far as I am aware, so I think this is a step in the right direction. Maybe we do not require this certificate—I do not know. However they thought that it should go in with this expanded feature of the Act.

**Mr. Forrestall:** Mind you, I think it is the best Act in Canada.

**The Chairman:** Have you a count of how many people went to the revising officer to get a certificate?

**Mr. MacDermaid:** You could ask Mr. MacLellan if he recalls any, because the revising officer must sit in his headquarters.

[Interpretation]

exigez de l'électeur de se présenter à un endroit déterminé et d'établir son identité. Quelle en est la raison?

**M. MacDermaid:** La raison en est que dans les régions rurales, les gens sont généralement connus des agents, alors qu'ici c'est le contraire.

**M. Forrestall:** Quelle est la procédure suivie au bureau du reviseur des listes électorales?

**M. MacDermaid:** Durant certaines heures, le jour de l'élection, il demeure au bureau et rencontre les gens qui peuvent se présenter devant lui pour être assermentés.

**M. Forrestall:** Mais s'agit-il simplement d'accepter le serment? Est-ce qu'il y a une formule à remplir?

**M. MacDermaid:** Oui, la formule 48; et c'est l'article 114 qui la régit.

**M. Forrestall:** La certification.

**M. MacDermaid:** Tout ce que l'article prévoit, c'est qu'il doit obtenir du reviseur des listes électorales la formule 48 pour qu'il puisse être admis à voter.

**M. Forrestall:** Et il doit se présenter avec un autre électeur dont le nom est inscrit sur la même liste?

**M. MacDermaid:** Oh oui, il est assermenté et signe la formule 47 dans le bureau de scrutin. Par conséquent, il s'agit bien d'une assermentation.

**M. Forrestall:** Il me semble c'est un petit peu compliqué cette façon de procéder.

**M. MacDermaid:** Eh bien, à mon avis nous leur fournissons quelque chose qui n'existait pas auparavant. Alors, je crois que c'est un pas dans la bonne voie. Nous n'avons peut-être pas besoin de ce certificat, je ne puis l'affirmer. Cependant, ils ont cru bon de l'inclure dans cette disposition de la loi.

**M. Forrestall:** Je crois que c'est vraiment la meilleure loi électorale que nous ayons au Canada.

**Le président:** Pouvez-vous nous dire combien de personnes se sont adressées au reviseur des listes électorales pour obtenir un certificat?

**M. MacDermaid:** Vous pourriez demander cela à M. MacLellan, si toutefois il s'en souvient, car le reviseur doit demeurer dans son bureau.



[Texte]

**Mr. MacLellan:** I think at the last election there were 55 or 60.

**The Chairman:** Fifty-five to sixty people.

**Mr. MacLellan:** In one constituency.

**The Chairman:** That many in one constituency?

• 1605

**Mr. Hickey:** Oh, yes. The total number of people eligible to vote there would be 100,000.

**Mr. MacDermaid:** It is amazing the number of people that do not get on the list and do not get to the revising officer. There are quite a few.

**The Chairman:** And you still have the proxy system?

**Mr. MacDermaid:** You have to be on the list for that.

**Mr. Macquarrie:** May I draw upon an interesting personal experience in this connection. I am referring to your qualification for an elector. At the time of the writ he does not have to have the age requirement, he is all right if he is of age on election day. But in respect of citizenship, if he meets that qualification before voting day but after the writ he does not have a chance to vote. I remember a new voter going through great personal anguish over this because he wanted to get his first vote. He had a child who became of age in that period and he became a citizen, but he had the devil's own time to exercise his franchise. In other words, one is projected in the future . .

**Mr. MacDermaid:** Yes, there is no reason that you should not have the qualifying words in paragraph (b) that you have in paragraph (a).

**Mr. Macquarrie:** Except that you cannot always be sure. But it is a group of people, and I suppose in a place like Halifax there would be a substantial number of people.

**Mr. MacDermaid:** Mind you, he could still go to the revising officer on election day and get put on it if he had become a Canadian citizen in the meantime. In such case he is still all right under our Act.

**Mr. Macquarrie:** There are ways.

[Interprétation]

**M. MacLellan:** Je pense qu'il y en avait 55 ou 60 lors des dernières élections.

**Le président:** Cinquante-cinq à soixante personnes.

**M. MacLellan:** Dans une seule circonscription.

**Le président:** Tant que ça dans une circonscription?

**M. Hickey:** Oh, oui. Il y a là 100,000 personnes qui ont le droit de vote.

**M. MacDermaid:** C'est vraiment surprenant le nombre de gens qui ne figurent pas sur les listes et qui ne s'adressent pas au reviseur. Il y a en a beaucoup.

**Le président:** Vous avez toujours le système de la procuration.

**M. MacDermaid:** Oui mais votre nom doit figurer sur la liste.

**M. Macquarrie:** Permettez-moi de mentionner un cas personnel très intéressant à ce sujet. Il s'agit de l'admissibilité d'un électeur. Au moment de la publication de la tenue de l'élection, l'âge ne joue aucun rôle; il suffit que l'électeur atteigne l'âge voulu le jour des élections. Mais dans le cas de la citoyenneté, s'il remplit cette condition avant le jour de l'élection, mais après la déclaration de la tenue de l'élection, il n'a aucune chance de voter. Je me souviens de l'angoisse qu'a souffert un nouvel électeur à ce sujet car il voulait participer au premier vote. Il y avait un enfant qui venait d'atteindre l'âge requis à ce moment-là et il a obtenu la citoyenneté mais il a éprouvé toutes les difficultés du monde pour se prévaloir de ce droit. Autrement dit on est brutalement projeté dans l'avenir.

**M. MacDermaid:** Oui, je ne vois pas pourquoi l'on ne devrait pas ajouter à l'alinéa c) les termes d'admissibilité qui se trouvent à l'alinéa a).

**M. Macquarrie:** Sauf que l'on ne peut pas toujours être sûr. Mais il s'agit d'un groupe de personnes et je suppose qu'à Halifax, il y a certainement pas mal de personnes.

**M. MacDermaid:** Oui, mais elles peuvent toujours s'adresser au reviseur le jour de l'élection et faire inscrire leur nom si, dans l'intervalle, elles avaient obtenu la citoyenneté. Dans pareil cas, c'est conforme aux dispositions de la loi.

**M. Macquarrie:** Évidemment il existe d'autres moyens.



[Text]

**The Chairman:** What about the federal Act on this citizenship question?

**Mr. Hamel:** Our Act reads almost word for word the same as the Nova Scotia Act but it has been decided by a ruling that provided the elector becomes 21 years of age or a Canadian citizen on or before polling day, he is qualified. Now in a series of amendments I am respectfully suggesting that we clarify this to make it absolutely clear that provided he becomes a Canadian citizen on or before polling day he should be eligible to be put on the list and vote.

**The Chairman:** Are there any more questions?

**Mr. Macquarrie:** I have to admit that you have a mighty good Act here.

**Mr. Forrestall:** The best province is bound to have the best Act.

**Mr. MacDermaid:** The Act works very well from an administrative point of view.

**Mr. Forrestall:** How long does it take you to wind up after it is all over, Mr. MacDermaid?

**Mr. MacDermaid:** We simplified the way we paid everybody. We gave them basically a flat fee, except for the revising and returning officers. So it now works out that we have all enumerators paid before the election, whereas before it took a couple of months after the election. We just give them a flat amount. It would probably take us two months, let us say, to wind it up completely.

**Mr. Hickey:** Six weeks to two months.

**Mr. Forrestall:** How would that compare with the federal Act?

**Mr. Hamel:** First of all, our enumerators are paid a basic pay plus so much per name. And there is a provision in the Act which says that we cannot pay the enumerator until the revision has been completed. So that if we discover that an enumerator has padded his list, for instance, or has neglected to do his work, we could either forfeit his pay or take some action against him.

**Mr. MacDermaid:** We did delete such things as travelling expenses, postage and all this sort of thing, which really adds a lot of work.

[Interpretation]

**Le président:** Qu'en pensez-vous de la loi fédérale au sujet de cette question de citoyenneté?

**M. Hamel:** Notre loi est presque la même que celle de la Nouvelle-Écosse mais il a été décidé qu'à condition que l'électeur atteigne l'âge de 21 ans, ou obtienne la citoyenneté le jour des élections... ou avant, il est admissible. Dans le cas d'une série d'amendements, je propose que nous devrions rendre ceci beaucoup plus clair et nous assurer que pourvu qu'un électeur obtienne la citoyenneté avant ou le jour même des élections, il devrait être admissible pour faire inscrire son nom sur la liste électorale et se prévaloir du droit de vote.

**Le président:** Avez-vous d'autres questions?

**M. Macquarrie:** Je dois admettre que la Loi est vraiment très bien rédigée.

**M. Forrestall:** Les meilleures provinces ont les meilleures lois.

**M. MacDermaid:** Oui, du point de vue administratif, la loi donne de très bons résultats.

**M. Forrestall:** Combien de temps mettez-vous à déterminer tout le processus?

**M. MacDermaid:** Nous avons simplifié la façon de rémunérer tout le monde. Nous leur payons un taux fixe sauf dans le cas du réviser et du président général. De sorte qu'à présent tous les recenseurs sont payés avant l'élection, alors qu'auparavant, cela pouvait durer deux mois après la tenue des élections. Nous leur versons un montant global. Cela nous prendrait probablement deux mois avant de finir tout le travail.

**M. Hickey:** De six semaines à deux mois.

**M. Forrestall:** Combien cela se compare-t-il avec ce que nous faisons au gouvernement fédéral?

**M. Hamel:** Tout d'abord, nos énumérateurs reçoivent un salaire de base, plus tant par électeur. Et la loi prévoit que nous ne pouvons pas payer l'énumérateur avant que la revision soit terminée.

Donc si nous voyons qu'un énumérateur a augmenté par trop sa liste ou a négligé son travail il risque de perdre sa rémunération, ou faire l'objet de sanctions.

**M. MacDermaid:** Nous avons éliminé les frais de déplacement, les frais d'affranchissement, et toutes sortes de choses pour simplifier le travail.



[Texte]

**Mr. Hamel:** There are always cases pending after the election but the bulk of the work is cleaned up in roughly two months.

**The Chairman:** Is the function of your returning officer such that he is completely free from political interference? I am referring to his expenses and the decisions he makes.

• 1610

**Mr. Hamel:** I would say so.

**Mr. MacDermaid:** He has pretty wide authority and if the parties do not co-operate with him he can go ahead on his own.

**The Chairman:** Thank you. On behalf of the members may I thank our witnesses for the information they have given us. This will prove very helpful in our review of our Canada Elections Act. Thank you very much for the co-operation you have shown.

Thursday, October 16, 1969.

**The Chairman:** I see that we have a quorum. First, I would like to introduce to you the chief electoral officer of the province of New Brunswick, Mr. Whalan.

**M. J. Donald Whalan (Chief Electoral Officer of the Province of New Brunswick):** Donald Whalan. Glad to know you, sir.

**The Chairman:** With Mr. Whalan I believe we will have an opportunity to discuss thoroughly the Province of New Brunswick Elections Act and many problems that are related to the Canada Elections Act.

Je crois opportun, au début de cette séance, de signaler aux membres du Comité que, lorsque notre témoin aura terminé, il y aura certaines questions dont nous devrons peut-être discuter ensemble, après cette séance; voilà pourquoi, je demande à tous les députés de demeurer dans la salle afin de poursuivre cette discussion, s'il y a lieu.

Now, Mr. Whalan, I will ask if you have any general comments to make about your views as to the improvements that could be made to your Elections Act and what difficulties you have, or any general comments that you may find fit to bring to the attention of our members.

**Mr. Whalan:** Not at the moment, Mr. Chairman. Following our 1967 election the provincial election, certain recommendations were made. One of them I stole more or less from

[Interprétation]

**M. Hamel:** Il y a toujours certaines choses à régler par la suite, mais en général le gros du travail est terminé dans l'espace de deux mois.

**Le président:** La fonction de président général rend-elle le titulaire libre de toute intervention politique? Je veux dire les frais et les décisions qu'il prend.

**M. Hamel:** Oui.

**M. MacDermaid:** Il a pas mal de pouvoir et si les partis ne collaborent pas, il peut agir à sa guise.

**Le président:** Merci. Au nom des membres, je vous remercie d'avoir consacré votre après-midi et de nous avoir fourni tant de renseignements utiles qui nous aideront à revoir la Loi électorale du Canada.

Merci pour votre collaboration.

Le jeudi 16 octobre 1969

**Le président:** Je vois que nous sommes en nombre. Je voudrais vous présenter tout d'abord le Président général des élections du Nouveau-Brunswick, M. Whalan.

**M. J. Donald Whalan (Président général des élections du Nouveau-Brunswick):** Donald Whalan. Heureux de vous connaître, monsieur le président.

**Le président:** Nous aurons la possibilité de discuter à fond la Loi électorale du Nouveau-Brunswick et de nombreux problèmes qui se rapportent à la Loi électorale du Canada.

I think that at the beginning of this meeting, it would be a good thing to point out to the members of the Committee that when we have finished hearing the witness, there will be certain matters that it might be useful to discuss following this meeting. That is why I would ask all the members to stay here so that we can carry on this discussion, if necessary.

Et maintenant, monsieur Whalan, peut-être avez-vous des remarques générales à formuler sur les améliorations qu'il faut apporter à votre Loi électorale et les difficultés auxquelles vous pouvez vous heurter et, en général, toutes les remarques générales que vous croyez pouvoir nous signaler. Nous vous écoutons très volontiers.

**M. J. Donald Whalan:** Pas pour le moment, monsieur le président. A la suite des élections de 1967 dans notre province, quelques recommandations ont été formulées. L'une d'entre



[Text]

one of Mr. Castonguay's previous recommendations. I do not know whether it was adopted in the federal Elections Act. That was in regard to counting the ballots in advance polls. I believe he had the theory or made the recommendation that in advance polls the ballots should be placed all in one box and then counted as of one box in one electoral riding, in each electoral riding, so that the identity of a few or one vote in any one advance poll would not be disclosed.

We have had the experience here previous to my taking this office whereby, in an attempt to give the electorate every opportunity to vote at an advance poll, we increased the advance polls in Northumberland, for instance. I am thinking of Northumberland County where I came from and which is the largest county in the province, a distance of 135 miles from east to west. They had only two advance polls in the county. Then they tried to set up advance polls at both ends, with the result that there was one vote cast in one advance poll and two in another, which forever alienated the person from the secret ballot. So, I think Mr. Castonguay's recommendation was that these advance poll boxes could be dumped into one box, and counter as one box, and then the secrecy would be contained. I think that is a very important one. I am waiting for the legislature to approve of this recommendation. That is the major one.

The only other item that we are very much concerned with is the item of cost. Elections are very costly and we are trying to evolve some method whereby we can reduce costs. I would like to hear any recommendations that you people, and particularly Mr. Hamel, would have towards mitigating this problem. I think enumeration is the biggest problem in costs and we are not only affected by the provincial election in this same category but as you may know, we conduct a municipal election every two years in this Province. I am municipal electoral officer in charge of that operation, and we have the same problem every two years in addition to the provincial. Those costs are becoming increasingly more difficult. If some other method of enumeration could be devised—another thought, too, would be the method of voting machines.

That is another problem, I think, that should be carefully considered. I think Saskatchewan has that system at the moment and they find it economical, or at least the paper that I have read on it indicated that they could write it off in ten years. Now, true or false, I do not know. I would like to hear. I would like to find out more about it and to that end we are looking into it.

[Interpretation]

elles a en fait été reprise à M. Castonguay. Je ne sais pas si elles ont été incorporées à la Loi électorale du Canada. Elle conserve le compte des votes dans les bureaux de votation M. Castonguay préconisait que les bulletins de vote soient placés dans une urne dans chacune des circonscriptions électorales de sorte que l'identité d'un ou plusieurs votants ne puisse être révélée.

Avant d'entrer en fonction j'ai connu des cas où, pour donner aux électeurs toute la possibilité voulue de voter avant les élections, le nombre de bureaux provisoires ont été augmentés; cela a été le cas au Northumberland, le comté d'où je viens et qui est le plus important de la province, et s'étend à 135 milles à l'Ouest de l'Atlantique. Il n'y avait que deux bureaux provisoires dans le comté. On a créé ensuite des bureaux des deux côtés du comté. Il y a eu un vote dans un bureau et deux dans l'autre, de sorte que le votant n'a plus jamais pu participer à un scrutin secret. Voilà pourquoi il me semble que tous les bulletins devraient être jetés dans une seule urne. C'est très important. J'attends que l'Assemblée législative approuve cette recommandation. C'est la seule recommandation de poids que je formulerai.

Une autre question qui nous occupe est celle des frais. Les élections sont très coûteuses. Nous cherchons à mettre au point une méthode qui nous permettrait de faire baisser le coût. J'aimerais entendre les recommandations que vous, et particulièrement M. Hamel auraient à formuler à ce sujet. Le recensement occasionne des frais énormes et nous ne devons pas seulement faire des élections provinciales mais aussi des élections municipales tous les deux ans dans la province. Personnellement, je suis directeur des élections au niveau municipal et de tels problèmes se représentent tous les deux ans, en plus des problèmes posés par les élections provinciales. Et les frais augmentent. Il faudrait mettre au point une méthode pour réduire les frais, il faudrait aussi penser à mettre au point une machine à voter.

C'est un autre problème qui devrait être examiné à fond. Je crois que la Saskatchewan se sert de ce système et on le trouve économique. C'est du moins ce que dit le journal que j'ai lu et qu'on pourrait amortir le coût des machines en dix ans. Maintenant, je ne sais pas si c'est vrai ou faux, je voudrais qu'on m'informe. J'aimerais en savoir plus et nous faisons une petite enquête à ce sujet.



[Texte]

I think Mr. Thomas indicated that he was interested in the referendum that was submitted to the electorate in 1967 here in New Brunswick re the voting age, the lowering of the voting age from 21 to 18. They did not meet with much success here, although I see in other provinces they found the legislature has taken it on themselves to make it mandatory. I do not know whether they went to the people with it or not, but here in New Brunswick the government did go to the people and it met with a decisive "no". I have a copy here with a breakdown percentagewise for rural and urban.

**The Chairman:** Do you have enough copies for the members?

**Mr. Whalan:** I think there are enough to go around, yes.

**Mr. Lefebvre:** Could I ask a question?

**The Chairman:** Yes.

**Mr. Lefebvre:** Did you say, sir, that the legislature was about to pass this new clause permitting the advance poll?

**Mr. Whalan:** No, this is a recommendation that I am making to the provincial secretary's department which has to gain approval from the legislature.

**Mr. Lefebvre:** I think you brought up a very valid point. There were a couple of advance polls, I believe, in my riding that had only one or two votes cast in them, and there were about six advance polls in the riding. So it would have been quite easy to dump them all in together and count them.

**Mr. J. M. Hamel (Chief Electoral Officer, Government of Canada):** May I make a comment on this?

**The Chairman:** Yes.

**Mr. Hamel:** I believe that particularly at the federal level, we should make a difference between an urban advance poll and a rural advance poll. It is very seldom in urban areas that you have a small number of voters at the advance poll. In fact, our problem at the last general election was just the reverse. We had not provided enough documents and so on.

**Mr. Francis:** But we have opened up the advance pools ..

**Mr. Hamel:** That is correct.

**Mr. Francis:** ...and we have a much broader range of people who vote at them.

[Interprétation]

M. Thomas a dit, je crois, que le référendum présenté à l'électorat en 1967 au Nouveau-Brunswick sur l'abaissement du droit de vote de 21 à 18 ans l'intéressait beaucoup. Ce référendum n'a pas connu un grand succès ici, alors que dans d'autres provinces, l'Assemblée législative a rendu cet abaissement obligatoire. Je ne sais s'ils ont demandé l'avis de la population pour ce faire, mais ici au Nouveau-Brunswick, le gouvernement a consulté la population et le «non» a été formel. Je puis vous fournir le détail en pourcentage pour les populations rurale et urbaine.

**Le président:** Avez-vous suffisamment d'exemplaires pour les distribuer à tout le monde?

**M. Whalan:** Oui.

**M. Lefebvre:** Puis-je poser une question?

**Le président:** Oui.

**M. Lefebvre:** Dites-vous que l'Assemblée législative allait adopter la disposition autorisant les bureaux provisoires de votation?

**M. Whalan:** Non, c'est une recommandation que j'avais faite au secrétariat provincial et que l'Assemblée législative doit encore adopter.

**M. Lefebvre:** Vous avez soulevé une question très importante. Nous avons eu deux ou trois bureaux provisoires dans ma circonscription, dont l'un ou l'autre n'a eu que deux ou trois bulletins et il y avait environ six bureaux provisoires dans mon comté. Il aurait donc été très facile de verser ces bulletins ensemble.

**M. J. M. Hamel (directeur général des élections du gouvernement du Canada):** J'aimerais faire un commentaire à ce sujet.

**Le président:** Oui.

**M. Hamel:** Surtout au niveau fédéral, je trouve que nous devrions faire une différence entre les bureaux provisoires urbain et rural. Il est très rare que dans les villes on ait peu d'électeurs qui veulent voter d'avance. En fait, il en a été bien autrement lors des dernières élections fédérales. Nous n'avions pas assez de bulletins.

**M. Francis:** Mais nous avons ouvert les bulletins de vote des bureaux provisoires.

**M. Hamel:** C'est juste.

**M. Francis:** ...et nous avons une plus grande variété d'élections.



[Text]

**Mr. Hamel:** Yes. In the rural areas, so long as the provisions of the law will be what they are now, that we have to open an advance poll in any village or town of 1,000 population or more, we will be faced with this kind of situation wherein you have some advanced polls at which no votes at all are cast, or one vote or two votes.

By the way, the auditor general did criticize this on one or two occasions as being very costly. I do not think Mr. Castonguay ever presented this suggestion to the Committee because he, I believe, had second thoughts afterwards. There is only one problem and that is who is going to assume responsibility for the counting because at an advance poll, there are a deputy returning officer, a poll clerk and party representatives. Now, who are going to preside or look at the actual counting of the votes? If you put three or four boxes together, who is going to be in charge? Who are going to be the representatives? Some people might suspect that there could be some fooling around with the boxes in the meantime. This is the only problem. So it seems to me that it is a question of trying to decide on or to choose the lesser of two evils.

**The Chairman:** Mr. Howard.

**Mr. Howard (Skeena):** Mr. Chairman, I wanted to inquire as to whether or not Mr. Whalan or someone in his office expressed any objection to coming to Ottawa to meet with the Committee, following upon your statement that two or three chief electoral officers did so refuse.

**Mr. Francis:** Mr. Chairman, I would like to comment here.

**The Chairman:** Yes.

**Mr. Francis:** The first thing is that our witness is not an elected representative. He is a civil servant. He is in a very different category when this type of question is asked. I think I understand quite well what is behind Mr. Howard's question.

We are breaking a pattern for committee work. I personally do not believe our committees should be in the United States style of congressional investigation. We have seen a good deal of this before the television cameras and so on. I think it would be a very grave mistake if we were to follow that pattern.

I personally feel that this type of question is a very proper question for Mr. Howard to put to the parties involved when we get back to Ottawa. I personally would be very reluc-

[Interpretation]

**M. Hamel:** Dans les régions rurales, tant que les dispositions de la loi seront les mêmes, c'est-à-dire que nous devons ouvrir, je voudrais demander si M. Whalan ou ville dont la population compte 1,000 habitants ou plus, nous aurons parfois des bureaux provisoires où personne ne vote, ou seulement une ou deux. L'auditeur général a critiqué cette pratique en disant qu'elle était coûteuse. Je ne crois pas que M. Castonguay ait jamais présenté cette suggestion au Comité car il s'est ravisé par la suite. La seule question est la suivante: qui assumera la responsabilité du dépouillement, car au bureau provisoire, il y a un scrutateur, un secrétaire d'élection et des représentants des partis. Qui contrôlera le dépouillement des votes? Si vous réunissez les urnes, qui sera le responsable. Quels seront les représentants? Certains pourraient penser qu'on a pu manipuler indûment les urnes. C'est le seul problème. De deux maux, il faut choisir le moindre.

**Le président:** Monsieur Howard.

**M. Howard (Skeena):** Monsieur le président, je voudrais demander si M. Whalan ou à quelqu'un de son bureau, a refusé de venir à Ottawa devant le comité, car vous avez dit, monsieur le président, que deux ou trois présidents d'élection avaient refusé.

**M. Francis:** J'aimerais donner mon avis à ce sujet.

**Le président:** Oui.

**M. Francis:** Premièrement, notre témoin n'est pas un représentant élu. Il est un fonctionnaire. Il est dans une catégorie très différente pour répondre à cette sorte de question. Personnellement, je ne crois pas que nos comités devraient se comporter comme les comités sénatoriaux aux États-Unis. Nous avons vu à la télévision comment ils se comportent. Ce serait une grave erreur que de suivre cette ligne de conduite. Personnellement, ce genre de question est une question que M. Howard pourrait très bien poser à Ottawa lorsque nous serons de retour.

Personnellement, je verrais d'un mauvais œil un témoin répondre à une question semblable. Je crois qu'il faudrait tenir note de la présence au Comité. Si un membre est



[Texte]

tant to see a witness requested to answer this line of questioning, this type of questioning, at this time.

I think there should be an attendance record of the Committee. I think if a member is here for 15 minutes, that should be recorded in the minutes of the Committee. But that is going into a subject that does not really involve this witness, and I suggest that this line of questioning is not the kind of thing that I would like to see the Committee undertake with this witness.

**Mr. Howard (Skeena):** Mr. Chairman, I assume Mr. Francis has raised a point of order, and I would like to express my thoughts about it. Without making reference to the rather slight innuendo in the comments, apart from that the question, Mr. Francis, was posed to Mr. Chairman, because it was the Chairman of the Committee who two days ago volunteered the information to the Committee, without query about it, that one of the reasons why the Committee had to come to Quebec and Halifax and Fredericton to meet only chief electoral officers or their staffs and thus entail a fair amount of expense—and this is one thing I am concerned about—was that two or three chief electoral officers had refused to come to Ottawa. I am simply inquiring of you, Mr. Chairman, not of Mr. Whalan, but of you, whether or not that is the case, and whether your statement that two or three chief electoral officers did refuse to come to Ottawa to meet with the Committee is applicable here in Fredericton.

**Mr. Francis:** Well, I just think that this is not a line of questioning to which the witness should be subjected. I am going to raise a fundamental point of order. I do not think the witness should be requested by this Committee to answer that question. I am raising it now.

**Mr. Howard (Skeena):** If I could underline that, Mr. Chairman, I wish Francis would get it clear in his head that I am not asking Mr. Whalan; I am asking the Chairman of this Committee, who volunteered to this Committee the information that two or three chief electoral officers refused to come to Ottawa to meet with the Committee and thus entailed the spending of—I do not know how much—\$9,000. or \$10,000. to meet them in three provincial capitals.

**Mr. Francis:** I think you have made the point every day in every hearing, Mr. Howard, and I am going to come back and say this...

[Interprétation]

présent pendant 15 minutes, cela devrait être inscrit au compte rendu. Mais le sujet dont nous parlons n'implique pas le témoin et je prétends que des questions de ce genre ne devraient pas être posées.

**M. Howard (Skeena):** Je suppose que M. Francis a invoqué le Règlement et j'aimerais donner mon opinion à ce sujet. Sans me reporter aux insinuations, la question avait été posée au président du Comité qui, il y a deux jours, nous a donné ces renseignements. Il a dit que la raison pour laquelle le Comité devait venir à Québec et à Halifax et à Fredericton était pour rencontrer le président des élections et leur personnel (ce qui représente de fortes dépenses) et que deux ou trois directeurs des élections avaient refusé de venir à Ottawa. Je voudrais vous demander, monsieur le président, à vous et non à M. Whalan, si c'est bien vrai et si ce que vous avez dit est vrai pour Fredericton.

**M. Francis:** Je crois que nous ne devrions pas pouvoir poser de telles questions au témoin. J'entends invoquer le Règlement. J'estime que le témoin ne devrait pas être prié de répondre à une question semblable.

**M. Howard (Skeena):** Je voudrais que M. Francis le comprenne, je demande au président du Comité qui a bien voulu nous informer que deux ou trois présidents généraux des élections avaient refusé de venir à Ottawa. Voilà pourquoi nous dépensons environ \$10,000 pour les rencontrer dans trois capitales provinciales.

**M. Francis:** Cette question est soulevée à chaque réunion monsieur Howard et je vais dire...



[Text]

**Mr. Howard (Skeena):** I will say it again, regardless of whether you like it or not.

**Mr. Francis:** That is fine; I have no doubt...

**Mr. Howard (Skeena):** What can it be that you are trying to cover up other than the old incompetence of your party?

**The Chairman:** Order; order, please.

A l'ordre! Je pense que la question de M. Howard devrait m'être posée. J'avais pensé tout simplement pouvoir y répondre à la suite du témoignage de notre témoin, alors que nous discuterons de choses qui concernent le comité lui-même.

J'ai lu certains commentaires et il y a certaines précisions que je veux donner immédiatement pour ne pas être mal interprété; je veux être clairement cité. Personnellement, je n'ai fait aucune démarche directe auprès des présidents d'élection des provinces. Après que le Comité eut décidé d'aller rencontrer les présidents d'élection des provinces, on m'a fait remarquer que nous aurions des difficultés et que certains présidents d'élection de diverses provinces, comme la province de l'Ontario, préféreraient que nous allions les rencontrer chez eux. Certains présidents d'élection eux-mêmes ont fait savoir qu'il y avait certaines difficultés à ce qu'ils se rendent à Ottawa pour témoigner et cela, après que le comité eut décidé d'aller les rencontrer sur place.

Ainsi, ce que j'ai dit à Québec n'a pas été une condition ou une raison déterminante du voyage que le Comité a décidé d'entreprendre, mais simplement un incident. A ce sujet, je voudrais dire à mon collègue, M. Howard, que si j'ai pu dire à Québec, dans la langue qui n'est pas la mienne, que la raison pour laquelle nous étions en tournée pour rencontrer les présidents d'élection était simplement que certains d'entre eux ne voulaient pas venir à Ottawa, j'ai l'impression qu'à ce moment-là, j'ai été mal interprété, j'ai été mal compris.

C'est pourquoi, j'exprime clairement et simplement dans ma langue que ces événements m'ont été rapportés après que le Comité eut décidé d'entreprendre le voyage. Le sous-comité de l'ordre du jour et de la procédure s'est réuni et il fut décidé d'entreprendre simplement une partie de ce voyage-là. C'était pour voir de quelle façon le tout pourrait fonctionner et pour voir de quelle façon nous pourrions obtenir les renseignements qui vont nous permettre d'étudier la refonte de notre loi. Quant au reste, je

[Interpretation]

**M. Howard:** Je vais le répéter, que cela vous plaise ou non.

**M. Francis:** Très bien, je ne doute pas...

**M. Howard (Skeena):** Se pourrait-il que vous essayez de dissimuler autre chose que l'incompétence reconnue de votre parti?

**Le président:** Messieurs, à l'ordre s'il-vous-plait.

**The Chairman:** Order, please I think Mr. Howard's question ought to be put. I simply thought that I might have been able to answer this after we had listened to this witness, when we would be discussing matters of interest to the Committee itself. I have read certain comments and these are some details that I wish to give immediately so that I will not be misinterpreted. I want to be quoted correctly. Personally, I did not make any direct approaches with respect to the Chief Electoral Officers of the provinces. After the Committee had decided to go and meet the Chief Electoral Officers of the provinces, I was told that we would have difficulties and that some Chief Electoral Officers of various provinces, such as Ontario, would prefer that we meet them in their own provinces. Some Chief Electoral Officers told us that difficulties would arise if they were to come to Ottawa to give evidence, and they told us this after the Committee had decided to go and see them.

Hence, what I said in Quebec City was not a determining condition or reason for the trip which the Committee decided to make, but simply an incident. I wish to tell my colleague, Mr. Howard, in this regard, that if what I said in English which is not my own language, while in Quebec City, was made to sound as though the reason why we were taking the trip to meet the Chief Electoral Officers was simply because some of them did not want to come to Ottawa, then I have the impression that I was not properly interpreted.

That is the reason why I am saying simply and clearly, in my own language, that these events were reported to me after the Committee had decided to make the trip. The Subcommittee on Agenda and Procedure met and it was decided that only part of this trip would be made. I was to see how everything could operate and to see how we could get the information that will enable us to study the revision of the Canada Elections Act. Insofar as the rest is concerned, I shall inform you later on, after having heard the witness.



[Texte]

réserve mes informations pour tout à l'heure, après que nous aurons entendu les témoignages.

Excuse these incidents, witness. Perhaps we should get back to the purpose of our meeting with the present witness. I will call on the members who have questions of the witness. Mr. Jerome?

**Mr. Jerome:** Mr. Chairman, if I may begin the questioning, I wonder if...

**Mr. Howard (Skeena):** If you had done that earlier perhaps we would not have got into so much difficulty, with respect.

**Mr. Jerome:** Mr. Chairman, in my recollection, in our visits to Quebec and to Nova Scotia we have run across a number of differences between their election acts and proceedings and those of the federal government. Could this witness comment on some of these areas?

Aside from the plebiscite here on the voting age, I am thinking particularly of the very interesting information we got yesterday about proxy-voting in Nova Scotia, or, alternatively, the effort of this provincial government to see to it that, for example, people in hospitals are enabled to vote on election day. This is a matter with which I have been concerned since I first got on this Committee. In my opinion, the proxy system in Nova Scotia offers the best opportunity for people in hospital being able to cast their ballot, of any I have seen so far. Could Mr. Whalan comment on whether or not they take any steps to see to it that people who are in hospitals during the course of an election can vote, and whether or not they have considered the possibility of proxy-voting of any sort.

**Mr. Whalan:** First of all, we have made every effort to accommodate every electorate in the province, by setting up polls, regardless of numbers, to ensure that anyone capable of voting will have an opportunity to vote.

On the second question of proxy-voting, I certainly am not aware of any effort made to entertain that idea.

**Mr. Jerome:** Could you, then, enlarge on what steps the Province of New Brunswick has taken to see to it, for example, that people in hospitals are enabled to vote? Is there any effort to see, for example, that they are enabled to cast a ballot in their own constituency rather than in the hospital that the constituency is in?

**Mr. Whalan:** They are enumerated in the hospital in which they are confined and they vote in that polling division, so to speak.

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[Interprétation]

Et je prie le témoin d'excuser cet incident. Revenons-en au but de notre rencontre avec le témoin d'aujourd'hui. Je voudrais passer la parole aux membres du Comité qui veulent poser des questions au témoin. Monsieur Jerome?

**M. Jerome:** Monsieur le président, si je puis commencer, je me demande si...

**M. Howard (Skeena):** Avec tout le respect que je vous dois, si vous aviez parlé ainsi plus tôt, nous n'aurions pas eu toutes ces difficultés.

**M. Jerome:** Lors de notre visite au Québec et en Nouvelle-Écosse nous avons constaté plusieurs différences entre leur loi électorale et celle du gouvernement fédéral. Peut-on demander à notre témoin de nous parler de ces différences? A part le référendum concernant l'âge de vote, je pense particulièrement aux commentaires très intéressants que nous avons entendus hier à propos du vote par procuration en Nouvelle-Écosse et des efforts du gouvernement provincial qui veut s'assurer que les hospitalisés puissent voter le jour des élections. C'est une question qui m'intéresse depuis que je suis membre du Comité. Et quant à moi, le système de vote par procuration préconisé par la Nouvelle-Écosse donne vraiment aux hospitalisés la meilleure chance possible de voter. Est-ce que M. Whalan pourrait nous dire si sa province a pris des mesures pour que les hospitalisés puissent voter et a considéré la possibilité d'introduire le système de vote par procuration?

**M. Whalan:** Premièrement, nous prenons toutes les mesures voulues pour que tout le monde puisse voter en organisant un nombre suffisant de bureaux de vote pour que tous les électeurs puissent exercer leur droit. Quant aux votes par procuration, je ne suis pas au courant de ce qui se fait dans ce domaine.

**M. Jerome:** Quelles mesures le Nouveau-Brunswick a-t-il prises pour que les hospitalisés puissent voter. Est-ce qu'ils peuvent voter dans leur circonscription ou dans celle où est situé l'hôpital?

**M. Whalan:** Ils sont dénombrés dans les hôpitaux où ils se trouvent de sorte qu'ils votent dans la circonscription de l'hôpital.



[Text]

**Mr. Jerome:** To all intents and purposes, then, you make them residents of the hospital?

**Mr. Whalan:** That is right.

**Mr. Jerome:** Is there a ballot box in every hospital on election day?

**Mr. Whalan:** Yes, wherever it was felt that there was controversy, either in the electorate or in the parties—regardless of whom.

**Mr. Jerome:** How many hospitals are there in New Brunswick, sir?

**Mr. Whalan:** I would not be able to tell you offhand—I would not be able to begin to tell you.

**Mr. Jerome:** I suppose they will be located principally in Fredericton and Moncton?

**Mr. Whalan:** No; we have rural hospital. We have a very large hospital in Caraquet, for instance, and we have one in Ste Anne de Kent, about 50 miles north of Moncton, in a very rural area.

**Mr. Jerome:** Let me put it this way: Are there hospitals in the Province of New Brunswick that are too small to have a polling station in them?

**Mr. Whalan:** No.

**Mr. Jerome:** Then you have a polling station in every hospital?

**Mr. Whalan:** We have a polling station wherever we are asked; or even if there is a semblance of a question, we set up a polling station. We try to, and do, accommodate every electorate, regardless of how many are involved in that poll.

**Mr. Jerome:** Therefore, anyone who is going to be, or anticipates that they will be, in hospital on voting day should, in your opinion, be enabled to be registered as a resident of the hospital and vote there?

**Mr. Whalan:** He would have to be enumerated in, and a resident of, that hospital; that is right. He could not vote in another area if he was resident in a hospital. For example, he could not vote for the electorate in Restigouche if he was confined in Moncton.

**Mr. Jerome:** I think we all recognize that one of the weaknesses of this system is that it deprives the man of the right to vote in his own home riding, if that is important to him. But we all recognize that.

Does your system then require that the elector be in the hospital both on the date of enumeration and on the voting day?

[Interpretation]

**M. Jerome:** Par conséquent, ils sont donc considérés comme résidents de l'hôpital?

**M. Whalan:** Oui.

**M. Jerome:** Y a-t-il une urne dans chaque hôpital le jour de l'élection?

**M. Whalan:** Oui. Chaque fois qu'il y controverse ou entre les partis ou entre les électeurs.

**M. Jerome:** Combien y a-t-il d'hôpitaux au Nouveau-Brunswick?

**M. Whalan:** Je ne puis pas vous le dire au pied levé.

**M. Jerome:** Je suppose qu'ils se trouvent surtout à Fredericton et Moncton?

**M. Whalan:** Non, nous avons des hôpitaux de campagne. Caraquet a un hôpital important, de même que Ste Anne-de-Kent, à 50 milles au nord de Moncton environ. C'est un secteur rural.

**M. Jerome:** Ce sont des hôpitaux ruraux?

Est-ce qu'il y a des hôpitaux ruraux qui sont trop petits pour avoir un bureau de vote.

**M. Whalan:** Non.

**M. Jerome:** Vous avez donc un bureau de vote dans tous les hôpitaux.

**M. Whalan:** Chaque fois qu'on en fait la demande, ou que nous prévoyons des différends. Nous cherchons à satisfaire tous les électeurs.

**M. Jerome:** De sorte que quiconque s'attend à être à l'hôpital le jour des élections devrait être enregistré comme résident de l'hôpital?

**M. Whalan:** Il doit être énuméré comme résident de cet hôpital. Il ne peut voter ailleurs s'il est décrété résident de l'hôpital. Par exemple, il ne peut voter à Restigouche s'il est hospitalisé à Moncton.

**M. Jerome:** Nous reconnaissons tous que une des faiblesses du système c'est qu'il prive l'électeur du droit de voter dans sa propre circonscription. Est-ce que l'hospitalisé doit se trouver à l'hôpital et le jour de l'énumération et le jour du scrutin?



[Texte]

**Mr. Whalan:** It would have to be that way under our system.

**Mr. Jerome:** So that if he is enumerated...

**Mr. Whalan:** He would have to be a resident in that particular electoral riding in order to be enumerated.

**Mr. Jerome:** If he is resident at home during the time of enumeration, which, I suppose, is about six weeks before election...

**Mr. Whalan:** About that, yes.

**Mr. Jerome:** ...and in the intervening time is called into hospital, he would not then be able to cast his ballot in the hospital?

**Mr. Whalan:** He would not be, no.

**Mr. Jerome:** And if he is not out of the hospital on election day he cannot go home and cast it?

**Mr. Whalan:** If it was a rural area, under our system, he could take an affidavit and vote in that electoral riding; but he could not vote for the candidate in his home constituency. He would have to vote for the candidate in the hospital. I am thinking now, for instance, of the hospital in Kent County which is classified as rural. If a patient from, say, Saint John went to Kent, and was enumerated in Saint John and being confined in Kent County, he could not vote in Saint John. He would not be able to get back. He could vote in Kent County, under affidavit, but he could not vote for his members in Saint John. He would have to vote for the members in Kent County.

**Mr. Jerome:** In any event, this privilege, with whatever difficulties it may pose, is available only to rural residents?

**Mr. Whalan:** On affidavit.

**Mr. Jerome:** Yes.

**Mr. Whalan:** In the urban areas they cannot. They have to be on the voters' list up to revision. Revision is the final day.

**Mr. Jerome:** For example, in your provincial capital here, how many counties do you have, or how many electoral districts?

**Mr. Whalan:** Twenty-two.

**Mr. Jerome:** Two?

**Mr. Whalan:** Twenty-two. Here in...

**Mr. Jerome:** Here in Fredericton.

**Mr. Whalan:** In Fredericton; we have two elected members in the City of Fredericton.

[Interprétation]

**M. Whalan:** Il en serait ainsi dans ce système.

**M. Jerome:** De sorte que s'il est démontré...

**M. Whalan:** Il lui faudra résider dans cette circonscription le jour de l'énumération.

**M. Jerome:** S'il habite chez lui lors de l'énumération—c'est environ six semaines avant les élections, je crois...

**M. Whalan:** Environ, oui.

**M. Jerome:** Et qu'entre-temps il est appelé à l'hôpital, il ne pourrait pas voter à l'hôpital?

**M. Whalan:** Non.

**M. Jerome:** Et s'il n'est pas sorti de l'hôpital le jour du scrutin, il ne pourra pas rentrer chez lui pour voter?

**M. Whalan:** Si c'est une région rurale, il pourrait prendre un affidavit et voter dans sa circonscription, mais il ne pourrait pas voter pour le candidat de la circonscription où il réside. Il devra voter pour le candidat du district de l'Hôpital. Par exemple, l'hôpital de comté de Kent est un hôpital rural. Supposons qu'un malade de St-Jean, après avoir été énuméré à St-Jean, est hospitalisé à Kent, il ne pourra pas voter à St-Jean. Il pourra voter dans le comté de Kent, sur affidavit, pas pour son député de St-Jean mais pour le député qui se présente dans le comté de Kent.

**M. Jerome:** Et ce privilège, quelles que soient les difficultés qu'il comporte n'est à la disposition que des résidents ruraux.

**M. Whalan:** Sur affidavit.

**M. Jerome:** Oui.

**M. Whalan:** Dans les villes, non. Ils doivent être inscrits sur la liste, jusqu'au jour de la révision qui est le dernier jour.

**M. Jerome:** Par exemple, dans votre capitale provinciale, combien de districts électoraux avez-vous?

**M. Whalan:** Vingt-deux.

**M. Jerome:** Deux?

**M. Whalan:** Vingt-deux. Ici à...?

**M. Jerome:** Ici à Fredericton.

**M. Whalan:** A Fredericton; nous élisons deux députés dans la Cité de Fredericton.



[Text]

**Mr. Jerome:** And what about Moncton?

**Mr. Whalan:** Four.

**Mr. Jerome:** In Moncton, then, if a person living in one of the three constituencies other than the one where the hospital is located was enumerated at home and wound up in hospital on or near the election day—principally, of course, on election day—he would not be able to vote?

**Mr. Whalan:** In the electoral riding of Moncton?

**Mr. Jerome:** Yes.

**Mr. Whalan:** It would not matter where he lived in Moncton. He could still vote for his four representatives.

**Mr. Benjamin:** It is a four-member seat?

**Mr. Whalan:** That is right.

**Mr. Jerome:** All right. That is a peculiarity in that city that does not exist in the rest of the country.

**Mr. Whalan:** You are thinking about individual representation. I think that is what you are talking about.

**Mr. Jerome:** Then you do not have the problem in Moncton, and you have only two constituencies in Fredericton. The rest of...

**Mr. Whalan:** There is only one constituency. Fredericton is a riding by itself.

**An hon. Member:** Two members.

**Mr. Whalan:** Two members.

**Mr. Jerome:** Two members again; and the rest of it is rural; so that...

**Mr. Whalan:** There is York County. Fredericton is in York County, for instance. There is the electoral riding of Fredericton, and there is the electoral riding of York, and each has two members. York has two members and the City of Fredericton has two members.

**Mr. Jerome:** What about Saint John?

**Mr. Whalan:** Saint John is divided into three districts. Saint John Centre is the metropolitan district, and has four members; and Saint John East and Saint John West each has one.

**Mr. Jerome:** Hospital voting obviously is not as serious a problem in New Brunswick...

[Interpretation]

**M. Jerome:** Et à Moncton?

**M. Whalan:** Quatre.

**M. Jerome:** A Moncton, si une personne vit dans une des trois circonscriptions autre que celle de l'hôpital, qu'elle a été énumérée à la maison et qu'elle se retrouve à l'hôpital le jour des élections, elle ne pourrait pas voter?

**M. Whalan:** Dans la circonscription électorale de Moncton?

**M. Jerome:** Oui.

**M. Whalan:** Il importe peu où cette personne vit à Moncton. Elle pourra toujours voter pour un de vos quatre représentants.

**M. Benjamin:** C'est une ville à quatre députés?

**M. Whalan:** C'est exact.

**M. Jerome:** C'est une particularité qui n'existe pas ailleurs au pays.

**M. Whalan:** Est-ce que vous pensez à la représentation individuelle?

**M. Jerome:** Alors vous n'avez pas ce problème à Moncton et vous n'avez que deux circonscriptions à Fredericton.

**M. Whalan:** Une seulement.

**Une voix:** Il y a deux députés.

**M. Whalan:** Deux députés.

**M. Jerome:** Deux représentants, le reste est rural.

**M. Whalan:** Il y a le comté de York. Fredericton se trouve dans le comté de York. Il y a le district électoral de Fredericton et celui de York. Chacun des deux a deux représentants.

**M. Jerome:** Et St-Jean?

**M. Whalan:** St-Jean est divisé en trois districts électoraux: le centre métropolitain qui a quatre représentants, St-Jean-Est, St-Jean-Ouest qui ont chacun un représentant.

**M. Jerome:** Ce vote à l'hôpital n'est pas un problème très important au Nouveau-Brunswick.



[Texte]

**Mr. Whalan:** It has never been a problem. There may be individual problems which we were not able to overcome, perhaps because we were not notified in time to accommodate them. But it has not been a problem.

**Mr. Jerome:** I am sorry, Mr. Chairman. This is my last question. In New Brunswick can a person who anticipates being in hospital during the course of an election vote at an advance poll?

**Mr. Whalan:** Yes.

**Mr. Jerome:** That is all. Thank you, sir.

**Mr. Macquarrie:** I am going on to another subject, unless someone wants to talk further about hospitals.

**An hon. Member:** I think Mr. Lefebvre had a question.

**Mr. Lefebvre:** No; it was on another subject.

**Mr. Macquarrie:** I gather from your Elections Act, Mr. Whalan—which I have not read as fully as I should—that you have made some changes recently in your ballots—their form and their distribution. My recollection is that in New Brunswick there was an involvement of party people—party representatives—with the actual distribution or presentation of a ballot to an incoming voter on election day. Do you have any of that, or did you make a change recently?

**Mr. Whalan:** The ballot has been changed. We have a ballot similar to the federal ballot.

**Mr. Macquarrie:** What was it like previously?

**Mr. Whalan:** I do not recall, actually. You see I am new here since 1967, the first election I ran, so I am not too familiar with what the form was. As a matter of fact, they had no permanent seat such as Gloucester prior to 1967, and now they have. All documents more or less went by the board when the election was over.

**Mr. Macquarrie:** My recollection is—and I think they had this fantastic system in the Third Republic of France long ago—that at polls representatives of parties would have some role in assisting in distributing the ballots.

**Mr. Whalan:** Not to my knowledge here; because I remember working as a D.R.O. at elections and that problem never existed.

[Interprétation]

**M. Whalan:** Au Nouveau-Brunswick, non. Il peut y avoir des problèmes particuliers qu'on ne peut pas surmonter, faute de préavis. Mais ce n'est généralement pas un problème.

**M. Jérôme:** Ma dernière question. Est-ce qu'une personne au Nouveau-Brunswick qui s'attend à être à l'hôpital le jour des élections peut voter à un bureau provisoire?

**M. Whalan:** Oui.

**M. Jérôme:** C'est tout. Je vous remercie, monsieur.

**M. Macquarrie:** Je vais aborder un autre sujet, à moins que quelqu'un veuille encore parler des hôpitaux.

**Une voix:** Je crois que M. Lefebvre a une question.

**M. Lefebvre:** Non, c'était sur un autre sujet.

**M. Macquarrie:** Au sujet de votre loi électorale que je n'ai pas étudiée aussi à fond que je l'aurais dû, je crois que vous avez récemment apporté certaines modifications aux bulletins de vote et à leur distribution. Si je me souviens bien, au Nouveau-Brunswick, des représentants de partis ont été impliqués dans la présentation d'un bulletin à un électeur le jour du scrutin. Est-ce arrivé ou si vous avez récemment effectué des changements?

**M. Whalan:** La forme du bulletin a été changée. Nous avons des bulletins semblables à ceux du fédéral.

**M. Macquarrie:** Comment était-il avant?

**M. Whalan:** Je ne m'en souviens pas. J'ai été nommé en 1967 seulement, et je suis nouveau dans le domaine. En fait, il n'y avait pas de siège permanent comme Gloucester avant 1967. Nous en avons un maintenant. Tous les documents étaient plus ou moins mis de côté lorsque l'élection était finie.

**M. Macquarrie:** Si je me souviens bien—et je pense que ce système fantastique a existé dans la troisième République française il y a longtemps—les représentants du parti au bureau de votation devaient aider à la distribution des bulletins.

**M. Whalan:** Pas ici à ma connaissance. Ce problème n'a jamais existé lors des élections où j'ai travaillé.



[Text]

**Mr. Macquarrie:** Did you always use official ballots?

**Mr. Whalan:** It was an official ballot—a booklet—and it was torn off and folded and handed to the elector, and he marked it and returned it to the D.R.O. who placed it in the box.

**Mr. Macquarrie:** In my recollection it was the opposite, when I was living in Sackville. But we will have to look into that. In any case, I do not see it here so that it is not a problem we need to worry about.

**The Chairman:** Do you have the party affiliations on your ballots?

**Mr. Whalan:** Yes; the name of the party. This is the official ballot.

**Mr. Francis:** What is on the official ballot?

**Mr. Whalan:** The name of the candidate.

**Mr. Francis:** The name of the candidate.

**Mr. Whalan:** As it appears on the nomination papers.

**Mr. Francis:** And the name of the party?

**Mr. Whalan:** And the name of the party.

**Mr. Francis:** Any occupation?

**Mr. Whalan:** Occupation and address.

**Mr. Lefebvre:** Do you have other copies of the Act?

**Mr. Whalan:** I have. I was saying before I came in here that I should have brought extra copies and distributed them. I have plenty of them. I will do that. My clerk is not in at the moment. He will not be in until 1.45 p.m.

**Mr. Forrestall:** Do you adhere throughout, Mr. Whalan, to the alphabetical form?

**Mr. Whalan:** That is right. They are placed on the ballot alphabetically.

**Mr. Forrestall:** Completely alphabetically, by the name of the party?

**Mr. Whalan:** That is right.

**Mr. Forrestall:** If a party had a name beginning with "A" it would be on top of the ballot?

**Mr. Whalan:** Am I following you correctly, now? Under the Liberal banner, for instance, the names appearing on that ballot...

[Interpretation]

**M. Macquarrie:** Est-ce que vous avez toujours eu des bulletins de vote officiels?

**M. Whalan:** Oui. C'était un bulletin officiel qu'on détachait d'un livret. On donnait ce bulletin plié à l'électeur. Celui-ci y indiquait son choix et le remettait au surveillant du scrutin qui le jetait dans la boîte.

**M. Macquarrie:** Si mes souvenirs sont fidèles, c'était l'opposé quand je demeurais à Sackville. De toute façon, je ne vois pas cette disposition dans la Loi, de sorte que nous pouvons passer à autre chose.

**Le président:** Est-ce que les affiliations politiques sont indiquées sur les bulletins de vote?

**M. Whalan:** Oui, le nom des partis figure sur le bulletin de vote.

**M. Francis:** Qu'y a-t-il sur le bulletin de vote?

**M. Whalan:** Le nom du candidat.

**M. Francis:** Le nom du candidat...

**M. Whalan:** ... paraissant dans les documents de mise en nomination.

**M. Francis:** Et le nom du parti?

**M. Whalan:** Et le nom du parti.

**M. Francis:** On indique la profession?

**M. Whalan:** La profession et l'adresse.

**M. Lefebvre:** Avez-vous d'autres exemplaires de la Loi?

**M. Whalan:** J'en ai. Si j'avais su, j'en aurais apporté d'autres exemplaires, que j'aurais distribués. Nous en aurons cet après-midi.

**M. Forrestall:** Vous en tenez-vous, monsieur Whalan, à un ordre alphabétique?

**M. Whalan:** C'est ça. Les noms sont placés par ordre alphabétique.

**M. Forrestall:** Par ordre alphabétique et en indiquant le nom du parti?

**M. Whalan:** C'est bien ça.

**M. Forrestall:** Si le nom du parti commence par «A», il est placé au début.

**M. Whalan:** Est-ce que je vous suis bien? Pour le parti libéral par exemple, les noms figurant sur le bulletin de vote...

## [Texte]

**Mr. Forrestall:** Why are the Liberal candidates at the top of the ballot?

**Mr. Whalan:** I cannot tell you that.

**Mr. Forrestall:** Perhaps not; but it happens that "L" comes before "P" but there is the "I" for the independent candidate.

**Mr. Lefebvre:** It may be in the Act that the government party is first on the ballot.

**Mr. Whalan:** No; this is the official ballot. If the government changed tomorrow it would still remain the same unless they changed the Act.

**Mr. Macquarrie:** I suppose if the Progressive Conservatives changed their name to "Conservatives" they would get top spot forever?

**Mr. Whalan:** They would be eliminated. They would have to change the Act in order to change that ballot. This is the way it was drafted. I was not apprised of the drafting of this Act. The hon. Mr. Michaud was the drafter of this Act. Presumably it would be...

**Mr. Lefebvre:** Would it have anything to do with the fact that the name of the top Liberal candidate starts with a "D", which is the first letter, and then they go on from there?

**Mr. Whalan:** No, the names of the candidates are filed alphabetically—appear alphabetically. The names of the candidates appearing on the ballot appear alphabetically.

**Mr. Lefebvre:** Yes. In this specimen here the Liberal candidate is Joseph Black.

**Mr. Whalan:** We go by the surname, though.

**An hon. Member:** It does not matter though.

**Mr. Jerome:** It is the same for every riding.

**Mr. Francis:** In other words, the alphabetical order of the first letters of the candidates' names determines the position on the ballot?

**Mr. Whalan:** The surname.

**Mr. Francis:** Yes. In other words, it is not the party that appears first?

**An hon. Member:** No; this is what he is saying.

## [Interprétation]

**M. Forrestall:** Pourquoi les candidats du parti libéral figurent-ils en premier sur le bulletin?

**M. Whalan:** Je ne saurais vous le dire.

**M. Forrestall:** Peut-être que vous ne pouvez pas. Il est vrai que «L» précède «P», mais il y a le «I» pour le candidat indépendant.

**M. Lefebvre:** Il se peut que les dispositions de la Loi prévoient que le parti gouvernemental figure en premier sur le bulletin.

**M. Whalan:** Non, il s'agit du bulletin de vote officiel. Même si l'on changeait de gouvernement, il en serait encore ainsi, à moins qu'on n'apporte une modification à la Loi.

**M. Macquarrie:** Je suppose que si les progressifs conservateurs changeaient de nom pour ne s'appeler que «Conservateurs» ils seraient au sommet de la liste à jamais.

**M. Whalan:** Il faudrait que la Loi soit modifiée pour en arriver là. Je ne connais pas la teneur de cette Loi. L'honorable M. Michaud en a été le rédacteur.

**M. Lefebvre:** Serait-ce parce que le nom du premier candidat libéral commence pas un «D»?

**M. Whalan:** Les noms des candidats y figurent dans l'ordre alphabétique.

**M. Lefebvre:** Dans le modèle que nous avons sous les yeux, le nom du candidat libéral est Joseph Black.

**M. Whalan:** Cela va d'après le nom de famille.

**Une voix:** Peu importe.

**M. Jerome:** De toute façon, c'est la même chose pour toutes les circonscriptions?

**M. Francis:** Non. La première lettre du nom du candidat détermine la place qu'il occupe sur le bulletin?

**M. Whalan:** Le nom de famille.

**M. Francis:** Autrement dit, ce n'est pas le parti qui figure en premier?

**Une voix:** Non, c'est ce qu'il dit.



[Text]

**Mr. Whalan:** That is what I am saying, yes. Mr. Black is the first one on the ballot...

**Mr. Francis:** In other words, if you have a candidate whose surname begins with "A" he appears first on the ballot?

**An hon. Member:** Mr. Black was the Conservative...

**Mr. Macquarrie:** I thought they were alphabetical as to the party and then, within that, alphabetical relative to the candidate.

**Mr. Whalan:** Within the party they are alphabetical. I cannot speak for the reason for the Liberals and the Progressive Conservatives being in that order.

**Mr. Francis:** I am basically confused on something that appears simple. Perhaps it is just me. Is there a set order in which the parties' candidates will appear on the ballot? For example, will the name of the government candidate invariably be the first one on the ballot?

**Mr. Whalan:** Not necessarily; as I say again, this was to be the official ballot. It was drafted that way.

**Mr. Francis:** In other words, in your opinion the Act has been written in such a way as to determine which party's candidate will appear first on the ballots.

**Mr. Whalan:** Apparently so.

**Mr. Francis:** I wanted to clarify that. That is all.

**Mr. Jerome:** May I ask a supplementary on this, Mr. Chairman?

**The Chairman:** Yes. Mr. Jerome on a supplementary.

**Mr. Jerome:** This ballot, of course, is obviously designed for Fredericton where you elect two members. Everybody votes for two. In Moncton do you have a ballot that would show four members under the Liberal heading?

**Mr. Whalan:** That is right.

**Mr. Jerome:** In the rest of the constituencies, where you vote for only one member, do you still divide it up into the Liberal Party and then put one member for the Conservatives and then any other independents?

**Mr. Whalan:** That is right.

**Mr. Jerome:** Thank you.

[Interpretation]

**M. Whalan:** C'est ce que j'ai dit. Le nom de M. Black vient en premier sur le bulletin.

**M. Francis:** Si le candidat a un nom qui commence par «A», il est le premier sur le bulletin?

**Une voix:** M. Black est du parti conservateur...

**M. Macquarrie:** Je croyais que l'ordre alphabétique s'appliquait au parti d'abord, puis suivait le nom des candidats.

**M. Whalan:** Dans le cadre du parti, les noms figurent dans l'ordre alphabétique. Je ne puis dire pourquoi les choses en sont ainsi avec les libéraux et les progressistes conservateurs.

**M. Francis:** Il y a quelque chose de bien simple, mais que je ne comprends pas. Y a-t-il un ordre définitif dans lequel les candidats des partis figurent sur le bulletin de vote? Est-ce que le nom du candidat du gouvernement figure en premier?

**M. Whalan:** Pas nécessairement. Je l'ai dit, ceci est le bulletin officiel; il a été fait de cette façon.

**M. Francis:** Autrement dit, vous croyez que la Loi a été rédigée de façon à déterminer quel candidat d'un parti apparaîtra en premier sur les bulletins.

**M. Whalan:** Il semblerait.

**M. Francis:** Je voulais des précisions. C'est tout.

**M. Jerome:** Puis-je poser une question supplémentaire à ce sujet, monsieur le président?

**Le président:** Vous le pouvez.

**M. Jerome:** Il va de soi que ce bulletin était pour Fredericton où vous éliez deux députés. Est-ce qu'à Moncton le bulletin porterait les noms des quatre candidats pour le parti libéral?

**M. Whalan:** Oui.

**M. Jerome:** Dans les autres circonscriptions électorales, où l'on ne vote que pour un candidat, faites-vous aussi la distinction entre les représentants du parti libéral, du parti conservateur et les indépendants.

**M. Whalan:** Oui.

**M. Jerome:** Merci.



[Texte]

**Mr. Forrestall:** Might I ask a further supplementary on this? Was there a provincial general election in 1967?

**Mr. Whalan:** Yes.

**Mr. Forrestall:** And the plebiscite was conducted at the same time as the provincial general election?

**Mr. Whalan:** Yes.

**Mr. Forrestall:** This ballot was not an integral part of it?

**Mr. Whalan:** It was part of it.

**Mr. Forrestall:** It was on the bottom?

**Mr. Whalan:** That is right.

**Mr. Forrestall:** One piece of paper...

**Mr. Whalan:** One piece of paper—added to the bottom of it; that is right.

**Mr. Forrestall:** Did you find any difficulty in that?

**Mr. Whalan:** No, we had no complaints. I will put it that way. We had no difficulty, and I received no complaints about it.

**Mr. Forrestall:** Is this the actual size of the ballot?

**Mr. Whalan:** That is the actual size.

**Mr. Forrestall:** This is the actual size of the plebiscite, an addition to it?

**Mr. Hamel:** I have a specimen here, Mr. Forrestall.

**Mr. Forrestall:** Had you used the principle of having a plebiscite, or seeking answers to other questions, at the time of a general election previously, or was the 1967 experience the first one?

**Mr. Whalan:** It is the only one I recall. I have no recollection of any others.

**Mr. Macquarrie:** I am sure they were asked for before your time.

**Mr. Whalan:** Perhaps; I do not know.

**An hon. Member:** We all went through that in these provinces. It took a long while to get the right answer, too.

**Mr. Forrestall:** Perhaps, Mr. Hamel, you could comment on that from your background. Is it a practice among provincial governments in Canada to attach other questions when there are general elections?

[Interprétation]

**M. Forrestall:** Autre question supplémentaire. Y a-t-il eu des élections générales provinciales en 1967?

**M. Whalan:** Oui.

**M. Forrestall:** C'est lors de la tenue de ces élections que le plébiscite a eu lieu.

**M. Whalan:** C'est vrai.

**M. Forrestall:** Ce bulletin n'en faisait-il pas partie?

**M. Whalan:** Ce bulletin en faisait partie.

**M. Forrestall:** Il apparaît au bas?

**M. Whalan:** C'est juste.

**M. Forrestall:** C'était une feuille de papier...

**M. Whalan:** Une feuille de papier ajoutée au bas. C'est vrai.

**M. Forrestall:** Est-ce que ceci a posé des problèmes?

**M. Whalan:** Non, il n'y a pas eu de plaintes à ce sujet.

**M. Forrestall:** Est-ce que c'est le format exact?

**M. Whalan:** Oui.

**M. Forrestall:** Il s'agit là du format réel des bulletins de plébiscite?

**M. Hamel:** En voici un exemplaire specimen, M. Forrestall.

**M. Forrestall:** Avez-vous déjà, lors de la tenue d'élections générales, fait appel à la méthode du plébiscite pour obtenir des réponses à d'autres questions? L'expérience de 1967 était-elle la première?

**M. Whalan:** C'est la seule dont je me souviens.

**M. Macquarrie:** Je suis sûr qu'on a dû y recourir auparavant.

**M. Whalan:** Peut-être. Je ne sais pas.

**Une voix:** Ça été la même chose dans ces provinces. La bonne réponse a tardé à venir.

**M. Forrestall:** Je me demande si M. Hamel pourrait nous dire quelque chose à ce sujet, d'après son expérience? Est-ce que, au Canada, les gouvernements provinciaux ont l'habitude d'ajouter d'autres questions au bul-



[Text]

**Mr. Hamel:** In recent years I believe New Brunswick is the only province that has conducted one. In fact, Quebec did not even have any legislation. There was just introduced last week the necessary legislation to make possible in the future the conduct of the referendum, and this is going to be part of the Elections Act, or the Bill that was introduced to amend the Quebec Elections Act. But up to now they did not even have the machinery to do it. I believe we have had two in Canada. One was in 1940 or 1941 and the other was in the 1890's, I believe.

**Mr. Forrestall:** Does our federal act provide for that, or was it a special act?

**Mr. Hamel:** It was special legislation that was passed at that time.

**Mr. Forrestall:** For each question?

**Mr. Hamel:** That is correct.

**Mr. Macquarrie:** On the subject of this plebiscite, Mr. Whalan, I do not understand the last sentence on your second page—that only 50.07 per cent of those of 21 years and older spoke on the questions put before them two years ago.

**Mr. Whalan:** What was your question?

**Mr. Macquarrie:** What does it mean?

**Mr. Whalan:** Fifty per cent of those who voted. That is, out of a possible 313,000 eligible voters in the province 257,000 cast votes, and of those only 50 per cent answered the questions.

**Mr. Macquarrie:** I am taking too liberal a meaning of the word "spoke". Yes; I understand it now.

**Mr. Lefebvre:** After these percentages were compiled was an effort made to find out why, in the rural areas, almost half of the people did not wish to express an opinion on lowering the voting age, compared to roughly 24 per cent in the urban? Why was there such a reluctance? Was any effort made to have a study on this?

**Mr. Whalan:** Not to my knowledge.

**Mr. Lefebvre:** Then, there are certain ridings where the electorate can vote for four different candidates.

[Interpretation]

letin, quand se tiennent des élections générales?

**M. Hamel:** Ces dernières années, je crois que le Nouveau-Brunswick a été la seule province. Le Québec vient justement de passer une loi qui rendra possible la tenue de référendums à l'avenir. Ceci entrera dans le cadre de la Loi sur les élections ou du projet de loi adopté pour modifier la Loi sur les élections. Jusqu'à présent, on n'avait pas l'autorité de le faire. Je crois que, au Canada, nous avons eu deux référendums, un en 1940 ou 1941, l'autre, vers 1890.

**M. Forrestall:** Est-ce que notre loi fédérale a une disposition à ce sujet?

**M. Hamel:** Non. Cela a été une loi spéciale qui a été votée à cette époque-là.

**M. Forrestall:** Dans chaque cas?

**M. Hamel:** C'est juste.

**M. Macquarrie:** Il y a quelque chose que je ne comprends pas au sujet du plébiscite, M. Whalan. A la page 2, vous dites que seulement 50.07 p. 100 des électeurs de 21 ans ou plus se sont prononcés sur les questions qui leur avaient été posées il y a deux ans.

**M. Whalan:** Je ne comprends pas votre question.

**M. Macquarrie:** Qu'est-ce que cela veut dire?

**M. Whalan:** Seulement 50.7 p. 100 de ceux qui ont exercé leur droit de vote. Cela veut dire que sur 313,000 votants dans la province, 257,000 ont exercé leur droit de vote et 50 p. 100 d'entre eux ont répondu à la question.

**M. Macquarrie:** Je comprends maintenant.

**M. Lefebvre:** A-t-on essayé, sur la foi de ces données, de découvrir pourquoi, dans les régions rurales, presque la moitié des gens n'ont pas voulu se prononcer sur la question de la réduction de l'âge des votants alors que dans les régions urbaines il y en a eu à peine 24 p. 00. Pourquoi cette réticence? A-t-on cherché à savoir si cette réticence était motivée?

**M. Whalan:** Non, je ne pense pas.

**M. Lefebvre:** Maintenant, pour en revenir à ces circonscriptions, il y a des endroits où les électeurs peuvent voter pour quatre candidats.



[Texte]

**Mr. Whalan:** Yes; and for five.

**Mr. Lefebvre:** Can you vote for one, if you wish, or for three or four?

**Mr. Whalan:** That is right.

**Mr. Lefebvre:** There are also ridings where you have the opportunity of voting for only one person?

**Mr. Whalan:** That is right.

**Mr. Lefebvre:** Have you ever had representations from these people that votes in New Brunswick are not equal for everybody?

**Mr. Whalan:** I have not, no.

**Mr. Lefebvre:** You have not?

**Mr. Whalan:** No. There have been editorials in the newspapers, but I have never had any complaints nor even discussions on it.

**Mr. Lefebvre:** I would be very surprised if no representations were made to the government relative to one man, one vote. This, to me, does not stand up to the principle of one man, one vote.

**Mr. Whalan:** Of course, this has long been a subject for hash and rehash, but how serious it is, I do not know.

**Mr. Lefebvre:** Thank you.

**Mr. Macquarrie:** You were here at the time of this plebiscite, Mr. Whalan, but not in the electoral officer's chair. At that time did any group, or groups, advocate either a "yes" or a "no" answer? Do you recall any activity...

**Mr. Whalan:** Not organized groups; there may have been small activity, as I recall, on some campuses, but, of course, the percentages there would not indicate anything because probably those who were conducting such a campaign were not eligible to vote. My purpose in breaking that down for you is to show you—whether or not it serves any useful purpose I do not know—that in most urban centres there is a university of one kind or another, and it is rather striking to notice that in those centres they voted more definitely against it than for it.

**Mr. Macquarrie:** Yes. One is impressed by the large number of people who did not get down to the bottom at all. It was on the one sheet. I thought it might be a separate paper. It is quite interesting.

**Mr. Forrestall:** Mr. Whalan, does the section of the Act dealing with this plebiscite

[Interprétation]

**M. Whalan:** Parfois cinq.

**M. Lefebvre:** Est-ce qu'on peut voter pour un candidat, ou pour trois ou quatre?

**M. Whalan:** Oui.

**M. Lefebvre:** Il y a aussi d'autres circonscriptions où l'on ne peut voter que pour un seul candidat?

**M. Whalan:** C'est juste.

**M. Lefebvre:** Est-ce que ces personnes vous ont déjà fait savoir que le droit de suffrage n'est pas égal pour tout le monde au Nouveau-Brunswick?

**M. Whalan:** Non.

**M. Lefebvre:** Jamais?

**M. Whalan:** Il en a déjà été question dans les journaux, mais je n'ai reçu aucune plainte à ce sujet.

**M. Lefebvre:** Je suis très étonné qu'on ne se soit pas plaint auprès du gouvernement, qu'on n'ait pas demandé qu'il n'y ait qu'un vote par personne. Ceci ne répond pas à cette exigence, il me semble.

**Whalan:** Eh bien, ceci, évidemment, est à l'étude depuis longtemps, mais jusqu'à quel point la question est grave, je l'ignore.

**M. Lefebvre:** Merci.

**M. Macquarrie:** Monsieur Whalan, vous n'étiez pas directeur des élections à ce moment-là, mais vous étiez ici au moment du plébiscite. Est-ce qu'il y a eu un ou des groupes qui préconisaient qu'on réponde oui ou non?

**M. Whalan:** Non, il n'y avait pas de groupes organisés. Il y a peut-être eu un petit mouvement dans certaines universités, mais, évidemment, les pourcentages ne seraient pas significatifs, parce que d'ordinaire ceux qui menaient de telles campagnes ne pouvaient voter. Je vous dis ces choses—je ne sais pas si ceci vous sera utile—pour vous indiquer que, dans la plupart des centres urbaines, il y a une université et c'est assez étonnant de voir que dans ces centres, on s'est prononcé dans la négative.

**M. Macquarrie:** On est surpris de voir le grand nombre de ceux qui n'ont pas lu jusqu'au bas de la feuille.

**M. Forrestall:** Au sujet du plébiscite, est-ce que la Loi prévoit un engagement quel-



[Text]

permit of municipal involvement at the time of a general election? That is to say, could a municipality, or a civic unit, come forward and ask that a referendum be held, or a question be put on the ballot, in their particular area for the purpose of answering a specific question?

**Mr. Whalan:** No; that question has never arisen. I do not think it could arise. Elections in all municipalities, as well as those of school boards, are now conducted under the provincial legislatures—the Department of Municipal Affairs. I have that responsibility, as well. We elect 1,270 trustees every two years, as well as...

**Mr. Forrestall:** Mr. Whalan how could a neighbouring Nova Scotian forget the Byrne report?

**Mr. Whalan:** You are quite right. Quite a few municipalities have their referenda on their own ballots every two years. They have that opportunity.

**The Chairman:** Mr. Peddle?

**Mr. Peddle:** I have one question, Mr. Whalan. With your experience, do you approve of the idea of having another question included on a general election ballot?

**Mr. Whalan:** It is not for me to say whether I approve or disapprove. It is the consensus in the legislature, or the government...

**Mr. Peddle:** But from time to time surely you suggest amendments, do you not?

**Mr. Whalan:** I recommend amendments in relation to the efficiency of the Act. The recommending of policy is not my province.

**Mr. Peddle:** No; but it would appear to me—this is just a comment, Mr. Chairman—that there would be a great opportunity there for a political party very subtly to make a promise. For argument's sake, the question could be something ridiculous, such as: How would you each like to have \$1,000 a month? The suggestion would certainly be: If you vote for us you will get it. You see what I am getting at?

**Mr. Howard (Skeena):** You do not need to go to that sort of subtlety.

**Mr. Forrestall:** You might find us asking for national approval of the just society!

**Mr. Whalan:** As I say I have nothing to do with policy. My only concern is with the efficiency of the Act. I try to find any difficulties arising from the Act, and recommend changes.

[Interpretation]

conque par les municipalités lors de la tenue d'une élection générale? Je m'explique. Est-ce qu'une municipalité peut demander qu'un référendum ait lieu ou qu'une question d'ordre régional soit inscrite sur le bulletin de vote?

**M. Whalan:** Non, la question ne s'est jamais posée. Je doute fort qu'elle se pose, parce que dans toutes les municipalités et Commissions scolaires, les élections sont un domaine qui relève du ministère des Affaires municipales. Je m'en occupe également, nous élisons 1270 commissaires tous les deux ans.

**M. Forrestall:** Il ne faut pas oublier le Rapport Byrne, n'est-ce pas?

**M. Whalan:** Oui, mais la plupart des municipalités ont des référendums tous les deux ans.

**Le président:** M. Peddle?

**M. Peddle:** Une question que j'adresserai à M. Whalan. Avec vos connaissances de la chose, approuvez-vous cette idée d'ajouter une question au bulletin de vote?

**M. Whalan:** Ce n'est pas à moi d'approuver ou de désapprouver; cela est l'affaire du gouvernement.

**M. Peddle:** De temps à autre, il vous est certes donné de proposer des modifications à la loi?

**M. Whalan:** Oui, pour rendre la Loi plus efficace, mais je ne recommande pas la politique à suivre.

**M. Peddle:** Un simple commentaire. Il me semble qu'il y aurait là une occasion pour un parti politique de faire une promesse de façon très subtile, même si la chose peut sembler ridicule. Comment l'idée de recevoir \$1,000 par mois vous paraîtrait-elle? Si vous votez pour nous, vous l'aurez. Vous voyez où je veux en venir.

**M. Howard (Skeena):** Vous n'avez pas à donner dans ces subtilités.

**M. Forrestall:** On pourrait demander une approbation nationale de la société juste.

**M. Whalan:** Je ne m'occupe pas du tout de la politique à suivre. Ce qui me préoccupe, c'est l'application efficace de la loi. Comme je vous disais, j'essaie de voir s'il y a des diffi-



[Texte]

It is then up to the legislature to give effect to them if they adopt them.

**Mr. Forrestall:** In order to keep track of things as we move along, I wonder if I could go back to the general area of the first question. I am not referring specifically to the hospital but the area of general conformity between provincial and federal Acts, and I would like to ask you first if at any time your principles have indicated to you their thoughts or their general attitudes about the present differences between your system and the federal system. That is one part of it but, more basically, whether or not there is a need to sit down nationally, perhaps, to try to work out a more uniform system from province to province and with the federal authority perhaps being the principal guiding factor in terms of the detail or the efficiency of the Act, at least.

**Mr. Whalan:** I cannot speak for the Elections Act. I feel confident that any recommendations would certainly be entertained and the more study that is made of this, and by study I mean joint communication because we are conducting municipal elections every two years.

**Mr. Forrestall:** Would the form of a non-going national...

**Mr. Whalan:** Excuse me, but when it is municipal it is non-political and it makes it that much easier to execute changes which might in turn possibly rub off in provincial and federal amendments.

**Mr. Forrestall:** As the person responsible for—and I will defer to my senior colleague—processing the sections of the act and making it work, do you think it would be useful from time to time in Canada there were a national body or a forum perhaps at the academic level, or perhaps a combination of the academic and political levels, for the purposes of discussing acts?

**Mr. Whalan:** I would certainly welcome it.

**Mr. Forrestall:** It would be useful and a functional thing?

**Mr. Whalan:** I would say so, yes, very definitely.

**Mr. Forrestall:** Thank you.

**Mr. Macquarrie:** Are you moving toward a situation where, as the man who keeps the municipal and also the provincial elections

[Interprétation]

cultés dans l'application de la loi. Je le signale à l'Assemblée législative, je propose des modifications, mais il appartient au gouvernement de les adopter.

**M. Forrestall:** Eh bien, pour en revenir à la première question, non pas à celle des hôpitaux, mais à la correspondance qui existe entre la loi électorale de notre province et celle du gouvernement fédéral, est-ce que vos supérieurs vous ont dit ce qu'ils pensaient des différences actuelles entre votre système et le système fédéral? Il s'agit d'une partie de la question, mais est-il nécessaire de chercher à mettre au point un système uniforme entre les provinces en gardant le gouvernement fédéral comme principal guide face aux détails ou à l'efficacité de la loi, à tout le moins.

**M. Whalan:** Je ne peux pas plaider en faveur de la Loi électorale. Je pense que toute recommandation serait sans aucun doute acceptée et que la question sera approfondie, j'entends par des échanges de vues car nous avons des élections municipales tous les deux ans.

**M. Forrestall:** Est-ce que...

**M. Whalan:** Excusez-moi, mais au niveau municipal, il n'y a pas de politique en jeu et cela facilite les changements qui pourraient à leur tour être enlevés des modifications au niveau provincial et fédéral.

**M. Forrestall:** A titre de préposé à l'application et à la mise au point des articles de la loi, ne seriez-vous pas d'avis qu'il serait utile que de temps en temps, un organisme national se réunisse au niveau universitaire, qu'un forum soit organisé, ou même aux niveaux universitaire et politique combinés, afin d'étudier ces lois?

**M. Whalan:** Oui, j'estime que ce serait très utile.

**M. Forrestall:** Ce serait utile?

**M. Whalan:** Je suis tout à fait de cet avis.

**M. Forrestall:** Merci.

**M. Macquarrie:** Est-ce que vous entrevoyez le jour où, comme vous vous occupez des élections municipales et provinciales, vous



[Text]

going, you are thinking of the day when you might have an identical voters' list?

**Mr. Whalan:** We are working toward that end. The amendments in the Municipalities Act are quite complex when you are dealing with so many municipalities; the different problems of cities as against towns and towns as against villages.

**Mr. Macquarrie:** Yes.

**Mr. Whalan:** For instance, we have 92 villages all having different numbers of councillors, from 2 to 12, and we are continually trying to bring our Municipalities Act in line with the provincial act.

**Mr. Macquarrie:** You might have quite an opportunity all over the province.

**Mr. Whalan:** And there again we would like very much, as things evolve, to be able to bring our Elections Act in line with federal act as well, if it is an improvement. This is where I think consultations and communications are important if this is going to be achieved.

**Mr. Carter:** I was going to raise a subject, Mr. Chairman, that was raised in the other hearings in connection with parties being reimbursed a part of their campaign expenses. Do you want me to wait and see if this comes up later?

**The Chairman:** Mr. Jerome, did you have a supplementary?

**Mr. Jerome:** I wanted to get into the question of enumeration and the length of the election time, and so on. I do not really know whether we have sort of slid into that subject now or not.

**The Chairman:** If you all have new subjects, then I will recognize Mr. Benjamin.

**Mr. Benjamin:** Mr. Chairman, there is one section here that intrigues me. It is Section 127(1), Peace and Good Order at Public Meetings. I do not know if I have ever seen that in another election act, although it may well be there. This means public meetings of political parties. What has been the experience in this connection? Have there been any problems which required the enforcement of this section?

**Mr. Whalan:** We have never run into a problem where we had to call on this section. No doubt there have been some disorders, but it has never come to my attention officially.

[Interpretation]

n'aurez qu'une liste d'électeurs?

**M. Whalan:** Nous espérons y arriver. Les modifications à apporter à la Loi des municipalités sont très compliquées, surtout quand il y a autant de municipalités; car il y a les différents problèmes qui opposent les cités aux villes et les villes aux villages.

**M. Macquarrie:** En effet.

**M. Whalan:** Aussi, nous avons 92 villages qui possèdent tous un nombre différent de conseillers entre 2 et 12. Nous essayons constamment de concilier la Loi des municipalités et la loi provinciale.

**M. Macquarrie:** Vous devez en avoir souvent l'occasion dans la province.

**M. Whalan:** Nous souhaiterions aussi conformer notre loi à celle du Canada si c'est un signe de progrès. C'est à ce niveau que la consultation et l'échange de vues sont importants dans ce domaine.

**M. Carter:** J'allais poser une question déjà soulevée lors d'autres séances à savoir si les candidats seront remboursés d'une partie de leurs dépenses électorales? Est-ce que vous voulez que j'attende? Cette question peut être posée plus tard.

**Le président:** Monsieur Jérôme, aviez-vous une question complémentaire?

**M. Jerome:** Je voulais parler de l'énumération et de la durée de la période électorale et autres. Je ne sais pas si l'on a déjà lancé ce sujet.

**Le président:** Si vous avez tous de nouveaux sujets, je vais céder la parole à M. Benjamin.

**M. Benjamin:** Il y a une disposition qui m'intrigue. Il s'agit du paragraphe (1) de l'article 127: l'ordre et la paix dans les réunions publiques. Je ne pense pas avoir déjà vu quelque chose de semblable dans une loi fédérale. Cela s'adresse aux séances publiques des partis politiques? Quelle a été votre expérience dans ce domaine? Est-ce qu'il y a des problèmes qui vous ont forcé à adopter une telle disposition?

**M. Whalan:** Nous n'avons jamais dû invoquer cet article. Il y a eu des désordres, bien entendu, mais ils ne m'ont jamais été signalés de manière officielle.



[Texte]

**Mr. Benjamin:** I see. It has probably been in the Act for some time, then, as a result of an experience many years ago.

**Mr. Whalan:** That is right.

**Mr. Benjamin:** I have another question which I think leads into this matter of absentee balloting. A voter who reaches the age of 21 between the time of enumeration and election day, can he go to the polls on election day and be sworn in and vote or does he have to get a certificate?

**Mr. Whalan:** Under the Act he can if he lives in a rural riding, but in an urban area, if he became 21 after revision day, he is out.

**Mr. Benjamin:** There is no way he can get a certificate from the returning officer?

**Mr. Whalan:** No, not in an urban centre. This is rather unfortunate and it should be corrected.

**Mr Benjamin:** The only way they could do it would be to have themselves enumerated or put on the revision list, even though they were not 21 on the day of revision.

**Mr. Whalan:** They might try that but then they might be up against the perjury provisions.

**Mr. Benjamin:** But if a man were 21 by or on election day he surely would not be questioned.

**Mr. Whalan:** He would not be questioned then but when he fills out his enumeration certificate he might be creating an untruth there. It is a delicate thing. Nevertheless, I see your point. There must be some way of circumventing that as well.

**Mr. Benjamin:** Are there any other provisions of any kind for absentee balloting?

**Mr. Whalan:** No.

**Mr. Benjamin:** None whatsoever.

**Mr. Jerome:** I have a supplementary on this system. Are there any provisions for penalizing a person for doing that? As far as I can see, the expedient for a person who is going to be 21 on election day but who is not 21 on enumerating day is to do exactly that, when the enumerator calls at the door to report himself as an eligible voter. Is there a penalty for that in the Province of New Brunswick?

[Interprétation]

**M. Benjamin:** Vous avez sûrement inséré cette disposition à cause de faits qui se sont passés il y a plusieurs années?

**M. Whalan:** Très probablement.

**M. Benjamin:** Voici une autre question relative au vote des absents. Le voteur qui atteint 21 ans, entre la période de l'énumération et le jour des élections peut-il se rendre au bureau de votation au jour dit, être assermenté et voter ou doit-il se procurer un certificat?

**M. Whalan:** En vertu de la loi, s'il réside dans une circonscription électorale, il peut être inscrit mais dans une région urbaine, s'il a 21 ans après la date de la révision, il ne peut pas.

**M. Benjamin:** Il ne peut se procurer de permis du président d'élection?

**M. Whalan:** Pas dans un centre urbain. Cet état de choses devrait être rectifié.

**M. Benjamin:** La seule façon d'y remédier serait de les énumérer ou de les inscrire sur la liste de crutin même s'ils n'ont pas 21 ans lors du scrutin.

**M. Whalan:** On pourrait essayer cette méthode dans on pourrait s'opposer en vertu des dispositions de parjure.

**M. Benjamin:** Mais si un jeune homme a 21 ans le jour des élections ou avant, on ne mettrait pas sa parole en doute.

**M. Whalan:** Pas à ce moment-là, mais lorsqu'il signe son certificat d'énumération, on peut l'accuser de fausser la vérité. Il s'agit d'une question délicate. Néanmoins, je comprends votre argument. Il doit y avoir un moyen de se soustraire à la Loi.

**M. Benjamin:** Y a-t-il d'autres dispositions de ce genre pour le vote des absents?

**M. Whalan:** Non.

**M. Benjamin:** Non, aucune.

**M. Jerome:** Voici une question complémentaire à ce sujet. Existe-t-il des dispositions destinées à pénaliser la personne qui se rend coupable d'un tel délit? A mon avis, la personne qui aura 21 ans le jour des élections, mais qui n'a pas 21 ans le jour de l'énumération, doit agir ainsi: lorsque l'énumérateur frappe à sa porte, il déclare avoir 21 ans. Est-ce qu'au Nouveau-Brunswick il y a une disposition permettant de le poursuivre?



[Text]

**Mr. Whalan:** If he gives incorrect information at the time of enumeration, then he may be committing an offence which is punishable under the clauses of the Act. If this is brought to the attention of the authorities then, of course, when it comes polling day and he is challenged as not being 21, he can safely say that he is 21.

**Mr. Jerome:** Yes.

**Mr Whalan:** But he is taking that chance.

**Mr. Jerome:** He does not give a sworn statement at the time he is enumerated, does he?

**Mr. Whalan:** He is sworn when he is given that certificate. The enumerator is obliged—and this is also a problem because sometimes the enumerator does not contact the electorate personally, although he is supposed to; they say they do but I know that in many cases they do not—to contact the electorate in order to answer the questionnaire before he issues the certificate on the enumeration slip. If he gives the wrong information then he may be committing an offense.

**Mr. Benjamin:** On this same point, Mr. Chairman, in the case of rural polls...

**Mr. Whalan:** There is no problem there because they can vote on polling day under an affidavit.

**Mr. Benjamin:** They are sworn?

**Mr. Whalan:** Yes, sworn at the poll.

**Mr. Benjamin:** I see. They do not have to go ahead of time and get a certificate from the returning officer, or anything like that?

**Mr. Whalan:** No.

**Mr. Benjamin:** Do they need someone to vouch for them or can they just go in and take an oath and vote?

**Mr. Whalan:** No, the DRO has to give him a ballot if he signs the affidavit.

**Mr. Benjamin:** I see.

**Mr. Whalan:** If he is challenged, of course, someone may have to vouch for him.

**The Chairman:** Are you finished, Mr. Benjamin?

[Interpretation]

**M. Whalan:** En vertu de la Loi, tous ceux qui donnent de faux renseignements lors de l'énumération, peuvent être tenus coupables d'un délit et être punis en vertu de la loi. Si cette situation est portée à l'attention des pouvoirs, le jour des élections, on peut contester la validité de sa déclaration. Il peut alors dire en toute assurance qu'il est âgé de 21 ans.

**M. Jerome:** Oui.

**M. Whalan:** Mais il prend une chance.

**M. Jerome:** Il n'est pas assermenté par l'énumérateur, n'est-ce pas?

**M. Whalan:** Non, seulement lorsqu'on lui remet le certificat. L'énumérateur est obligé, et c'est aussi un problème car il arrive parfois qu'il ne communique pas avec les électeurs, même s'il est censé, on dit qu'on le fait, mais dans plusieurs cas, ce ne sont que des dires, afin de répondre à un questionnaire avant qu'il ne fasse paraître le certificat sur la liste d'énumération. Si la personne fournit de faux renseignements, il est possible d'une action en justice.

**M. Benjamin:** A propos de la même question, monsieur le président, dans les bureaux de scrutin ruraux...

**M. Whalan:** Aucun problème ne se pose parce qu'on peut voter le jour d'élection sur présentation d'une déposition.

**M. Benjamin:** Ces personnes sont-elles assermentées?

**M. Whalan:** Oui, au bureau de scrutin.

**M. Benjamin:** Elles ne doivent pas se procurer un certificat auparavant?

**M. Whalan:** Non.

**M. Benjamin:** Quelqu'un doit-il témoigner ou peut-il simplement se présenter au bureau, être assermenté et voter?

**M. Whalan:** Non, le président adjoint d'élection doit lui remettre un bulletin de vote s'il signe une déposition.

**M. Benjamin:** Je vois.

**M. Whalan:** Si on doute de sa parole on peut demander à quelqu'un qu'il vienne témoigner en sa faveur.

**Le président:** Avez-vous terminé, monsieur le président?



[Texte]

**Mr. Benjamin:** Yes.

**The Chairman:** Mr. Carter.

**Mr. Carter:** Mr. Chairman, I wonder if Mr. Whalan can tell us if the Government of New Brunswick reimburses political parties a part of their campaign expenses?

**Mr. Whalan:** Not to my knowledge.

**Mr. Carter:** And no thought is being given to such a plan?

**Mr. Whalan:** Not to my knowledge.

**Mr. Carter:** That is fine.

**Mr. Forrestall:** I have a supplementary. The same is true of the individual candidates, no consideration is being given to programs such as those that are presently under way in the Province of Quebec and for which legislation has recently passed in Nova Scotia.

**Mr. Whalan:** You mean to reimburse the candidates?

**Mr. Forrestall:** Yes. Along the same line, is anything being done in terms of limiting the amount of money being spent by candidates on campaigns?

**Mr. Whalan:** Not to my knowledge.

**Mr. Forrestall:** May I ask if it is a matter of a social question? Is it being discussed editorially?

**Mr. Whalan:** If you have been following the papers recently I think you would have seen where the Leader of the Opposition made those recommendations.

**Mr. Forrestall:** It is a matter of discussion, though?

**Mr. Whalan:** Yes.

**The Chairman:** Mr. Jerome.

**Mr. Jerome:** Mr. Chairman, I would like to bring the witness to the subject of the length of time it takes to run an election in New Brunswick, the method of enumeration that is used and the time absorbed between the calling of the election and the completion of the enumeration and the compilation of the voters' lists. I wonder if we could get a little information about that.

**Mr. Whalan:** This is one of the recommendations that is before the provincial secretary at the present time. We submitted that the

[Interprétation]

**M. Benjamin:** Oui.

**Le président :** Monsieur Carter.

**M. Carter:** Monsieur le président, M. Whalan peut-il nous dire si le gouvernement du Nouveau-Brunswick rembourse aux partis politiques une partie des dépenses de leur campagne électorale?

**M. Whalan:** Pas à ma connaissance.

**M. Carter:** Et on n'envisage pas cette solution?

**M. Whalan:** Pas à ma connaissance.

**M. Carter:** Merci.

**M. Forrestall:** Une question complémentaire. Il en va de même pour les candidats indépendants. Vous n'envisagez pas l'adoption de programmes semblables à ceux qui sont actuellement en voie d'application au Québec et qui ont fait l'objet d'une mesure législative en Nouvelle-Écosse?

**M. Whalan:** Vous parlez du remboursement des candidats?

**M. Forrestall:** Oui. Faites-vous quelque chose pour limiter les dépenses des candidats en période d'élection?

**M. Whalan:** Non, pas à ma connaissance.

**M. Forrestall:** S'agit-il d'une question d'ordre social? La question est-elle débattue dans les journaux?

**M. Whalan:** Si vous aviez lu les journaux récemment, vous auriez vu où le chef de l'opposition a fait ces recommandations?

**M. Forrestall:** On examine la question, toutefois?

**M. Whalan:** Oui.

**Le président :** Monsieur Jérôme.

**M. Jerome:** J'aimerais amener le témoin à parler de la période de temps nécessaire pour organiser des élections au Nouveau-Brunswick, la méthode d'énumération employée et le temps qui s'écoule entre l'annonce de la tenue d'élection, la fin de l'énumération et la compilation des listes d'électeurs.

**M. Whalan:** A l'heure actuelle, voilà une des recommandations qui a été présentée au secrétaire provincial. Nous avons proposé de



[Text]

periodic periods in the election be extended. Right now we have 42 days from the issue of the writ. I find difficulty in getting sufficient time, for instance, from nomination day to the printing of the ballot.

**Mr. Jerome:** You would prefer to have more time?

**Mr. Whalan:** Oh, yes, we have to. In 1967 there were not enough printers in the Province of New Brunswick to get the ballots printed. We had to go across the line to get some of our ballots printed in time. We only had three days.

**Mr. Forrestall:** That is what I was going to ask.

**Mr. Whalan:** Three days to get the ballots printed and distributed for the advance poll. It was practically impossible. It is not impossible but it ties you up, and if the printer falls down and makes an error on a ballot it has to be re-run.

**Mr. Jerome:** Do you have the same difficulty with the printing of voters' lists, or do you do the printing of voters' lists?

**Mr. Whalan:** For the urban centres, yes, but not for the rural.

**Mr. Jerome:** Would it save time if you used the system which is now in vogue at least in the Province of Nova Scotia? I do not know if it is in vogue any place else, that does not matter. We learned yesterday that in the Province of Nova Scotia they have achieved what they consider to be a saving in time by having the enumerators make a direct entry into a book, which then becomes an alphabetical list of voters. I see that Mr. Hamel has one of those books with him. After that book is completed by the enumerators they make use of it by sending copies to the candidates, and so on, and posting up others, things of this nature, and they seem to feel that they were able to achieve a considerable time saving, which was mentioned yesterday by Mr. MacDermaid to be in the range of about 10 days.

**Mr. Whalan:** In what area?

**Mr. Jerome:** This was his information.

**Mr. Howard (Skeena):** It operates in the area of the preparation of the list.

**Mr. Whalan:** When you prepare your enumeration lists you are suggesting that a copy of the enumeration slip be mailed?

[Interpretation]

prolonger la période de chaque étape électorale. En ce moment, nous avons 42 jours à partir de l'émission de l'ordonnance. Il m'est assez difficile de trouver suffisamment de temps, par exemple, entre le jour de la mise en candidature et l'impression des bulletins de vote.

**M. Jerome:** Vous préféreriez avoir plus de temps?

**M. Whalan:** Oui. C'est nécessaire. En 1967, nous n'avions pas assez d'imprimeurs au Nouveau-Brunswick pour faire imprimer les bulletins de vote. Nous avons dû passer la frontière pour faire imprimer les bulletins à temps. Nous n'avons eu que trois jours.

**M. Forrestall:** C'est ce que j'allais demander.

**M. Whalan:** Trois jours pour imprimer et distribuer les bulletins de vote dans les bureaux de scrutin anticipé. C'était presque impossible. C'était possible, cela vous accorde un mince délai, car si l'imprimeur fait une erreur sur le bulletin, il faut recommencer.

**M. Jerome:** Avez-vous la même difficulté avec l'impression des listes d'électeurs. En fait, imprimez-vous cette liste?

**M. Whalan:** Dans les centres urbains, mais pas dans les campagnes.

**M. Jerome:** Est-ce que vous économiserez du temps en appliquant le régime en vogue en Nouvelle-Écosse au moins? Peu importe s'il est appliqué ailleurs. Nous avons appris hier, que dans cette province on économise du temps parce que les énumérateurs inscrivent directement dans un livre le nom des électeurs par ordre alphabétique. Je vois que monsieur Hamel a un de ces livres sous la main. Après y avoir inscrit le nom des électeurs, l'énumérateur en envoie des copies aux candidats. En l'envoyant par la poste, ils réalisent une économie considérable de temps, d'après monsieur MacDermaid, de l'ordre de dix jours.

**M. Whalan:** Dans quel domaine?

**M. Jerome:** C'est ce qu'il disait.

**M. Howard (Skeena):** Dans la préparation de la liste.

**M. Whalan:** Lorsque vous préparez les listes d'énumération vous voulez dire que vous envoyez une copie du talon d'énumération?



[Texte]

**Mr. Jerome:** The difference between using this system and using an alphabetical approach rather than any other is that they say by having the enumerators make direct entries into this book in an alphabetical system that after the work has been completed by the enumerator the book itself becomes a voters list. I think this is the impact of their system.

**Mr. Whalan:** I see what you mean.

**Mr. Jerome:** In your opinion would this achieve a time saving so far as New Brunswick is concerned?

**Mr. Whalan:** I cannot see it. That is not our problem as far as time goes. Our problem is the time from nomination to the advance polls. By advancing one date you have to keep on advancing the other dates. The enumerator has five days to complete his enumeration, and then of course there is the job of printing the lists.

**Mr. Jerome:** How long does that take? In your experience, how long does it take from the last day of the enumeration to the day the list is published?

**Mr. Whalan:** There again it varies depending on the facilities that are available. For instance, some of our urban centres—what we call our urban centres are the municipalities which have a population of 5,000 or over—do not have those facilities. I am thinking now of, say, Newcastle and Dalhousie. Their facilities are not just that good that they can get out those lists in the required time without working around the clock and it is not easy to get them to work around the clock.

**Mr. Jerome:** This is exactly my point. I am interested to know if you run into a delay between the completion of the enumerating work and the publication of the lists because of printing and other difficulties?

**Mr. Whalan:** Oh, yes.

**Mr. Jerome:** Would it not be right then, through the adoption of an alphabetical system like this if it were feasible, that on the fifth day of the enumeration each enumerator would then and there be in possession of sufficient copies of a properly prepared alphabetical list that could go into immediate use as a voters' list? Would that save you time?

**Mr. Whalan:** It might save time, but when you get 1,500 or 1,600 enumerators, half of whom do not write very well, the lists would not be very legible...

[Interprétation]

**M. Jerome:** La différence entre ce système et de la méthode alphabétique plutôt qu'une autre, c'est que d'après eux en faisant inscrire directement dans le livre le nom de l'électeur par l'énumérateur, le livre lui-même tient lieu de liste des électeurs. Voilà l'importance de leur méthode.

**M. Whalan:** Je vois ce que vous voulez dire.

**M. Jerome:** Est-ce que cela permettrait une économie de temps au Nouveau-Brunswick?

**M. Whalan:** Je ne vois pas comment. Nous n'avons pas de problème de temps à ce moment-là. Le problème survient entre le moment de la mise en candidature et de la création des bureaux de vote anticipé. En avançant une date, il faut en avancer d'autres. Les énumérateurs ont 5 jours pour finir leur énumération et il y a ensuite l'impression des listes.

**M. Jerome:** Combien de temps ça prend à partir du dernier jour de l'énumération jusqu'à la parution de la liste?

**M. Whalan:** Là aussi, ça varie suivant les moyens mis à notre disposition. Certains centres urbains, par exemple, ce que nous appelons les centres urbains sont des municipalités de 5,000 habitants et plus, n'ont pas ces installations. Certains bureaux d'imprimerie n'ont pas les moyens, par exemple, comme ceux de Newcastle et Dalhousie, mais ils n'ont pas les machines voulues pour imprimer ces listes dans le temps voulu. Même ils devraient travailler 24 heures sur 24.

**M. Jerome:** Ce qui m'intéresse, c'est de savoir si vous avez un retard entre l'énumération et l'impression des listes.

**M. Whalan:** Oui.

**M. Jerome:** Est-ce qu'il ne serait pas possible d'adopter un système alphabétique? Si cinq jours après l'énumération les énumérateurs avaient suffisamment d'exemplaires à leur disposition d'une liste alphabétique qui pourrait servir immédiatement de listes d'électeurs? Est-ce que cela vous épargnerait du temps?

**M. Whalan:** Oui. Ça économiserait du temps mais si vous avez 1,500 à 1,600 énumérateurs, ça ne serait pas très pratique, car la plupart ont une écriture illisible.



[Text]

**Mr. Jerome:** Yes.

**Mr. Whalan:** ...for the most part, certainly. I doubt if they could read my writing if I were to write a list, so it becomes a matter of typing then and in the rural areas most of them do not have a typewriter, let alone the paper. Of course, if there were forms...

**Mr. Jerome:** Of course, if you are going to take this list and type it you might just as well do it by any other system that we know. The only saving as far as I can see that would be achieved by this would be if the actual list when completed were put into use immediately.

**Mr. Whalan:** It certainly would, but I would hesitate to believe that you could read the writing.

**The Chairman:** I believe Mr. Hamel has some comments to make.

**Mr. Forrestall:** Mr. Jerome has misunderstood where the saving comes in.

**Mr. Hamel:** That is what I was going to say. At least there is one aspect which may not have been explained completely yesterday. They still print the lists in Nova Scotia, the only difference being that out of this they make four copies, one copy for each political party, which makes two, and two for the returning officer, one of which is sent immediately to the printer from which he prints his list. In our case we complete the enumeration on Saturday and on Monday morning the enumerators have to have their lists in the hands of the returning officer or on their way to the office of the returning officer and they are sent to the printers that same day.

**Mr. Jerome:** Essentially the systems are the same with the exception that we take the slips, type and distribute them to the candidates while they just send the original list.

**Mr. Hamel:** We would say that at the most we spend half a day with this, maybe a day, but on the other hand, we would lose at the other end because where there are four political parties we would have to run either photo copies or have books about that size which would not be practicable. In cases where there were 10 candidates we would have to make mimeographed copies or photo copies.

**Mr. Forrestall:** There was a suggestion yesterday, Mr. Chairman, if I might interrupt, that one of the saving features—there are two or three—was that we can do an enumeration in three days as opposed to five which is a saving of two days. We would save the day or

[Interpretation]

**M. Jerome:** Oui.

**M. Whalan:** Il serait préférable de le faire taper à la machine mais dans les localités rurales ils n'ont pas de machine à écrire encore moins du papier.

**M. Jerome:** Le seul avantage à cela serait de se servir de la liste aussitôt qu'elle serait complétée.

**M. Whalan:** Ça aiderait certainement, mais je doute que vous puissiez lire l'écriture.

**Le président:** Je crois que M. Hamel a des commentaires à faire.

**M. Forrestall:** M. Jerome n'a pas bien compris ou serait l'économie.

**M. Hamel:** Je crois que cet aspect n'a peut-être pas été bien expliqué hier. Ils impriment encore la liste en Nouvelle-Écosse. La seule différence c'est que, en plus de ceci, ils font quatre exemplaires—un exemplaire pour chaque parti politique et deux exemplaires pour les présidents d'élection. Un exemplaire est envoyé immédiatement à l'imprimeur et l'imprimeur imprime sa liste de sorte que dans notre cas nous finissons l'énumération le samedi et le lundi matin les énumérateurs doivent donner la liste aux présidents d'élection et est envoyée aux imprimeurs la journée même.

**M. Jerome:** Le système est le même sauf que nous prenons les talons et les envoyons aux candidats tandis qu'eux envoient la liste originale.

**M. Hamel:** Nous économiserions une demi-journée, peut-être une journée mais par ailleurs nous perdrons du temps parce que lorsqu'il y a quatre partis politiques, il nous faudrait faire des copies pour chacun ou nous aurions des livres très épais. Quand il y a dix candidats, il faut faire des photocopies ou mimiographier ces formules.

**M. Forrestall:** Un des éléments qui permettrait d'économiser du temps, et il y en a deux ou trois, c'est qu'on peut faire l'énumération en trois jours plutôt qu'en cinq. Il y a dix jours qu'on peut économiser là. On pourrait économiser le retard dont a parlé monsieur



[Texte]

that delay that Mr. Hamel has spoken of and I think the experience of returning officers show that nothing is ever done really on time. You are always doing something at 12 o'clock that you wish had been done at 6 o'clock the night before and the totality of this. There are one or two other significant areas, for example, if this list were well printed and clearly identifiable—in some cases, as you know, the printer has it on the second day of enumeration when the enumeration has been completed—it lends a facility that we do not have because something has to be done under the federal Act that involves literally a day and you are lucky if you get it done in a day and a half or two days. When they talked of five or six days' saving, that is generally what they were talking about.

**Mr. Jerome:** I think I have a clearer understanding of that aspect of it as far as the potential time saving federally is concerned, but can you tell us more about this problem that you have with the ballots which, you have said, is a serious problem.

**Mr. Whalan:** It is a serious problem, yes. I have asked for three more days in the election period. You see the time gap between each process or each step in the election just is not enough. You might squeeze by, but accidents can happen and what very nearly happened in 1967 would give you nightmares. In order to forestall anything like that...

**Mr. Jerome:** Do you mind expanding on that?

**Mr. Whalan:** It was just the closeness of the step procedure from the printing of the ballots, for instance, to the advance polls. In some areas we have 130 miles to travel to get those ballots out.

**Mr. Jerome:** When do you have your advance polls?

**Mr. Whalan:** We have them on the second Friday before the election. No, I am wrong, on the second Saturday and Monday.

**Mr. Jerome:** By what time do you require that a candidate be nominated?

**Mr. Hamel:** The provisions are exactly the same as in the federal Act. Nomination day is 14 days before polling day and the two days for advance polls are the Saturday following nomination day and the Monday following, that means a week before normal polling day.

[Interprétation]

Hamel. Les présidents d'élection savent que ce que l'on fait à midi aurait du être fait à 6 heures la veille. Par exemple, si cette liste est bien imprimée, dans certains cas, l'imprimeur la reçoit le deuxième jour de l'énumération, ce qui facilite les choses. Parce que, en vertu de la loi fédérale, certaines formalités prennent une journée et nous sommes chanceux si nous pouvons l'avoir une journée et demi ou deux jours après. C'est ce qu'ils veulent dire lorsqu'ils parlent d'une économie de cinq à six jours.

**M. Jerome:** J'ai bien compris. Pouvez-vous nous donner des précisions sur le problème soulevé par les bulletins de vote? Vous avez dit que c'est un problème grave.

**M. Whalan:** C'est un problème grave, c'est vrai. J'ai demandé trois jours de plus à la période électorale. Vous voyez, le temps écoulé entre chacune des opérations de l'élection ne suffit pas. On peut arriver juste mais il y a toujours un accident qui peut arriver. Ce qui a failli se produire en 1967 vous donnerait des cauchemars. En vue de prévenir une telle situation...

**M. Jerome:** Pouvez-vous expliciter?

**M. Whalan:** C'est simplement le peu de temps qu'il y a entre l'impression des bulletins de vote jusqu'au vote par anticipation. Dans certaines régions nous devons parcourir 130 milles pour distribuer ces bulletins.

**M. Jerome:** Quand est-ce que vous avez votre bureau provisoire de votation?

**M. Whalan:** Le deuxième vendredi avant l'élection, non, pardon le deuxième samedi ou lundi.

**M. Jerome:** Quand est-ce que la mise en candidature a lieu?

**M. Hamel:** Les dispositions sont les mêmes que dans la loi fédérale—24 jours avant le jour de votation et deux jours pour les bureaux provisoires, le samedi suivant la nomination et le lundi suivant.



[Text]

However, I believe I can explain one of his problems, Mr. Chairman, if I may comment on this. The main difference is that in our case we have standard ballot paper with which we provide the returning officers. In his case he cannot because the candidates are listed in blocks and he may have one candidate of a party in a given place or three or four, so he cannot have standard paper shipped ahead of time.

**Mr. Francis:** Why not?

**Mr. Hamel:** Well, because...

**Mr. Francis:** He could have special ones made up anticipating those constituencies.

**Mr. Hamel:** This would be the only solution.

**Mr. Jerome:** What you really need, if I am not mistaken, which is even more appropriate than that and I would like to be corrected on this so I can get a better understanding of it, is simply more time between the nomination day and the advance polls.

**Mr. Whalan:** That is why we are stepping up the other period as well—the enumeration period. If you step one up you have to step the others ahead.

**Mr. Jerome:** Before we leave this subject, I do not fully understand why, for example, if the election writ were issued on a certain day, it makes all that difference if you say that nomination day will be 21 days before polling day instead of 14. If it is 21 days before polling day then you would have plenty of time to print your ballots before the same court of revision as you have now. Why would making nomination day 21 days before polling day force you back with the issue of the writ and election?

**Mr. Whalan:** There is the completion of the enumeration, the printing of the lists and the mailing of the lists in the urban centres.

**Mr. Jerome:** Why do the lists have to be printed in order to have a nomination day?

**Mr. Whalan:** They do not, but they have to be out on a certain day as well. I just do not know how to explain it any further than that. The lists have to be printed and in the hands of the parties and in the hands of the electorate prior to nomination day.

**Mr. Jerome:** The lists...

**Mr. Whalan:** Yes.

**Mr. Jerome:** ...have to be printed and in the hands of the electorate prior to nomination day?

[Interpretation]

Cependant, dans notre cas nous avons des formules que nous donnons aux présidents d'élection. Mais dans son cas c'est différent.

**M. Francis:** Pourquoi?

**M. Hamel:** Eh bien, parce que...

**M. Francis:** Il pourrait en faire faire spécialement pour ces circonscriptions.

**M. Hamel:** Ce serait la seule solution.

**M. Jerome:** Ce dont vous avez besoin, si j'ai bien compris, c'est plus de temps entre le jour de la nomination et les bureaux provisoires.

**M. Whalan:** Voilà pourquoi nous avançons la période de l'énumération. En accélérant une période vous accélérez aussi les autres.

**M. Jerome:** Je ne comprends pas bien pourquoi, par exemple, si l'ordonnance d'élection est émise à une date, je ne vois pas pourquoi il y aurait une grosse différence si vous dites que la mise en candidature aura lieu 21 jours et non 14 jours avant le jour de votation? Si c'est 21 jours avant alors vous avez tout le temps de faire imprimer vos bulletins de vote. Pourquoi est-ce qu'en faisant la nomination 21 jours avant l'élection, cela vous retarderait à émettre l'ordonnance et l'élection?

**M. Whalan:** Il faut compléter l'énumération, imprimer les listes et les expédier dans les centres ruraux.

**M. Jerome:** Pourquoi faut-il que les listes soient imprimées avant la nomination?

**M. Whalan:** Ce n'est pas nécessaire, mais les listes doivent être publiées à un moment donné, à un jour prescrit. Comment vous l'expliquer? Les listes, il faut les imprimer, les remettre à la disposition des partis et de l'électorat avant la mise en candidature.

**M. Jerome:** Les listes...

**M. Whalan:** Oui.

**M. Jerome:** Ces listes doivent être imprimées et envoyées aux électeurs avant la mise en candidature? Pourquoi?



[Texte]

**Mr. Whalan:** Yes.

**Mr. Jerome:** Why?

**Mr. Whalan:** This is the way the Act reads.

**Mr. Jerome:** That is the way the Act reads. That is fine. I do not mean to put you on the spot, but I am very much concerned that our election periods are too long.

**Mr. Whalan:** To follow the steps of the Act, it ties you down in the two...

**Mr. Jerome:** Oh, yes, I appreciate that what you are doing is in conformity with the Act, but the reason I asked you this is because I believe our election periods are too long. I would like to see if we could shorten them and I just wanted to get your personal views on the problems you would be faced with by a shortening of the period and to make sure that I understood. Thank you.

**Mr. Francis:** The provincial period is already substantially shorter than the federal...

**Mr. Jerome:** Oh no, it is not shorter here. It is about 42 days here, about a week shorter, whereas ours is about 49.

**An hon. Member:** Yes, it is 49.

**Mr. Jerome:** And you would like it to be 45?

**Mr. Hamel:** We have 60 days.

**Mr. Francis:** Yes, ours is 60, so there is a substantial increase.

**An hon. Member:** And yours is 42, is it not?

**Mr. Whalan:** Yes, it is 42 days.

**Mr. Lefebvre:** And you would like about 45?

**Mr. Whalan:** I am asking for 45 days.

**Mr. Francis:** This is very useful information to have.

**Mr. Whalan:** In the municipal election the actual election period is only 38 days, but our enumeration is completed a month before so that enumeration does not affect our election...

**Mr. Francis:** Because you have a fixed election date.

**Mr. Whalan:** That is right.

**Mr. Francis:** You know when it is going to be and you can anticipate...

[Interprétation]

**M. Whalan:** Oui.

**M. Jerome:** Pourquoi?

**M. Whalan:** Monsieur, c'est prescrit dans la loi.

**M. Jerome:** Très bien. Ce qui me préoccupe c'est que la période électorale est trop longue.

**M. Whalan:** En suivant les dispositions de la Loi...

**M. Jerome:** Je sais bien que vous agissez conformément à la Loi, mais je trouve nos périodes d'élection trop longues. Je me demande si on ne pourrait pas les raccourcir. Je voudrais avoir votre opinion là-dessus. Merci.

**M. Francis:** La période électorale provinciale est beaucoup plus courte que la période fédérale...

**M. Jerome:** Elle n'est pas plus courte ici. Ici c'est environ 42 jours, tandis que nous, c'est 49.

**Une voix:** Oui, c'est 49 jours.

**M. Jerome:** Vous aimeriez mieux 45?

**M. Hamel:** Nous avons 60 jours.

**M. Francis:** Oui, chez vous c'est 60. C'est beaucoup plus long.

**Une voix:** Et vous c'est 42, n'est-ce pas?

**M. Whalan:** Oui, c'est 42 jours.

**M. Lefebvre:** Et vous voudriez avoir 45 jours?

**M. Whalan:** Je demande 45 jours.

**M. Francis:** Ce renseignement est très utile.

**M. Whalan:** Dans les élections municipales, la période électorale n'est que de 38 jours mais l'énumération est terminée un mois avant de sorte que ça ne nuit en rien aux élections.

**M. Francis:** Parce que vos élections sont à date fixe.

**M. Whalan:** C'est exact.

**M. Francis:** Vous savez quand l'élection aura lieu, et vous pouvez vous préparer...



[Text]

**Mr. Whalan:** Every year it is held on the second Monday in June and that is it. You can anticipate all those things.

**Mr. Jerome:** We keep bumping up against this business of the fixed election day which is difficult to combine with a parliamentary system in the true sense of the word where the government can come down theoretically any day. It is your position then that a fixed election day achieves an enormous saving in time so far as the election period is concerned.

**Mr. Whalan:** Oh, yes, it could save time due to the fact that you could get your enumeration completed ahead of time.

**The Chairman:** Mr. Francis.

**Mr. Francis:** Mr. Chairman, I want to open up again, one other relatively small point. I would like to ask Mr. Whalan, through you, if there is any difficulty with candidates' agents having access on election day to the office of the returning officer for a constituency?

**Mr. Whalan:** What do you mean by access?

**Mr. Francis:** A candidate's agent normally can go to each voting subdivision, but there is a defect in the federal Act, in my opinion, which would prevent a candidate's agent from having any access whatsoever to the office of a returning officer on election day. Is there such a bar in your Act?

**Mr. Whalan:** No, they have access to the returning officer. Do you mean to visit the office?

**Mr. Francis:** He cannot go inside the office or near it.

**Mr. Whalan:** No, there is nothing to prevent him from doing that.

**Mr. Francis:** Did you realize that? I know it is so because I have specifically requested permission in writing of Mr. Hamel's predecessor to have an agent in the office of the returning officer for the constituency on election day and was refused that in advance. That is why I asked you sir, if, in your opinion, there would be any reason for refusing a candidate's agent the right to be present in the office of the returning officer of a constituency during election day.

**Mr. Whalan:** We have never run up against that problem, but I can see that it could cause a lot of trouble within the office.

**Mr. Francis:** Just to be there?

[Interpretation]

**M. Whalan:** Les élections ont lieu le deuxième lundi de juin, chaque année. Nous pouvons nous y préparer.

**M. Jerome:** Il est difficile de concilier cela avec le régime parlementaire parce qu'un gouvernement peut être renversé n'importe quel jour. Par conséquent, vous estimez qu'un jour fixe permet de réaliser une grande économie de temps en ce qui concerne la période électorale?

**M. Whalan:** Oh oui, une grande économie de temps naturellement parce que l'énumération peut se faire à l'avance.

**Le président:** M. Francis.

**M. Francis:** Y a-t-il des difficultés quand les agents des candidats se présentent le jour de l'élection au bureau du président d'élection?

**M. Whalan:** Que voulez-vous dire?

**M. Francis:** L'agent d'un candidat peut aller dans chacune des subdivisions, mais la loi fédérale comporte une lacune qui fait qu'un agent ne peut pas se présenter au bureau du président d'élection le jour de l'élection. Y a-t-il un tel empêchement dans votre Loi?

**M. Whalan:** Non, ils peuvent aller voir le président d'élection.

**M. Francis:** Il ne peut y aller, ni à l'intérieur ni même près de là.

**M. Whalan:** Non, il n'y a rien qui l'en empêche.

**M. Francis:** Pas dans notre système. Parce que j'ai demandé par écrit au prédécesseur de M. Hamel d'avoir un agent dans le bureau du président d'élection et on m'a refusé la permission. A votre avis, y aurait-il une raison pour refuser à un candidat, le droit d'aller au bureau du président d'élection le jour de l'élection?

**M. Whalan:** Nous n'avons jamais eu à faire face à ce problème. Ça pourrait causer beaucoup d'ennuis au bureau.

**M. Francis:** Simplement, le fait d'être là?

[Texte]

**Mr. Whalan:** I would think so. If you had half a dozen agents in there all wrangling over nothing...

**Mr. Francis:** All right, but I should think that you might be coloured a little today, sir.

**Mr. Whalan:** No, I am not, I am very unbiased. But...

**Mr. Francis:** I realize you are. I do not wish to suggest in any way...

**Mr. Whalan:** No, but I can visualize the state of confusion if there were half a dozen agents in there all fighting over the same thing.

**Mr. Francis:** But surely in the poll, for example...

**Mr. Whalan:** It is bad enough at the poll if a bunch of agents get in there all scrambling and all trying to express their own opinion over, sometimes an illiteral D.R.O.

**Mr. Francis:** Do you think they should be kept out?

**Mr. Whalan:** I do not say they should be kept out, but certainly this is why there is a constable there to maintain law and order.

**Mr. Francis:** Is there not a parallel situation with regard to the returning officer? In my own constituency there are 220 places where a poll is conducted and where, as a candidate, I could have an agent, but there is one place where the whole machinery is directed on election day where I cannot have an agent. It seems to be anomalous.

**Mr. Whalan:** I could see it if each party had one agent.

**Mr. Francis:** That is right.

**Mr. Whalan:** I could see no objection to that...

**Mr. Francis:** Thank you. That was the question I intended to ask you.

**Mr. Whalan:** ...provided it was not bombarded with agents.

**Mr. Francis:** No.

**Mr. Whalan:** Not more than one.

**Mr. Francis:** No, no, just one agent.

**Mr. Whalan:** I cannot see any objection to that.

**Mr. Francis:** Thank you, sir.

**Mr. Whalan:** We have never run up against the problem.

[Interprétation]

**M. Whalan:** Oui, si vous aviez une demi-douzaine d'agents qui se cassent le chignon...

**M. Francis:** Très bien, mais je crois que vous êtes partial aujourd'hui.

**M. Whalan:** Non, non, je suis très impartial.

**M. Francis:** Je crois que vous l'êtes.

**M. Whalan:** Mais je puis très bien voir la confusion qui serait créée ainsi si tous les agents discutaient à propos de tout et à propos de rien.

**M. Francis:** Mais, sûrement, au bureau de votation.

**M. Whalan:** C'est assez ennuyeux, dans le bureau de votation, lorsque plusieurs agents essaient de faire valoir leur opinion.

**M. Francis:** Devrait-on les tenir à l'écart?

**M. Whalan:** Je ne prétends pas qu'ils doivent être tenus à l'écart, mais il y a un constable pour maintenir l'ordre.

**M. Francis:** N'est-ce pas la même chose pour le président d'élection? Dans ma circonscription, il y a 220 bureaux où je peux avoir un agent. Il y a un seul endroit où je ne le peux pas. Ceci me semble être une anomalie.

**M. Whalan:** Si chaque parti avait un agent, il n'y aurait rien à redire.

**M. Francis:** C'est exact.

**M. Whalan:** Je n'ai aucune objection à cela.

**M. Francis:** Merci. C'était ma question.

**M. Whalan:** A condition de ne pas être envahi par les agents.

**M. Francis:** Non.

**M. Whalan:** Pas plus qu'un.

**M. Francis:** Non, seulement un.

**M. Whalan:** Je n'ai pas d'objection.

**M. Francis:** Merci.

**M. Whalan:** Nous n'avons jamais eu ce problème.



[Text]

**Mr. Francis:** Thank you.

**Mr. Forrestall:** I have a supplementary question in a sense. Are you satisfied with the provisions of your own Act as it relates to your ability as the Chief Electoral Officer to resolve difficulties that come up, as I am sure they do or must, that are not provided for in the Act? Are you satisfied with it...

**Mr. Whalan:** Yes, I think so.

**Mr. Forrestall:** ...as it relates to your authority?

**Mr. Whalan:** Yes, I think so. With a few minor changes the Act can be very successfully executed.

**Mr. Forrestall:** Does the authority in your own Act conform generally or broadly with the federal Act in this area?

**Mr. Whalan:** Yes, it does, broadly.

**Mr. Benjamin:** On this business of agents at the polls which Mr. Francis raised, in the case of multiple constituencies, let us take, for example, a four-member seat in Saint John, there would be two agents whether there was one candidate or four? You only are allowed two agents, not eight.

**Mr. Whalan:** That is right.

**Mr. Benjamin:** Why do you allow only one for an independent candidate? I do not mean you personally, but why does the Act only allow one? Do you know of any reason why it was specified...

**Mr. Whalan:** No, I do not know of any reason. I really do not know.

**Mr. Jerome:** It would be theoretically possible, I guess, to have four different independent candidates and, therefore, four agents...

**Mr. Whalan:** Yes.

**Mr. Jerome:** .. whereas if the candidates in the same area have a party affiliation they are limited to two.

**Mr. Whalan:** Yes, that is quite true. It could happen.

**The Chairman:** Mr. Forrestall, do you have something to ask?

**Mr. Forrestall:** I wonder, Mr. Whalan, if you could describe for us the provisions of your Act as they relate to members of the Canadian Armed Forces, particularly at Gagetown and particularly as they relate to the secrecy of their ballots, generally speaking.

[Interpretation]

**M. Francis:** Merci.

**M. Forrestall:** En votre qualité de directeur général d'élection, êtes-vous satisfait des provisions de la loi?

**M. Whalan:** Oui, oui.

**M. Forrestall:** En ce qu'elle touche à votre autorité.

**M. Whalan:** Oui, je crois. Avec quelques modifications la loi pourrait très bien s'appliquer.

**M. Forrestall:** L'autorité telle que stipulée dans votre loi est-elle conforme à la loi fédérale d'une façon générale?

**M. Whalan:** Oui, d'une façon générale.

**M. Benjamin:** A propos de la question de l'agent dans les bureaux de votation, pour ce qui est des circonscriptions multiples, ou quadruple comme celle de Saint-Jean, par exemple. Il y aurait deux agents qu'il y ait un candidat ou quatre? Vous n'avez droit qu'à deux agents et non à huit.

**M. Whalan:** C'est exact.

**M. Benjamin:** Pourquoi n'en autorisez-vous seulement un pour les candidats indépendants?

**M. Whalan:** Non, je ne peux pas vous donner la raison. Je n'en vois pas.

**M. Jerome:** Ce serait possible, en principe, d'avoir quatre candidats indépendants et par conséquent, quatre agents.

**M. Whalan:** Oui.

**M. Jerome:** Tandis que si les candidats d'une région sont affiliés à un parti ils ne peuvent en avoir que deux?

**M. Whalan:** Oui, c'est cela qui se produirait.

**Le président:** M. Forrestall, avez-vous une question à poser?

**M. Forrestall:** Monsieur Whalan, pouvez-vous nous dire quelles sont les dispositions de votre loi concernant les militaires canadiens, surtout à Gagetown, et surtout dans la mesure où elles ont trait au caractère secret de leurs votes?



[Texte]

**Mr. Whalan:** Do you mean proxy votes?

**Mr. Forrestall:** No, but I might perhaps ask a series of specific questions. Are all the members of the Canadian Armed Forces at Camp Gagetown enumerated in the same manner?

**Mr. Whalan:** That is right.

**Mr. Forrestall:** All of them, including those living on the base? I am trying to separate married quarters from...

**Mr. Whalan:** If they are on the base, they are within an electoral riding and are enumerated in that electoral riding.

**Mr. Benjamin:** No matter where they come from in Canada?

**Mr. Whalan:** No matter where they came from, if they are Canadian citizens or British subjects.

**Mr. Benjamin:** With the same residence requirements?

**Mr. Whalan:** That would be their residence.

**Mr. Benjamin:** But do they still have to be there six months prior to election?

**Mr. Whalan:** Oh, yes.

**Mr. Forrestall:** You do not adhere to the principle, as some provinces do, of permitting the elector to vote on the basis of his choice, which he elects once a year to designate to his superior officer?

**Mr. Whalan:** No. The residence laws apply to them as well as to anyone else.

**Mr. Forrestall:** How many polling stations would there be in Gagetown?

**Mr. Whalan:** I would not know offhand.

**Mr. Forrestall:** Twenty in Gagetown, 15?

**Mr. Whalan:** Oh, no.

**Mr. Forrestall:** Not that many?

**Mr. Whalan:** Polling stations?

**Mr. Forrestall:** Yes. Well, polling divisions.

**Mr. Whalan:** Polling divisions?

**Mr. Forrestall:** Places where people go and vote.

**Mr. Whalan:** There is a distinction between polling divisions and polling stations. You might have three polling stations in one polling division.

[Interprétation]

**M. Whalan:** Voulez-vous parler du vote par procuration?

**M. Forrestall:** Non, mais je pourrais poser une série de questions précises. Les militaires de Camp Gagetown sont-ils tous énumérés de la même façon?

**M. Whalan:** Oui.

**M. Forrestall:** Tous, même ceux qui vivent à la base? J'essaie d'établir une distinction entre les quartiers des gens mariés et...

**M. Whalan:** S'ils vivent à la base, ils se trouvent dans une circonscription électorale et ils y sont inscrits.

**M. Benjamin:** Quel que soit l'endroit où ils vivent au Canada.

**M. Whalan:** Quel que soit l'endroit d'où ils viennent, s'ils sont sujets britanniques ou citoyens canadiens.

**M. Benjamin:** Avec les mêmes exigences du point de vue de la résidence.

**M. Whalan:** Cela serait leur résidence.

**M. Benjamin:** Mais ils doivent quand même être là six mois avant les élections?

**M. Whalan:** Oui.

**M. Forrestall:** Ne suivez-vous pas le principe de certaines provinces qui autorisent l'électeur à voter en fonction de l'option qu'il exerce une fois l'an auprès de son officier supérieur?

**M. Whalan:** Non. Les lois du domicile s'appliquent à eux comme à tous les autres.

**M. Forrestall:** Combien de bureaux de vote y aurait-il à Gagetown?

**M. Whalan:** Je n'ai pas les chiffres en tête.

**M. Forrestall:** 20, 15?

**M. Whalan:** Oh, non!

**M. Forrestall:** Moins que ça?

**M. Whalan:** Des bureaux de vote?

**M. Forrestall:** Oui. Disons, des divisions de vote.

**M. Whalan:** Des divisions de vote?

**M. Forrestall:** Les endroits où l'on va voter.

**M. Whelan:** Il y a une différence entre les divisions et les bureaux de votation. Il peut y avoir trois bureaux de vote dans une division.



[Text]

**Mr. Forrestall:** I was not thinking of the riding, generally. I was thinking in terms of 350 people, roughly, to what I would call a polling division. That would be serviced by one polling station, would it not? Just in that sense. How many of those would there be in Camp Gagetown?

**Mr. Whalan:** The armed forces, if I recollect, is one polling division. It would be classified as one polling division. In Oromocto you see a great part of Camp Gagetown married quarters. Unmarried as well as married, in other words, live in Oromocto, which is an urban centre. I think Oromocto has, if I recall, about 10 divisions.

**Mr. Forrestall:** For the purposes of my next question, it is perhaps irrelevant. It is an identifiable area. Is there concern that the secrecy of the serviceman's ballot is perhaps not properly provided for in the general sense?

**Mr. Whalan:** I am not aware of that. I have heard no comment on it or no criticism of it in our relations, either in municipal or provincial elections.

**Mr. Forrestall:** There is a mixture under your system at Gagetown of civilians and service people voting—physically putting a ballot in the same box—so as to dilute any possibility of somebody's saying, oh, well, the army voted.

**Mr. Whalan:** Oh, yes.

**Mr. Forrestall:** I am concerned because the armed forces have not, in my opinion, had the privacy of the ballot for a long time and I hope you will be able to do something about it.

**Mr. Macquarrie:** I do not ask for a moral judgment on this but just an appraisal of the administrative effectiveness of the election of candidates through several multiple or dual ridings as against single-member ridings. I am one of the victims of the dissolution of one of the last two dual ridings that we had in the Dominion House. In terms of electing 52 men or women to Fredericton, would your job, your total process from start to finish, be much simplified and therefore potentially of a shorter period if they were single-member constituencies?

**Mr. Whalan:** I do not think I am in a position to pass an opinion on it. We have never had it. As I say, they have discussed this in the press many times and the leader of the

[Interpretation]

**M. Forrestall:** Je ne parlais pas de la circonscription en général. Je pensais à 350 personnes ce que j'appellerais un arrondissement électoral et qui aurait un bureau de vote, dans ce sens-là. Combien y en aurait-il au Camp Gagetown?

**M. Whalan:** Les Forces armées, si je me souviens bien, constituent une division de vote. Ce serait considéré comme une division de vote. A Oromocto, vous voyez une grande partie des quartiers des gens mariés du Camp Gagetown. Il y a des gens mariés et des gens non mariés qui vivent à Oromocto qui est un centre urbain et qui, je crois, comprend dix divisions.

**M. Forrestall:** Aux fins de ma prochaine question, cela n'est peut-être pas très approprié. Il s'agit d'un domaine qui peut être identifié. S'inquiète-t-on que le caractère secret des votes des militaires n'est pas toujours observé?

**M. Whalan:** Je ne suis pas au courant. Je n'ai entendu aucune critique dans nos relations, que ce soit aux élections municipales ou provinciales.

**M. Forrestall:** En vertu de votre système, vous avez des civils et des militaires à Gagetown qui votent ensemble et qui mettent leurs bulletins dans les mêmes urnes pour supprimer la possibilité que l'on dise: «les militaires ont voté».

**M. Whalan:** Oh oui.

**M. Forrestall:** Je suis préoccupé parce qu'à mon avis, les militaires n'ont pas eu l'avantage du secret lorsqu'ils votent pendant longtemps et j'espère que vous pourrez remédier à la situation.

**Le président:** Monsieur MacQuarrie.

**M. Macquarrie:** Je voudrais simplement qu'on me dise quelle est l'efficacité administrative de l'élection des candidats dans plusieurs circonscriptions multiples ou doubles comparativement à celles où il n'y a qu'un seul député. Je suis une des victimes de la dissolution d'une des deux dernières circonscriptions doubles que nous ayons eues à Fredericton. Pour ce qui est de l'élection de 52 hommes ou femmes à Fredericton, est-ce que, du début jusqu'à la fin, le travail serait simplifié s'il n'y avait qu'un candidat par circonscription?

**M. Whalan:** Je ne suis pas en mesure d'émettre une opinion à ce sujet. Nous n'avons jamais eu un cas semblable. Il en a souvent été question dans les journaux. Le



[Texte]

Opposition has made reference to it several times recently as well as during the last election. But I have never looked into it that deeply to see whether or not it would facilitate the operation of an election.

**Mr. Macquarrie:** You do not find that there are really built-in delays on these multiple things? I know that some people did not like having to write in 'we' instead of 'I' on some of the forms for dual ridings, but I never could think that was a terribly big job. I was going back to Mr. Castonguay, as a matter of fact. I knew he was death on dual ridings. You do not find it all that difficult, then, in administrative terms?

**Mr. Whalan:** No.

**Mr. Macquarrie:** Because I know there are sociological reasons for them.

**Mr. Forrestall:** How many ridings are there?

**Mr. Whalan:** Twenty-two.

**An hon. Member:** Twenty-two ridings and 58 members.

**Mr. Macquarrie:** Do you have a set day of the week for elections?

**Mr. Whalan:** Monday.

**Mr. Francis:** Do you have views on whether it is a good thing to always have an election on a Monday? Would any other day of the week be preferable, from your point of view?

**Mr. Whalan:** I really do not know. I cannot visualize any objection with the exception of Saturday. Saturday is objectionable, apparently.

**Mr. Francis:** Do the schools close so that you can use them as polling booths?

**Mr. Whalan:** No.

**Mr. Francis:** If you had an election on a Saturday, you could more easily use schools, with less difficulty, perhaps.

**Mr. Whalan:** That is a question that was posed in the municipal elections, particularly where the municipal government is now the owner of all the schools, and we felt that by using the schools we would be able to reduce our costs of rented quarters considerably. Naturally, all the school boards were opposed—not all but some. Some school boards opposed the letting of the schools or relinquishing of the schools on a Monday because it meant they had to close the class-

[Interprétation]

chef de l'Opposition en a parlé plusieurs fois dernièrement et durant les dernières élections, mais je n'ai jamais étudié la question pour voir si ceci faciliterait les choses ou non.

**M. Macquarrie:** Vous ne trouvez vraiment pas qu'il y a vraiment des retards dans ces cas?

Je sais que certains n'aiment pas inscrire « nous » au lieu de « je » sur certaines formules, mais je n'ai jamais cru que c'était là une tâche monumentale. Je retournais d'ailleurs à M. Castonguay. Vous ne voyez donc pas de difficultés, du point de vue administratif?

**M. Whalan:** Non.

**M. Macquarrie:** Car je sais que cela peut s'expliquer par des raisons sociologiques.

**M. Forrestall:** Combien de circonscriptions y a-t-il?

**M. Whalan:** Vingt-deux.

**Une voix:** 22 circonscriptions et 58 députés.

**M. Macquarrie:** Avez-vous un jour fixe de la semaine pour les électeurs?

**M. Whalan:** Lundi.

**M. Francis:** Est-ce que vous croyez que c'est bon de tenir des élections le lundi? Est-ce que vous croyez qu'un autre jour serait préférable?

**M. Whalan:** Je ne sais pas. Je ne vois aucun inconvénient à ce que les élections aient lieu un autre jour, sauf le samedi. Il semble qu'on s'oppose au samedi.

**M. Francis:** Est-ce que les écoles ferment pour que vous puissiez vous en servir comme bureaux de vote?

**M. Whalan:** Non.

**M. Francis:** Si vous aviez des élections le samedi, vous pourriez vous servir des écoles plus facilement.

**M. Whalan:** C'est une question qui s'est posée aux élections municipales, surtout puisque le gouvernement provincial possède maintenant toutes les écoles, et nous avons pensé pouvoir ainsi réduire nos frais de location considérablement. Évidemment, toutes les commissions scolaires se sont opposées à cette proposition, à ce que l'on se serve des écoles le lundi parce qu'on perdrait un jour de classe. Certains ont proposé que les élections aient lieu le samedi, mais là vous vous heurtez au



[Text]

rooms and lose a day of school. There were some who advocated having it on Saturday, but immediately you come up against the problem of the Jewish people. That eliminated that. So we are still back to Monday.

**Mr. Benjamin:** Your only exception is that if a holiday falls on a Monday, then it is on Tuesday.

**Mr. Whalan:** That is right.

**Mr. Benjamin:** Do you have any provisions in the Act regarding the display of election posters, signs, banners or whatever, in or near a polling station?

**Mr. Whalan:** On election day?

**Mr. Benjamin:** Yes. What is the prohibition? None at all or within a certain distance?

**Mr. Whalan:** None at all around the polling stations; and no banners on cars, no loudspeakers.

**Mr. Benjamin:** Is there a prescribed distance from the polling station?

**Mr. Whalan:** In the area of the polling station, cars are not allowed to carry them.

**Mr. Benjamin:** All broadcasting must cease midnight Friday.

**Mr. Whalan:** Yes.

**Mr. Forrestall:** Newspapers can go along merrily, though, can they? Newspaper advertising can just carry on. It is permissible in New Brunswick on election day for a candidate or a party on behalf of its candidates to run ads, for example transportation ads and that type of thing.

**Mr. Whalan:** I am not sure of that. I guess it just deals with radio stations and television stations.

**Mr. Francis:** Do you have a prohibition of posters near the polls on election day? What is the distance? Pardon me, I do not have a copy of the Act.

**Mr. Whalan:** In or around the polling station. That is all.

**Mr. Benjamin:** It is just up to the D.R.O., then, as to what he considers to be in or around the grounds.

**Mr. Whalan:** Yes.

**Mr. Benjamin:** I notice in paragraph (2) of Section 117 on page 108, starting about half-

[Interpretation]

problème des Juifs. Donc, nous nous en tenons toujours au lundi.

**M. Benjamin:** Vous ne faites exception que s'il y a une fête le lundi, alors vous les tenez le mardi.

**M. Whalan:** Oui.

**M. Benjamin:** Est-ce que vous avez des dispositions dans la loi en ce qui concerne les affiches ou les banderoles près des bureaux de votation?

**M. Whalan:** Le jour des élections?

**M. Benjamin:** Oui. Quelle est l'interdiction? Aucune affiche ou seulement à une certaine distance?

**M. Whalan:** Aucune banderole près des bureaux; sur les voitures, pas de haut-parleurs.

**M. Benjamin:** Est-ce qu'il y a une distance prévue du bureau de votation?

**M. Whalan:** Les voitures ne peuvent pas porter de banderoles dans le secteur du bureau.

**M. Benjamin:** Toute radiodiffusion doit cesser le vendredi à minuit.

**M. Whalan:** Oui.

**M. Forrestall:** Pourtant, les journaux ne sont pas affectés? Les annonces dans les journaux sont permises. Il est possible pour un candidat ou un parti au Nouveau-Brunswick, le jour des élections, de faire passer des annonces.

**M. Whalan:** Je ne suis pas certain. Il ne s'agit que des stations de radio et de télévision.

**M. Francis:** Est-ce que vous interdisez des affiches près des bureaux de votation le jour des élections? Quelle est la distance? Excusez-moi, je n'ai pas d'exemplaire de la loi.

**M. Whalan:** Au bureau ou aux environs de ce dernier. C'est tout.

**M. Benjamin:** Il incombe donc au sous-officier rapporteur de décider ce qu'il estime être «au bureau ou aux environs du bureau».

**M. Whalan:** Oui.

**M. Benjamin:** A la page 108, l'article 117, alinéa 2), au milieu de l'alinéa 2), 4<sup>e</sup> ligne,



[Texte]

way down the paragraph there, the fourth line, "or within two days before polling day." That means that every party must cease putting up posters, stickers or anything else and handing them out on midnight Friday.

**Mr. Whalan:** Yes.

**Mr. Benjamin:** But even on election day, people could still keep posters up on their houses or stickers on their cars as long as they did not come in or near the polling station? Everything does not have to be taken down.

**Mr. Whalan:** No.

**Mr. Macquarrie:** Would there be any problem if candidates' representatives distributed pamphlets on some policy—in other words propaganda—on the day before election—Saturday or even Sunday?

**Mr. Whalan:** I think that is covered here as well.

**Mr. Macquarrie:** Favours and flags and so on, but I am thinking of a political message.

**Mr. Whalan:** We had a problem with that in a by-election in Dalhousie where right across the river in the Province of Quebec they were broadcasting prerecorded election speeches. That created quite a turmoil. The difficulty was to pinpoint who was responsible for that program. You could not nail the broadcasting station. If it could have been proven that political parties were involved, there would have been trouble. It is quite a problem to try to prove those things.

**Mr. Macquarrie:** I presume all of these are to prevent the kind of roorback at the last minute against which someone else is unable to respond. There are people who believe that it might be well to consider the printed media too; that some things come out on the morning of the election which should perhaps be contradicted and it is a little too late. We hear that sometimes heavy activity in the distribution of pamphlets is a bit difficult at the last minute. I think it might be worth considering that and a stop put to it.

**Mr. Whalan:** I think where it can be proven that the parties involved are accomplices to these actions they are liable, but there again it is difficult to prove because a lot of party workers or supporters could do that and get away with it.

**Mr. Benjamin:** The use of a radio station across the border in another province might well be looked into, Mr. Chairman, as to a recommendation to the Canadian Radio-

[Interprétation]

«ou dans les deux jours avant les élections». Il faut donc ôter les affiches, les collants et les banderoles le vendredi à minuit.

**M. Whalan:** Oui.

**M. Benjamin:** Même le jour des élections, les gens peuvent encore avoir une affiche chez eux à condition de ne pas les apporter près des bureaux de votation ou à l'intérieur de ces derniers. Tout ne doit pas être enlevé.

**M. Whalan:** Non.

**M. Macquarrie:** Y aurait-il un problème si des représentants des candidats distribuait des brochures la veille d'une élection, autrement dit s'ils faisaient de la propagande, le samedi ou même le dimanche?

**M. Whalan:** Cela est également prévu.

**M. Macquarrie:** Je pense à un message politique.

**M. Whalan:** Nous avons eu des problèmes en ce sens dans une élection complémentaire à Dalhousie alors qu'en face, au Québec, il y avait un programme radiodiffusé et des discours préenregistrés. Il y a eu un tollé. Quant à dire qui était le responsable, là je ne sais pas. On ne pouvait accuser la station. Si on avait pu prouver que les partis politiques étaient responsables, il y aurait eu des ennuis. C'est très difficile de prouver ces choses-là.

**M. Macquarrie:** Je suppose que tout cela est destiné à empêcher des faussetés de dernière minute que l'on ne peut réfuter. Certains pensent qu'il serait peut-être bon de songer aux journaux. Il y a des choses qui paraissent dans les journaux le matin de l'élection qu'on pourrait peut-être contredire, mais à la dernière minute ce n'est plus possible. Nous entendons dire que quelquefois la distribution des brochures à la dernière minute est difficile. Je crois qu'il serait bon qu'on arrête ces choses.

**M. Whalan:** Lorsqu'on peut établir que les partis sont complices, ils deviennent passifs, mais c'est difficile à prouver car beaucoup de travailleurs pour les partis arrivent à se dérober.

**M. Benjamin:** Monsieur le président, l'utilisation d'une station de radio d'une frontière provinciale à l'autre pourrait être étudiée et faire l'objet d'une recommandation à la Com-



[Text]

Television Commission, listing the regulations that prohibit any stations anywhere from broadcasting anything on any kind of election, be it municipal, provincial or federal.

**Mr. Whalan:** This is where I had to go to get it stopped.

**Mr. Benjamin:** You did. And they did stop it?

**Mr. Whalan:** Yes.

**Mr. Benjamin:** But there was nothing already in the regulations on this.

**Mr. Whalan:** No, not as far as we were concerned.

**Mr. Francis:** Surely, it would be fair to make the recommendation to the Radio-Television Commission that no station be permitted to make any broadcast which would violate any municipal or provincial requirements or provisions, no matter what the location of the station was. I think this kind of recommendation would be a healthy one to make.

**Mr. Whalan:** I am just using a specific case there.

**Mr. Francis:** I know, but you could make a general provision and then the onus is on the station to defend themselves under it. I think this would be a healthy thing to do.

**Mr. Jerome:** How do you control an American station?

**Mr. Francis:** You can control a station in one province affecting an election in another province.

**Mr. Jerome:** Yes.

**Mr. Benjamin:** I had this occur once in Saskatchewan. A station in Montana was used by a party the night before election, and what do you do? But in the case where one was tried in Alberta when there was an election on in Saskatchewan, a couple of telephone calls fixed that. It should not be necessary to have to worry about it.

**Mr. Francis:** You certainly have it in the Ottawa Valley.

**Mr. Benjamin:** This might also be a case of asking our own radio and television commission to take it up with their counterparts in

[Interpretation]

mission canadienne de radio et télévision pour énumérer les règlements qui empêcheraient toute station de radiodiffuser quoi que ce soit, qu'il s'agisse d'élection municipale, provinciale ou fédérale.

**M. Whalan:** C'est ce que j'ai dû faire pour arrêter ces choses.

**M. Benjamin:** Ont-ils arrêté?

**M. Whalan:** Oui.

**M. Benjamin:** Mais il n'y avait rien dans le règlement qui l'interdisait.

**M. Whalan:** Non, pas en ce qui nous concerne.

**M. Francis:** Il me semble qu'il serait juste de recommander à la CRTC qu'aucune station-émettrice ne puisse diffuser une émission qui violerait des dispositions municipales ou provinciales, quel que soit l'endroit où la station est située. Je crois qu'il s'agit là d'une bonne recommandation.

**M. Whalan:** J'utilise uniquement un cas concret.

**M. Francis:** Mais vous pouvez établir une disposition générale et ainsi la station de radio doit se défendre en vertu de cette dernière. Je pense que cela serait une chose utile à faire.

**M. Jerome:** Comment pouvez-vous avoir le contrôle d'une station de radio américaine?

**M. Francis:** Vous pouvez contrôler une station radiophonique dans une province qui s'occupe de faire de la propagande pour une élection dans une autre province.

**M. Jerome:** Oui.

**M. Benjamin:** Ceci s'est déjà produit en Saskatchewan. Une station au Montana a été utilisée par l'un des partis la nuit précédant l'élection. Que pouvez-vous faire dans ce cas? Mais dans le cas qui a fait l'objet d'un jugement en Alberta lorsqu'il y avait une élection en Saskatchewan, quelques coups de téléphone ont arrangé l'affaire. Je pense qu'il n'y a pas de souci à se faire de ce côté-là.

**M. Francis:** Vous avez certainement le même cas dans la vallée de l'Outaouais.

**M. Benjamin:** On pourrait dans ce cas, demander à notre propre Commission de la radio et de la télévision de régler le problème



[Texte]

the United States, and have a mutual regulation that applies.

**Mr. Jerome:** Mr. Chairman, it is my information that American stations, for example, who are contacted respecting this practice seem very willing to co-operate in every respect with the Canadian law. But the question is whether or not you should have to contact them, or whether you can prohibit it by other means. If we take the trouble to contact them and request that they conform with our laws, they are quite willing to do so. But whether or not you can always depend on co-operation or whether you can enforce it are two different things.

**The Chairman:** Mr. Forrestall.

**Mr. Forrestall:** I wonder if I could ask a brief question to both Mr. Whalan and Mr. Hamel. I am sorry that I did not ask it yesterday in Nova Scotia, or earlier in Quebec. Under your schedule A, is your tariff of fees for conduct of the election based on ours?

**Mr. Whalan:** No, it is not. Some of the fees have been amended. They were discretionary.

**Mr. Hamel:** The Nova Scotia tariff fees are very close to ours, but they have many more districts than we do and because of the number of electors within each district, the end result is that each returning officer gets much less than each of our own. This is the source, I understand, of bitter complaints in Nova Scotia. That is what I was told yesterday.

**Mr. Whalan:** We have tried gradually to upgrade these fees to conform with the federal fees. In item I, for instance, we found immediately when we got into the 1967 election, that there were complaints from the returning officers, particularly in the urban ridings. An urban riding might have, say, 65 polling stations, for which there is allowed only \$10 each, making \$650. The election clerk would be getting more than the returning officer. So what we did was pass an Order in Council giving a minimum of \$1,000 to each returning officer, and item II was increased to \$12. In other words, we have \$12 a polling station with a minimum of \$1,000.

[Interprétation]

avec sa contrepartie aux États-Unis et de créer les règlements mutuels qui pourraient s'appliquer dans ces cas.

**M. Jerome:** Monsieur le président, selon des renseignements, ces stations américaines par exemple, lorsqu'on les appelle à ce sujet, semblent très coopératives dans tous les aspects de la loi canadienne. Mais la question est de savoir si oui ou non nous devons les contacter, ou plutôt si vous pouvez empêcher de telles actions par d'autres moyens. Si nous prenons la peine de les contacter et de leur demander qu'ils se conforment à nos lois, elles le font de bon cœur. Mais à savoir si oui ou non vous pouvez toujours dépendre de cette coopération ou si vous pouvez réglementer la chose, ce sont deux choses différentes.

**Le président:** Monsieur Forrestall.

**M. Forrestall:** Je me demande si je pourrais poser une courte question à M. Whalan et à M. Hamel. Je suis désolé de ne pas l'avoir fait hier en Nouvelle-Écosse ou plus tôt, lorsque nous étions au Québec. Selon votre cédule A, est-ce que votre tarif concernant les droits pour la campagne électorale est basé sur le même que celui du Canada?

**M. Whalan:** Non. Certains des droits ont été modifiés car ils étaient sujets à discrétion.

**M. Hamel:** Le tarif des droits de la Nouvelle-Écosse ressemble beaucoup aux nôtres. Mais comme il y a plusieurs districts supplémentaires et parce que le nombre d'électeurs par district est plus faible, il en résulte que chaque président d'élection reçoit un montant plus faible que ceux des présidents d'une élection fédérale. Voilà, je crois, la source de plaintes amères dans la Nouvelle-Écosse. C'est ce qui nous a été dit hier.

**M. Whalan:** Nous avons essayé d'augmenter graduellement ces droits afin d'en arriver aux mêmes droits que ceux versés par le gouvernement fédéral. À l'article 1, par exemple, nous avons découvert que lors de l'élection de 1967 nous avons reçu des plaintes, il y avait des plaintes formulées par les présidents d'élection et tout spécialement dans les circonscriptions urbaines. Une circonscription urbaine, par exemple, pourrait avoir environ 65 bureaux de vote, pour lesquels on octroie dix dollars à chacun, ce qui fait \$650. Ainsi le préposé aux élections pourrait faire plus d'argent que le président d'élection. Ainsi nous avons passé un ordre en conseil leur garantissant un minimum de \$1,000 à chacun des présidents d'élection, et selon l'article 2, nous avons augmenté la somme par vote à \$12. En d'autres mots, nous versons \$12 par vote électoral et un minimum de \$1,000 par bureau.



[Text]

**Mr. Forrestall:** Do you have anything in your Act anywhere that requires where possible the use of public buildings, for example, for polling stations?

**Mr. Whalan:** No.

**The Chairman:** Mr. Hamel.

**Mr. Hamel:** On this point, I would like to mention something to the Committee and, of course, if you do not agree with the practice I have been carrying on for a few years I would be pleased if you would tell me. Ever since I took this job, I have made it a point that each time we published something such as the report of the general election, such as a new tariff of fee, such as my report to the House of Commons, I send a copy to my provincial counterparts, hoping to get reciprocal treatment from them because I believe in constant exchange of information. I may say it is a two-way street with Quebec, with Ontario, and with most provinces. It is not a very expensive thing, except perhaps the big report which is published after each election which is a fairly expensive publication. But I do not know if the Committee approves of this. If you do, I will continue to do so; if not...

**Mr. Forrestall:** I do not know whether it is for us to say or not, but I hope you would not stop the practice.

**Mr. Hamel:** Thank you.

**Mr. Forrestall:** The question of conformity, I think, is too important. We are dealing with an awful lot of money in the course of conducting elections federally, provincially, and municipally. Anything that can be done to make life easier at all levels and cheaper is, I think, a responsibility that you have, and it is not necessarily one about which we have to tell you.

**Mr. Hamel:** Thank you.

**Mr. Francis:** Mr. Forrestall, I would just like to say I cannot conceivably see any harm in the practice. I think this is certainly something that should be continued.

**The Chairman:** Any more questions? Mr. Benjamin.

**Mr. Benjamin:** May I just bring up a point. I meant to ask this, and I wish, like Mr. Forrestall, I had done so in Nova Scotia or in

[Interpretation]

**M. Forrestall:** Avez-vous une disposition dans votre loi qui demande lorsqu'il est possible que des bureaux de vote soient installés dans des édifices publics?

**M. Whalan:** Non.

**Le président:** Monsieur Hamel.

**M. Hamel:** A ce sujet, j'aimerais mentionner quelque chose au Comité et bien sûr si vous n'êtes pas d'accord avec la pratique que j'utilise depuis quelques années, j'aimerais que vous me le disiez. Depuis la prise en charge de mon travail, chaque fois que nous publions quelque chose au sujet d'une élection, soit un rapport, soit des nouveaux tarifs de droits, soit mon rapport à la Chambre des communes, nous envoyons un exemplaire de ces documents aux directeurs d'élections de chacune des provinces. J'espère avoir un traitement réciproque de leur part car je crois qu'un échange continu de renseignements est important. Je dois dire que c'est déjà le cas avec la province de Québec, avec l'Ontario et avec plusieurs autres provinces. Ce n'est pas une activité bien dispendieuse, à l'exception des gros rapports qui sont publiés après chaque élection qui sont des publications plutôt coûteuses. Je ne sais pas si le Comité approuve cette façon de faire. Si vous l'approuvez, je continuerai cette pratique. Sinon...

**M. Forrestall:** Je ne sais pas si c'est à nous de dire oui ou non, mais j'espère que vous n'arrêterez pas cette pratique.

**M. Hamel:** Merci.

**Mr. Forrestall:** La question de l'uniformité est, je crois, très importante. Nous touchons à des montants énormes d'argent lorsque nous organisons des élections fédérales, provinciales ou municipales. Ce qui peut être fait pour rendre la chose plus facile à tous les niveaux et surtout moins chère, je crois, est du ressort de votre responsabilité et je crois qu'il n'est pas nécessaire pour nous d'avoir à vous le dire.

**M. Hamel:** Merci.

**M. Francis:** Monsieur Forrestall, je voudrais juste vous dire que je ne peux concevoir aucune mauvaise chose dans cette pratique. Je pense que c'est quelque chose qui devrait être poursuivi.

**Le président:** D'autres questions? Monsieur Benjamin.

**M. Benjamin:** Puis-je juste soulever une question? Je voudrais juste poser cette question et comme M. Forrestall, je regrette de ne



[Texte]

Quebec. Do you have any provisions for the matter of constituency boundaries? Is this left to the Governor in Council or do you have any provisions for independent commissions to do this?

**Mr. Whalan:** No.

**Mr. Benjamin:** I guess each province—no they do not either. Do you have a separate provision for provincial constituency boundaries being done by an independent commission?

**Mr. Whalan:** No. This is set up by the legislature whenever they feel as though it is.

**Mr. Benjamin:** What is your minimum? Do you have any minimum number of electors per constituency?

**Mr. Whalan:** These new boundaries were based on population, one representative out of 10,000 or a fraction thereof.

**The Chairman:** Are you through Mr. Benjamin? Well, if there are no more questions, we thank you very much, Mr. Whalan.

**Mr. Whalan:** It has been my pleasure. Thank you, gentlemen.

**Le président:** J'ai exprimé tout à l'heure certaines remarques qui ont, je crois, clarifié la situation qui semblait quelque peu confuse. Je n'ai rien d'autre à ajouter, à moins que les membres aient quelque point à soulever, nous allons lever la séance.

**Mr. Macquarrie:** I have a procedural question. Am I right in assuming that these are not in fact in camera meetings and that we will have a report of proceedings?

**The Chairman:** Yes, with the exception of Quebec where the proceedings were in camera.

**Mr. Macquarrie:** I do not want to lose any of the pearls that we have had. That is good.

**The Chairman:** Mr. Howard.

**Mr. Howard:** Mr. Chairman, I wonder about the matter of our subsequent tours or trips, even though they are tentative at the moment and hinge upon getting authority to do this. But I still come back to the point that I think that if we are going to continue further tours, we should do so in a more public way than has been the case here. We should conduct a

[Interprétation]

pas l'avoir fait en Nouvelle-Écosse ou au Québec. Avez-vous une disposition quelconque touchant les circonscriptions électorales frontalières? Est-ce que ces matières sont laissées au jugement du gouverneur en conseil ou avez-vous des dispositions spéciales touchant une commission indépendante à ce sujet?

**M. Whalan:** Non.

**M. Benjamin:** Je parle de chaque province. Avez-vous une disposition spéciale pour les circonscriptions provinciales frontalières traitées par une commission indépendante?

**M. Whalan:** Non. Ceci est réglé par le Parlement lorsqu'il en a besoin.

**M. Benjamin:** Avez-vous un minimum? Avez-vous un nombre minimum d'électeurs par circonscription?

**M. Whalan:** Ces nouvelles limites sont basées sur la population, soit un député par 10,000 habitants ou fraction de ce chiffre.

**Le président:** Avez-vous fini, monsieur Benjamin? Si nous n'avons pas d'autres questions, je remercie infiniment M. Whalan.

**M. Whalan:** Ce fut un grand plaisir pour moi. Merci, messieurs.

**The Chairman:** I made certain remarks a moment ago which, I think, have cleared up the situation which seemed to be rather confused. I have nothing further to add, and unless the members have something to say, we will adjourn the meeting.

**M. Macquarrie:** J'aimerais poser une question de procédure. Ai-je raison lorsque je présume que ces séances à huis clos n'en sont pas réellement et que nous aurons un compte rendu des délibérations?

**Le président:** Oui, à l'exception de nos délibérations au Québec où celles-ci étaient réellement à huis clos.

**M. Macquarrie:** Je ne voudrais pas perdre certaines des perles que nous avons obtenues. C'est bien.

**Le président:** Monsieur Howard.

**M. Howard (Skeena):** Monsieur le président, j'aimerais savoir en ce qui concerne nos voyages, même si nos voyages subséquents sont à l'état de projet en ce moment et dépendent de l'autorisation de la Chambre, cependant j'aimerais toujours en venir au point où si nous continuons, nous devrions avoir une possibilité de le faire d'une façon plus ouverte



[Text]

limited advertising campaign, making information available to people in the area, groups, organizations, and political parties who want to present some ideas to us as to how more effectively the electoral process can work. I think we should do that. I put it forward as a proposition. I do not know if you desire a formal motion to that effect or not?

**The Chairman:** No, I would just like to give some information to Mr. Howard on this precise subject.

This matter was raised, if I recall, at the last steering committee we held, and it was felt at the time that we did not receive enough requests from people, and also there was a suggestion by Mr. Hamel who was attending our last steering committee that he needed advice from the Committee on all the technical aspects of the Canada Elections Act for which he is pressed right now to prepare amendments. He felt that it would be better for us to get information from the most competent people on all the technical aspects and that after that, if the Committee is of the opinion that we should secure information from the intermediary groups, then it would be up to the Committee to decide. If I recall well—I do not know if we have the documents here—all the letters we received so far from any intermediary groups either from Saskatchewan or from other places, have been answered and they have been informed that if and when we go to their provinces they will be informed and they will be invited, if they wish to do so, to present their briefs.

**Mr. Francis:** Mr. Chairman, could I comment on this please?

**The Chairman:** Yes.

**Mr. Francis:** I understand why Mr. Howard is making this suggestion, and I think the Committee should certainly give serious consideration to it. I have been chairman of another committee that had a similar problem of deciding who it should hear, and what kind of witnesses it should call outside of the public service. This was the Veterans Affairs Committee, and was that they would invite briefs from recognized associations that had an interest in the field. They attempted to draw the line at individual representations before the Committee.

[Interpretation]

que ça été le cas jusqu'ici. Nous devrions concevoir une campagne de publicité limitée afin de renseigner les gens de la région que nous visitons les groupes, les organismes et les partis politiques qui désirent présenter certaines de leurs idées afin de conduire le processus électoral d'une façon plus efficace. Je pense que nous devrions faire cela. J'aimerais en faire une proposition. Je ne sais pas si vous désirez avoir une motion officielle pour ce faire?

**Le président:** Non, j'aimerais juste donner quelques renseignements à M. Howard à ce sujet.

Ce dernier a été soulevé, si je me souviens bien, au cours du dernier comité directeur que nous avons tenu et nous avons pensé à cette époque que nous n'avions pas reçu suffisamment de demandes de la population et M. Hamel avait aussi suggéré lors de notre dernier comité directeur, qu'il avait besoin d'obtenir l'avis du Comité au sujet de tous les aspects techniques de la Loi électorale du Canada pour laquelle on lui demande de préparer de nouvelles modifications. M. Hamel a pensé qu'il serait peut-être mieux pour nous d'obtenir des renseignements des gens les plus compétents, sur les aspects techniques de la chose, et qu'après cela, si le Comité opine que nous devrions obtenir de plus amples renseignements des groupes intermédiaires, le Comité alors déciderait de le faire. Si je me souviens bien, je ne sais pas si nous avons les documents avec nous ici, dans toutes les lettres que nous avons reçues jusqu'à présent les deux groupes intermédiaires, soit de la Saskatchewan ou de d'autres endroits, ont reçu une réponse et ces groupes ont été informés que si nous décidons d'aller leur rendre visite, ils en seraient avisés et invités, si tel est leur désir, à présenter leurs mémoires.

**M. Francis:** Monsieur le président, pourrais-je faire un commentaire?

**Le président:** Oui.

**M. Francis:** Je comprends pourquoi M. Howard nous fait cette suggestion, et je pense que le Comité devrait l'étudier sérieusement. J'ai déjà été président d'un autre comité qui a un programme semblable, un problème semblable à savoir de décider si oui ou non nous devrions entendre des témoins et de la sorte de témoins qu'il aurait dû convoquer en dehors des fonctionnaires. Il s'agissait du Comité permanent des affaires des anciens combattants et la décision prise fut que tous les groupes d'organisations reconnues qui avaient un intérêt dans cette question, soient



[Texte]

I am not saying that it is a hard and fast line. If someone who is a recognized authority in the field wanted to present an individual brief, I am sure the Committee might be disposed to hear it. But there is a problem. If you insert an add in the newspaper, as a royal commission usually does, saying that they will be in Regina on such and such a day and will be pleased to meet with everyone, you do get a number of briefs that cannot really be taken seriously. They do not have the same intellectual or other content and the screening process in terms of the time and agenda of the Committee is essential.

A compromise that might be considered might be an advertising process stating that those who wish to appear might submit an abstract of what they are going to say, a precis of some kind, ahead of time. Then the Committee would extend an invitation on the basis of the obviously indicated seriousness of the representation. So you are not in a position where you might have extended hearings on the spot when you get there. I think a parliamentary committee can be away from Ottawa only for limited periods. But I do think the principle of inviting opinion outside the scope, for example, of what this Committee has heard so far is basically a sound proposition.

**The Chairman:** I just want to add to this that Mr. Hamel has had circulated among the members photostat copies of all the letters of complaints or suggestions that have been received through his office, and I would say that more than 80 per cent of those complaints or requests from individuals or groups are precisely on the subject of the absentee voting system or organizing new systems to permit the crippled people or those in hospitals to vote. I would say that more than 80 per cent of their requests fall in these categories. But I believe that the members with the experience they have can themselves make up decisions that could meet their views. Yes Mr. Benjamin.

**Mr. Benjamin:** I do not disagree at all with the suggestions of Mr. Hamel and the fact that the Committee has been thinking of meeting with the people who are expert in the field, provincial chief electoral officers and so forth. I think this is valuable and worthwhile. But the electoral process is the business of everybody in Canada.

[Interprétation]

invités à présenter leur mémoire. Le Comité à l'époque avait essayé d'empêcher les représentations individuelles devant le Comité.

Je n'ai pas à juger à savoir si cela est une bonne ou une mauvaise ligne de conduite. Si quelqu'un, qui est reconnu comme étant une autorité en la matière, désire présenter un mémoire individuel, je suis certain que le Comité serait disposé à l'entendre. Mais il y a là un problème. Si vous passez une annonce dans les journaux tel que le fait habituellement une commission royale d'enquête, disant que le Comité se réunira à Regina à telle ou telle date, et qu'il sera prêt à rencontrer tout un chacun, vous recevez ainsi un nombre de mémoires qui ne peuvent pas tous être pris au sérieux. Ils n'ont pas tous le même contenu et les travaux de déblaiement dans ces mémoires, en ce qui touche le temps et l'ordre du jour du Comité, est essentiel. Vous pouvez par contre étudier une façon d'annoncer l'autre séance en disant que ceux qui désirent témoigner devant le Comité devront soumettre un projet de leur déclaration suffisamment à l'avance. Ainsi le Comité pourra inviter ces personnes sur la base évidemment du sérieux de leur présentation. Ainsi vous n'êtes pas dans la position où vous devez allonger les audiences parce que vous êtes sur place. Je pense qu'un comité parlementaire ne peut s'absenter d'Ottawa uniquement que pour une période limitée. Et je pense que le principe d'inviter l'opinion du public à l'extérieur de l'objectif que le Comité s'est donné jusqu'à présent, est une proposition utile.

**Le président:** J'aimerais ajouter ceci. M. Hamel a fait circuler auprès des membres du Comité des exemplaires photocopiés de toutes les lettres de plaintes ou de suggestions qui ont été reçues à son bureau. J'aimerais dire que plus de 80 p. 100 de ces lettres ou de ces requêtes provenant soit d'individus soit de groupes, touchent particulièrement le sujet du système de vote des absents ou l'organisation de nouveaux systèmes permettant aux handicapés ou aux personnes hospitalisées de voter. Je voudrais ajouter que plus de 80 p. 100 de ces requêtes tombent dans ces catégories. Et je pense que les membres du Comité avec l'expérience qu'ils ont de la chose, peuvent eux-mêmes prendre des décisions qui correspondent à leur point de vue.

**M. Benjamin:** Je ne m'objecte pas du tout aux suggestions de M. Hamel, ni au fait que le Comité a pensé se réunir afin d'entendre les personnes expertes dans ce domaine, soit les directeurs, et présidents d'élections provinciaux, etc. Je pense que ceci est très valable et précieux. Mais le processus électoral au Canada est l'affaire de tout le monde.



[Text]

**The Chairman:** Yes.

**Mr. Benjamin:** The Canada Elections Act is not dealt with all that often, maybe once every 10 or 12 years if it gets any sort of thorough review. It seems to me that we are passing up an opportunity. I quite agree that there are limits to how many we can hear. I suspect there will not be all that many who would want to appear before us. I see no reason why the Committee, when it does any further tours anywhere in the country, could not hear chief electoral officers, whether in camera or not according to their wishes. We can quite easily do that.

Our experience with these three meetings now has been only a matter of two and a half to three and a half or four hours of meeting with these people. You have the majority of a day left yet to do it, and if necessary, if there were several, I do not see any reason why the Committee cannot sit in one place for two days.

I think that we may not want to and probably should not go into a major publicity and advertising campaign. But many organizations come to mind that take an active part in the electoral process, not only political parties but also Chambers of Commerce. There is a host of groups. Political science departments of universities would have ideas to present. I think that if we did nothing more than even issue invitations, it would be more than what we are set up to do now. Personally, I would like to see us do it. If it meant another trip back to the Maritimes, after letting all these groups and organizations know, and it turned out that many wanted to hear us, we would come back here to the Maritimes for two or three days, or whatever is necessary.

**Mr. Lefebvre:** I would like to add a couple of comments. I agree with most of what you said, especially about inviting the political parties in every province because they certainly have ideas. But I do not see why we should go out of our way to invite the Chambers of Commerce or such groups. If we invite the Chamber of Commerce we might as well invite the local farmers union and the labour unions. This is where you are going to get into going way out of your way. Maybe a local university has a political science depart-

[Interpretation]

**Le président:** Oui.

**M. Benjamin:** La Loi électorale du Canada n'est pas très souvent remise en question, peut-être une fois tous les 10 ou 12 ans lorsque nous faisons une révision générale de cette dernière. Il me semble, en tout cas pour moi, que nous laissons passer ainsi une autre chance. Je suis tout à fait d'accord que nous devons fixer une limite quant à l'audition des témoins. Je ne pense pas du reste qu'il y ait tellement de personnes qui désirent venir témoigner devant le Comité. Je ne vois aucune raison pourquoi le Comité, lorsqu'il entreprendra d'autres voyages dans notre pays, ne pourrait pas entendre les témoignages des directeurs généraux d'élections à huis clos ou non, selon leur désir. Nous pouvons très facilement faire cela.

Notre expérience acquise avec ces trois séances, n'est seulement vieille que de deux ou trois heures et demie de séances avec ces fonctionnaires. Il nous reste encore une grande partie de la journée pour ce faire avec eux, et si nécessaire, si nous avons plusieurs raisons, je ne vois pas pourquoi le Comité ne pourrait pas siéger dans un endroit quelconque pour deux jours.

Je pense que nous devrions absolument pas faire une publicité importante concernant nos séances. Mais plusieurs organismes me viennent à l'esprit qui prennent une part active dans le processus électoral, non pas seulement les partis politiques, mais aussi les chambres de commerce. Il y a d'autres groupes intéressés. Les départements politiques des universités auraient certainement une idée à nous soumettre. Je pense que si nous ne faisons pas autre chose que d'envoyer des invitations, il n'y a pas grand-chose que nous pourrions faire de plus. Personnellement, j'aimerais voir le Comité agir ainsi. Cela veut dire que nous devrions faire un autre voyage dans les Maritimes, après avoir fait savoir à tous ces groupes et organismes que nous voulons les entendre, et si plusieurs d'entre eux désirent se faire entendre, nous reviendrons dans les Maritimes pour deux ou trois jours si cela est nécessaire.

**M. Lefebvre:** J'aimerais juste faire quelques commentaires supplémentaires. Je suis d'accord avec la plupart des choses que vous venez de dire, spécialement au sujet des invitations faites aux partis politiques dans chaque province car ces derniers ont certainement des idées à nous soumettre. Je ne vois pas pourquoi nous devrions inviter les chambres de commerce ou les groupes de ce genre. Si nous invitons les chambres de commerce nous devrions tout aussi bien inviter les unions agricoles locales et les syndicats



[Texte]

ment; that would be something to invite. But I think this is where the problem will start, when we start by the Chamber of Commerce, et cetera, et cetera.

**Mr. Benjamin:** I think you will find, though, that most of the same groups you have mentioned, Chambers of Commerce, farm organizations and trade unions, have all expressed the policies of their organizations on the whole matter of the conduct of elections at some time or other. I do not think we should be afraid to make this as open as possible. As Mr. Francis said, there might be some individual citizen we have never heard of who has something very good to present to us.

**Mr. Francis:** If he could give us proof in advance that he could give a serious representation.

**Mr. Benjamin:** Of course, I quite appreciate that you would have to ask what it is he wants to present to us. If some kook wanted to appear it would be nice to know about it ahead of time, and we could say we were sorry.

**Mr. Francis:** If you get somebody who wants to argue about transferable ballots, and his entire representation will be on that kind of thing...

**Mr. Lefebvre:** Something else you can do is invite the national spokesmen for the farmers group and the Chamber of Commerce to testify in Ottawa and hear the rest of them when you are going out in the field.

**The Chairman:** It is not the same in every province. The fact is that there has been a tentative scheduled trip to Toronto fixed and organized for September 22, about which I had talked over the telephone with Mr. Benjamin. The problem was that at the time we were informed that a few days prior to September 22—we could not have our own meeting before that time—the Ontario Select Committee on Election Laws went to Quebec and then left for Australia. But they accepted the—I beg your pardon?

**Mr. Francis:** We are on the Ontario Select committee?

**The Chairman:** I have not the list.

**An hon. Member:** Yes, you can be assured.

[Interprétation]

ouvriers. C'est là où nous en viendrons si nous élargissons nos propres structures. Il est possible qu'une université comportant un département politique puisse être invitée. Mais je pense que le problème réside essentiellement à ce point. Si nous commençons à inviter la Chambre de commerce. etc. etc.

**M. Benjamin:** Je pense que la plupart des groupes que vous avez mentionnés, les chambres de commerce, les organisations agricoles, et les syndicats ouvriers ont tous exprimé le point de vue de leurs organisations sur la conduite des élections d'une façon ou d'une autre. Je ne pense que nous devrions avoir crainte de tenir nos séances aussi ouvertes que possible. Comme M. Francis l'a déjà dit, il y a certains citoyens, dont nous n'avons jamais entendu parler, qui auraient des représentations excellentes à nous faire.

**M. Francis:** A condition qu'ils puissent nous donner certaine preuve à l'avance que ces idées sont réellement sérieuses.

**M. Benjamin:** Bien sûr, je suis tout à fait d'accord avec vous, nous devrions d'abord lui demander ce qu'il a à nous présenter. Si certain farfelu désire se présenter devant le Comité il serait plutôt agréable de le savoir à l'avance, et de pouvoir le remercier.

**M. Francis:** Si vous avez par exemple, quelqu'un qui désire discuter du vote transférable, et que tout son mémoire se rapporte à ce sujet...

**M. Lefebvre:** Vous pouvez faire autrement, soit d'inviter le représentant national d'un organisme agricole ou le représentant des chambres de commerce et de lui demander de venir témoigner à Ottawa, et lorsque vous allez en voyage, d'interroger les autres témoins sur place.

**Le président:** Chaque province est différente. Par exemple, nous avons prévu un voyage à Toronto qui avait été fixé et organisé pour le 22 septembre. J'en ai parlé au téléphone avec M. Benjamin. Le problème était que nous fûmes informés quelques jours avant le 22 septembre que nous ne pouvions pas tenir d'autres séances car à cette époque le comité spécial sur les lois électorales de l'Ontario était à Québec et par après quittait le pays pour se rendre en Australie. Mais ils ont accepté... Je vous demande pardon?

**M. Francis:** Nous faisons partie du comité spécial de l'Ontario?

**Le président:** Je n'ai pas la liste...

**Une voix:** Oui, vous pouvez en être assurés.



[Text]

**The Chairman:** I have talked with Mr. Dunlop, Chairman of the Ontario Select Committee on Election Laws, and he agreed with me about the suggestion that after they have terminated their tour, we could perhaps have, either in Ottawa or in Toronto, a joint meeting. He expressed the view that most of the Ontario members of the legislature on this committee would have liked to get ideas from us about some very crucial points like the lowering of the voting age and some other points and try to reassess their own election act in conformity with the federal Act and those of some other provinces. They have 12 members.

**Mr. Benjamin:** On this point of the Ontario Select Committee on Election Laws, Mr. Chairman, I do not know if you are aware or not but the Saskatchewan legislature also has a select committee that is now sitting and may well have its work completed by the time we get out there. The Committee might be interested in meeting with them as well. They have heard briefs from a number of organizations and political parties.

**Mr. Macquarrie:** Mr. Chairman, I will not restate my general views; I gave them in Quebec. I do recall that when we last did a thorough job on the Canada Elections Act the presentations of groups and individuals were beneficial. I think we must adopt the point of view that we will and must and should hear people, but I think, in a more specific way, we should be giving some special thought to seeking out certain people, such as Professor Cairns, who is doing an excellent job on the whole question of election reform, and Flora Macdonald, who happens to belong to my party, who has spent the winter on this and did a fine paper. No doubt there are people in other parties who are specialists and there are some political scientists who have done a good job on this. I think we should perhaps consider some of these people and extend to them an invitation to come to Ottawa, I would think, in most cases.

**The Chairman:** Would it be agreeable to the members to have a meeting on Tuesday of the week after next?

**An hon. Member:** This committee stops on October 22.

**The Chairman:** The Committee stops, but the members will all survive.

**An hon. Member:** It will be of all the same members?

[Interpretation]

**Le président:** J'ai parlé avec M. Dunlop, le président du comité spécial de l'Ontario sur la loi électorale et il était d'accord avec moi sur la suggestion voulant qu'après que ce comité soit rentré de voyage, nous puissions peut-être avoir une réunion, soit à Ottawa soit à Toronto. Il a exprimé le point de vue que la plupart des députés ontariens siégeant sur ce Comité auraient voulu obtenir quelques points de vue de notre comité fédéral au sujet de problèmes primordiaux, tel que l'abaissement de l'âge des votants, ainsi que d'autres points pertinents afin de pouvoir réévaluer leurs propres lois électorales conformément à la loi fédérale et à celle de certaines autres provinces. Le comité ontarien comprend 12 membres.

**M. Benjamins:** Au sujet de ce comité spécial sur les lois électorales de l'Ontario, monsieur le président, je ne sais pas si vous êtes au courant ou non, mais l'Assemblée législative de la Saskatchewan a elle aussi son comité spécial qui siège actuellement et qui pourrait bien avoir terminé son travail à l'époque où nous nous rendrons dans cette province. Le Comité serait peut-être intéressé à rencontrer ce comité. Ce comité provincial a reçu des mémoires d'un grand nombre d'organismes et de partis politiques.

**M. Macquarrie:** Monsieur le président, je ne vais pas redire ce que j'ai dit à Québec. Je me souviens que, lorsque nous avons fait la dernière révision complète de la loi électorale du Canada, les représentations des groupes et des particuliers avaient été fort utiles. Je crois que nous devrions écouter avec attention certaines personnes comme le professeur Cairns, qui fait un excellent travail sur toute la question de la réforme électorale, et Flora Macdonald, qui est un membre de notre parti qui a consacré son hiver à ce travail et qui a produit un document très intéressant. Sans le moindre doute, il y a des membres d'autres partis qui sont des spécialistes de la politique et qui font aussi un bon travail. Je crois que nous devrions leur envoyer une invitation à venir nous voir à Ottawa.

**Le président:** Les membres du Comité seraient-ils intéressés à avoir une réunion mardi dans deux semaines?

**Une voix:** Le Comité arrête ses travaux le 22 octobre.

**Le président:** Le Comité arrête, mais pas les membres.

**Une voix:** Le Comité se composera-t-il de tous les mêmes membres?



[Texte]

**The Chairman:** Yes.

**Mr. Francis:** I think that could be a technical point. The Standing Committee is usually reappointed, and I would think that the disposition of the House would be to do so with a minimum of delay.

**Mr. Howard (Skeena):** I was not really thinking so much of individuals in the broad sense of permitting anybody to appear but rather of groups and political parties and those who want to make some particular presentation relative to making the electoral processes more valuable to them.

My concern is about the sort of limited advertising approach to it. Perhaps, as others have done, I could relate it to the Fisheries Committee, which had some hearings in British Columbia, and the extent of the kind of information that was given beforehand about it coming. I did not know how extensive it was, but there were some newspaper ads, and there was also the word-of-mouth information by which people from British Columbia on the Committee advised different groups.

**Mr. Francis:** Did the Committee insert ads in the local newspaper?

**Mr. Howard (Skeena):** There was an advertising program, but I do not know to what extent. In addition to that there was the individual who was doing this. We were not swamped. We had what one, I suppose, could loosely call a "crackpot" who appeared before the Committee, but the Committee took what was said with the usual grain of salt. This is the sort of thing I was thinking of, rather than doing what we are doing now. I am very serious about this. It can create a sort of a bad flavour about the whole thing. In fact, Mr. Chairman, I had written out a motion about this. Let me read it to you. I think it has the sense of what has been said here.

That with respect to this Committee's further visits, we authorize a limited advertising campaign in order that interested groups may have the opportunity to appear before us.

Then the steering committee—and I realize this is a delicate area...

**The Chairman:** Perhaps the next time you should attend!

**Mr. Howard (Skeena):** No; the steering committee, in the sense of what we have been talking about in relation to the manner of proceeding, just does it, if that motion is acceptable.

**Mr. Jerome:** Perhaps the motion should simply say that this Committee be authorized

[Interprétation]

**Le président:** Oui.

**M. Francis:** Je crois qu'il s'agit d'un point technique. Le comité permanent est ordinairement renommé, et je crois que la Chambre le fera dans le plus bref délai.

**M. Howard (Skeena):** Je ne pense pas tellement à permettre à n'importe quel particulier de venir témoigner, mais plutôt aux groupes, aux partis politiques et à ceux qui seraient désireux d'améliorer le processus électoral dans leur propre intérêt.

Ce qui m'intéresse, c'est la publicité limitée qui entoure ces audiences. Peut-être pourrais-je citer le Comité des pêches, qui tient des audiences en Colombie-Britannique, et la quantité d'information qui a annoncé sa venue. Je ne sais pas quelle ampleur avait l'information, mais il y a eu des annonces dans les journaux, et il y a eu également l'information orale par laquelle des membres de la Colombie-Britannique faisant partie de ce Comité ont averti divers groupes.

**M. Francis:** Le Comité avait-il fait mettre des annonces dans le journal local?

**M. Howard (Skeena):** Il y a eu un programme de publicité, mais je ne sais pas quelle en était l'ampleur. De plus, certains particuliers se sont occupés de l'information. Les témoignages n'ont pas été nombreux. Il y a eu quelqu'un, qu'on pourrait appeler «un farceur», qui est venu témoigner, mais le Comité l'avait écouté avec un grain de sel. C'est à ce genre de choses que je pensais, plutôt que ce que nous faisons maintenant. Je crois que c'est un point important. Un tel genre de choses peut gâter tous les travaux. En fait, monsieur le président, j'ai rédigé une motion là-dessus. Permettez-moi de vous la lire.

Que, compte tenu des visites futures du Comité, nous permettions une campagne de publicité limitée de façon à donner aux groupes intéressés l'occasion de venir témoigner devant nous.

Puis, le comité directeur, et je vois bien que c'est un point délicat...

**Le président:** Peut-être la prochaine fois devriez-vous être présent!

**M. Hooward (Skeena):** Non; le comité directeur, pour ce qui est de leur façon de procéder, le fait tout simplement, si la motion est acceptable.

**M. Jerome:** Peut-être la motion devrait-elle dire que ce Comité est autorisé à prendre des



[Text]

to make arrangements for interested parties to attend our future meetings out West, rather than have the words "limited advertising campaign." I think that would contain the sense of it.

I think everybody feels that the exercise we have gone through this week is a beneficial use of the Committee's time, but while we are at it we could do very well to expand our work in each centre by hearing other people who could contribute a great deal to the information we have been able to gather.

If we were just to leave it in the hands of the Committee to put it that way, that the Committee be authorized to arrange for other interested parties to present themselves at our future meetings, or something like that, we would perhaps...

**The Chairman:** Just a moment. It depends on the provinces we are speaking of. In fact, in Ontario they have already done it, and after we have had a two-day joint meeting with Ontario the decision may be not to hear anyone. They may want to readjust their law to ours. They have done the work and may want to benefit from the work they have already done. I personally believe that the suggestion made by Mr. Jerome meets the situation.

**Mr. Howard Skeena:** That is so; and I agreed previously. It is with respect to the Committee's further visits, that we agree to arrange that interested groups have the opportunity to appear before us.

**Mr. Francis:** If I may make one further suggestion, Mr. Chairman, I feel that this is a job for the steering committee to think through.

**Mr. Howard (Skeena):** That is implicit in it. That is the follow up of it.

**An hon. Member:** We should change the word "visits" to "meetings".

**The Chairman:** I have the motion. Do you want me to read it?

That, with respect to this Committee's further visits, arrangements be made to give interested groups an opportunity to appear before the Committee.

The motion was proposed by Mr. Howard and seconded by Mr. Macquarrie.

Motion agreed to.

**Mr. Carter:** Mr. Chairman, which provinces are we going to visit?

**The Chairman:** Our Chief Electoral Officer has said, and some members who were pres-

[Interpretation]

dispositions pour que les parties intéressées assistent à nos futures réunions dans l'Ouest, plutôt que les mots «campagne de publicité limitée». Je crois que ce serait une meilleure formule.

Je crois que, cette semaine, le Comité a consacré son temps à des choses fort utiles, mais que nous pourrions étendre notre travail à chaque centre et écouter d'autres personnes qui auraient d'autres renseignements à nous communiquer.

Si nous laissons au Comité la possibilité d'entendre d'autres parties intéressées à venir témoigner à nos futures réunions, ou quelque chose comme ça, peut-être que...

**Le président:** Un moment. Tout dépend des provinces auxquelles nous avons affaire. C'est déjà fait en Ontario et peut-être qu'après une réunion de deux jours en Ontario, on décidera que nous avons entendu assez de témoins. Ils peuvent vouloir ajuster leur loi aux nôtres. Ils ont fait leurs travaux et ils pourraient vouloir en profiter. Je crois personnellement que la proposition de M. Jerome convient bien à la situation.

**M. Howard (Skeena):** Je suis d'accord. C'est en tenant compte des visites futures du Comité que nous devrions prendre des dispositions pour donner aux groupes intéressés l'occasion de venir témoigner devant nous.

**M. Francis:** J'aurais une autre proposition, monsieur le président. Je crois que c'est une décision qui relève du comité directeur.

**M. Howard (Skeena):** C'est un point sous-jacent, qui en découle.

**Une voix:** Nous devrions remplacer le mot «visites» par «réunions».

**Le président:** Voulez-vous lire la motion?

Que, compte tenu des visites futures du Comité, des dispositions soient prises pour donner aux groupes intéressés l'occasion de venir témoigner devant le Comité.

La motion est proposée par M. Howard et appuyée par M. Macquarrie.

La motion est adoptée.

**M. Carter:** Monsieur le président, quelles provinces visiterons-nous?

**Le président:** Notre directeur général des élections a dit, et certains membres en ont



[Texte]

ent at our last meeting suggested, that British Columbia had an absentee voting system that had worked for years.

**Mr. Howard (Skeena):** Not very well; but it worked.

**Mr. Francis:** Did it involve proxy voting?

**The Chairman:** No. In Saskatchewan they had...

**Mr. Howard (Skeena):** Not now; it used to have.

**The Chairman:** It used to have. These have been the places where the members have already presented views on what we should consider, and we have these plus the joint meeting with the Ontario legislative assembly. That, I think, would be very beneficial to us, because they have done very thorough work toward amending their law. They have already issued a report, and they have made trips through the country. They are now back from Australia.

**Mr. Benjamin:** Mr. Chairman, while we are still in this general area, would it not be possible for the steering committee to come up with a name, or possibly two names, from our neighbours to the south, of experts in this field—somebody who might come and possibly shed some light on this subject and on their practices and their difficulties? It is always nice to be aware of traps into which other people are falling.

**The Chairman:** Yes, Mr. Macquarrie?

**Mr. Macquarrie:** I was going to ask, Mr. Chairman, why Manitoba was not thought of. They have had some fantastic operations in that province.

**Mr. Francis:** In what respect?

**Mr. Macquarrie:** They have had the most interesting experiences with all sorts of ballots, the preferential system, and they got over to the Privy Council on the initiative on the referendum. It has been quite a boiling pot of new and sometimes "half-baked" ideas.

**Mr. Benjamin:** They completed some amendments to their Election Act. I do not know how wide-spread they are, but they just went through an exercise of amending their Elections Act.

**Mr. Forrestall:** Could you tell us, Mr. Chairman, whether our Chief Electoral Officer will accompany us throughout?

[Interprétation]

parlé à notre dernière réunion, que la Colombie-Britannique avait un système de vote pour les personnes absentes, qui fonctionnait depuis des années.

**M. Howard (Skeena):** Pas très bien, mais il fonctionnait.

**M. Francis:** Comprendait-il un système de vote par procuration?

**Le président:** Non. En Saskatchewan, il y avait...

**M. Howard (Skeena):** Pas maintenant, autrefois.

**Le président:** Autrefois. Ce sont les endroits où les membres ont déjà présenté des idées que nous devrions étudier, en plus de celles qui ont été émises à des réunions conjointes avec l'Assemblée législative de l'Ontario. Ce serait très utile, parce qu'ils ont fait un travail énorme visant à modifier leur loi. Ils ont déjà publié un rapport, et ils ont traversé le pays. Ils reviennent d'Australie.

**M. Benjamin:** Monsieur le président, serait-il possible que le comité directeur nous fournisse un nom, ou possiblement deux, de nos voisins du sud, experts dans ce domaine, qui pourraient venir jeter un peu de lumière sur ce sujet et sur les pratiques en existence et les difficultés? Il est toujours utile de connaître les pièges dans lesquels on peut tomber.

**Le président:** Oui, monsieur Macquarrie?

**M. Macquarrie:** J'aimerais savoir, monsieur le président, pourquoi on n'a pas pensé au Manitoba? Cette province jouit de très bons systèmes.

**M. Francis:** Dans quel domaine?

**M. Macquarrie:** Ils ont connu des expériences intéressantes avec toutes sortes de bulletins de vote, le système préférentiel, et ils sont même allés jusqu'au Conseil privé sur la question du référendum. C'est une source d'idées nouvelles et parfois «demi-cuites».

**M. Benjamin:** Ils ont fait certaines modifications à leur loi électorale. Je n'en connais pas la portée, mais ils viennent tout juste de modifier leur loi des élections.

**M. Forrestall:** Pouvez-vous nous dire, monsieur le président, si notre directeur général des élections nous accompagnera?



[Text]

**The Chairman:** At any meeting we have on the amendments to the Elections Act Mr. Hamel will be present, whether it be in Ottawa, or elsewhere.

**Mr. Forrestall:** He will be with us?

**The Chairman:** Yes.

**Mr. Forrestall:** It would be most useful to have him, because sometimes the questions ...

**The Chairman:** I should inform you that Mr. Hamel has requested that the members obtain all the information before they study his proposed amendments, so that we will not have to readjust when we do so. This is the reason for our being pressed by the House, when we started to review the Act, to obtain all the information we could to assess the amendments proposed by Mr. Hamel. Mr. Hamel feels that he will be in a much better position to reassess his proposed amendments after the members have dealt with the different issues that are involved in the different provinces.

**Mr. Forrestall:** I raise that, Mr. Chairman, because I feel very strongly that the government, when it gets around to deciding finally how it is going to treat the two general areas that have been removed from our jurisdiction for certain purposes at this time, must bear in mind that there has to be some continuity of information and of thought, because by the structure of the Act, as they found from their experience in Nova Scotia—and indeed in Quebec—the areas are not separable, or are not easily separated. There should be continuity.

My personal belief is that this Committee, once it has done one thing, should do the other thing, or that there should be a substantial representation from this Committee on any ad hoc or special committee that is established to consider the two; because I do not believe they are separable. We might find ourselves in the trap, notwithstanding the expertise of our Chief Electoral Officer, of doing or recommending something that would compromise the other work, or make it difficult and lead to even further work to make the two compatible.

**Mr. Carter:** Mr. Chairman, I think, too, that if, in the fall, we are going to solicit briefs and opinions from the people in the provinces then the two eastern provinces, Newfoundland and P.E.I., should also be asked, or given a chance, to express their opinions. They have a stake in this, as well as anybody else. I do not see how you can actually leave them out if you are going to solicit briefs.

[Interpretation]

**Le président:** M. Hamel sera présent à toutes les réunions où nous parlerons de modifications à apporter à la loi des élections, que ce soit à Ottawa ou ailleurs.

**M. Forrestall:** Est-ce qu'il sera avec nous?

**Le président:** Oui.

**M. Forrestall:** Il sera très utile de le compter parmi nous parce que, dans certains cas, beaucoup de questions...

**Le président:** Je devrais vous dire que M. Hamel a demandé que les membres obtiennent tous les renseignements avant d'étudier les modifications qu'il propose, de sorte qu'il ne soit pas nécessaire de faire des rajustements. C'est la raison pour laquelle la Chambre, lorsque nous avons commencé à revoir la loi, nous a demandé d'obtenir le plus rapidement possible tous les renseignements pour évaluer les modifications proposées par M. Hamel. M. Hamel croit qu'il lui sera plus facile de réévaluer les modifications qu'il propose, une fois que les membres auront vu ce qui se passe dans les diverses provinces.

**M. Forrestall:** J'ai parlé de cela, monsieur le président, parce que je crois que le gouvernement, lorsqu'il prendra la décision finale sur les domaines d'ordre général qui nous ont été enlevés pour certaines raisons, devrait tenir compte du fait qu'il devrait y avoir une certaine continuité d'information parce qu'à cause de la structure de la Loi, comme on s'en est rendu compte en Nouvelle-Écosse et au Québec, ces deux questions ne sont pas séparables ou peuvent être difficilement séparées. Il doit y avoir continuité.

Mon opinion personnelle est que, une fois le travail terminé, le Comité devrait envoyer des représentants à tout comité spécial chargé d'étudier ces deux questions parce que je ne crois pas qu'elles soient séparables. Nous pourrions, en dépit des conseils de notre directeur général des élections, recommander quelque chose qui compromettrait ou rendrait difficile la conciliation des deux questions.

**M. Carter:** Monsieur le président, je crois également que si, à l'automne, nous allons demander des mémoires et des opinions de personnes dans les provinces, nous devrions donner l'occasion aux deux provinces de l'Est, Terre-Neuve et l'Île du Prince-Édouard, d'exprimer leurs opinions. Ils ont un mot à dire, comme tout le monde. Je ne vois pas comment on peut les oublier.

[Texte]

**Mr. Howard (Skeena):** Mr. Chairman, in the original phraseology of the motion I left it sufficiently vague, by referring to "further meetings", or "further visits", that this could be dealt with by the steering committee; and whatever mechanism is necessary could be worked out to determine whether Newfoundland and/or Prince Edward Island should be involved in it, or other Maritime provinces, or Alberta, or anyone else.

**The Chairman:** Gentlemen, we will adjourn. This morning I asked our Clerk to try to arrange for the chartered flight to leave at 6 o'clock instead of at 8 o'clock, so that members could be in Ottawa at five to seven Ottawa time. I will not be on the plane, because I am going back to Quebec. As I do not want to cause any additional expense I am paying my own fare back.

You will be leaving the front door at 5.30 p.m.

The meeting is adjourned.

[Interprétation]

**M. Howard (Skeena):** Monsieur le président, ma motion était assez générale en parlant de «réunions futures» ou «visites futures» pour laisser une certaine liberté au comité directeur qui décidera si on doit comprendre Terre-Neuve et (ou) l'Île du Prince-Édouard, ou d'autres provinces maritimes, ou l'Alberta, ou tout autre province.

**Le président:** Messieurs, nous allons ajourner. J'ai demandé, ce matin, à notre secrétaire de voir à ce que le vol spécial parte à 6 heures au lieu de 8 heures, de façon que les membres puissent être à Ottawa à 7 heures moins cinq, heure d'Ottawa. Je ne partirai pas avec vous, puisque je retourne à Québec. Comme je ne veux pas occasionner des dépenses supplémentaires, je paie mon propre passage de retour.

Vous partirez de l'entrée principale à 5 h. 30.

La réunion est ajournée.











HOUSE OF COMMONS

Standing Committee on Privileges and Elections  
 28th Parliament 1st Session 1968/69

INDEX

(Compiled by Reference Branch, Library of Parliament)

|  | Page  |
|--|---|
| AUSTRALIA  |   |
| Electoral list, permanent, absentee<br>ballot                                | 98-101, 103-106,<br>109, 111-113,<br>116, 117 |
| BARBEAU REPORT   |   |
| <i>See</i>   |   |
| Committee on Election Expenses, 1966   |   |
| BLOUIN, GUSTAVE, M.P.  |   |
| Former Chairman of Committee on<br>Transport and Communication<br>questioned | 47-64   |
| BRITISH COLUMBIA, PROVINCE OF  |   |
| Electoral list, permanent  | 100, 103                                      |
| CANADA ELECTIONS ACT   |   |
| Amendments   | 3-5   |
| CASTONGUAY, NELSON, REPRESENTATION<br>COMMISSIONER                           |   |
| Methods of Registration of Electors<br>and Absentee Voting, 1968, report     | 97, 98  |
| CHIEF ELECTORAL OFFICER  |   |
| Budget, 1969-70  | 71, 72  |
| Committee reports to the House   | (2-4, 7-4)                                    |
| Duties   | 73  |
| Revised Main Estimates 1968-69   | (Appendix A<br>p. 2-5), 72                    |
| Staff, regular, last election  | 72, 73  |



|  | Page                    |
|--|-------------------------|
| COMMITTEE AND PRIVATE LEGISLATION BRANCH<br>Committee Minutes, printing procedure                                  | 29,30                   |
| COMMITTEE ON ELECTION EXPENSES, 1966<br>Electoral List, permanent  | 102,112                 |
| CONNELL, J.P., ASSISTANT SECRETARY<br>(PERSONNEL), TREASURY BOARD<br>Roberts, John, M.P., Question of<br>Privilege | 87                      |
| ELECTION DEPUTY RETURNING OFFICERS<br>Appointment, duties  | 8,171                   |
| ELECTION ENUMERATORS<br>Appointment, training  | 10,16,76,152,<br>156    |
| ELECTION OFFICERS<br>Action taken for alleged guilt of<br>offences   | 14                      |
| ELECTION RETURNING OFFICERS<br>Appointment, duties   | 7,9,12,73,<br>114,115   |
| Ballots, printing  | 15                      |
| Clerical assistance  | 10,11,74,75             |
| Complaints on conduct  | 5,6,9,10                |
| Nova Scotia, Province  | 152,153,156,<br>185     |
| Number   | 152,153                 |
| Replacement  | 9,10                    |
| Services and expenses  | 74,75                   |
| Training   | 7,8,12,77               |
| ELECTIONS<br>Absentee ballot   | 103-105,111,<br>115,116 |
| Advance poll<br>Establishment, cost  | 17-19,186,187           |
| Nova Scotia, Province  | 136                     |
| Workers delay in payment   | 16                      |

ELECTIONS (Cont'd)

Ballot

Form, distribution 158-160, 195-  
199, 208, 211

Plebiscite included 199, 202

Rejected 13, 159

Campaigns, 30 days 151, 152

Candidates

Advertising 173-176, 207,  
220-223

Expense report, reimbursement 19, 76, 160-171,  
173, 207

Representatives 156, 157, 165,  
214-216

Complaints on premises selected  
for voting 5-7

Cost

Detailed report 15, 16

Tariff of fees 169, 170, 223

Day of the week 174, 219, 220

Enumerators, appointment 107, 108, 152

Humber-St. George's-St. Barbe

Court action 14

"Methods of Registration of Electors  
and Absentee Voting, 1968", report 97-100

Personnel, material shortage 5

Poll Clerk, appointment 171

Polling divisions

Maps 16, 17

Revision 77

Voting

Age 150, 187

Armed Forces 103-105, 109,  
110, 113, 216-  
218

Hospitals 106, 107, 136,  
137, 141-147,  
191-195

Machines 186

Mark on ballot 176-178

Proxy 119, 120, 126,  
128, 132-149,  
191

Time off work 179



|  | Page                               |
|--|------------------------------------|
| ELECTIONS ACT  |                                    |
| Privileges and Elections   |                                    |
| Standing Committee Report  | 120-123                            |
| Revision   |                                    |
| Necessity  | 121-123                            |
| Time needed to comply  | 120-123                            |
| ELECTORAL LIST   |                                    |
| Alphabetical system by enumerators                                       | 155,156,208-210                    |
| Electors, number, changes  | 99,100                             |
| Errors   | 75-77                              |
| Identical, municipal, provincial, federal                                | 203,204                            |
| Nova Scotia, Province  | 153-155,210                        |
| Permanent  |                                    |
| Absentee ballot  | 103,104,112,120                    |
| Australia  | 98-101,103-106,109,111-113,116,117 |
| British Columbia, Province of  | 100,103                            |
| Committee on Election Expenses, 1966                                     | 102                                |
| Committee report to the House  | (10-3)                             |
| Cost   | 98,101,107,112,113                 |
| Establishment  | 19,97-107,109-112,126              |
| United Kingdom   | 107,111                            |
| United States  | 102,103,112                        |
| Printing, tariff of fees   | 73-76,153,208-210                  |
| Revisions  | 179-184                            |
| HAMEL, J.M., CHIEF ELECTORAL OFFICER                                     |                                    |
| Elections Act, revision  | 120                                |
| Estimates, background information  | 71,72                              |
| Report of Elections  | 2                                  |
| HICKEY, A.J., ASSISTANT CHIEF ELECTORAL OFFICER, PROVINCE OF NOVA SCOTIA |                                    |
| Proxy voting   | 136                                |

|   |                            |
|---|----------------------------|
| MacDERMAID, I.M., FORMER CHIEF<br>ELECTORAL OFFICER OF NOVA SCOTIA<br>Nova Scotia Elections Act   | 132                        |
| MacLELLAN, J.R., RETURNING OFFICER,<br>PROVINCE OF NOVA SCOTIA<br>Proxy voting  | 134,135                    |
| METHODS OF REGISTRATION OF ELECTORS<br>AND ABSENTEE VOTING, 1968, REPORT<br>Castonguay, Nelson  | 97-100                     |
| MUGGAH, H.E., DEPUTY PROVINCIAL<br>SECRETARY, PROVINCE OF NOVA SCOTIA<br>Voting age   | 150,151                    |
| NORMAND, ROBERT, CLERK, TRANSPORT<br>AND COMMUNICATIONS COMMITTEE<br>Second report of Committee,<br>draft report preparation  | 32-45                      |
| NOVA SCOTIA, PROVINCE OF<br>Elections Act<br>Royal Commission on Elections  | 132,149,184<br>132,165,166 |
| OLLIVIER, DR. P.M., PARLIAMENTARY<br>COUNSEL AND LAW CLERK, HOUSE OF COMMONS<br>Roberts, John, M.P., Question of<br>Privilege<br>Transportation and Communications<br>Committee second report to the<br>House | 84-86<br>61,62,68          |
| PLOUFFE, ANTONIO, CHIEF, COMMITTEE<br>AND PRIVATE LEGISLATION BRANCH<br>Transport and Communications Committee<br>Minutes printing schedule, delays   | 29,30                      |
| PRIVILEGES AND ELECTIONS STANDING COMMITTEE<br>Elections Act report<br>Sitting, quorum during Parliamentary<br>recess   | 120-123<br>119,123-129     |



|  | Page                   |
|--|------------------------|
| QUESTION OF PRIVILEGE  |                        |
| Roberts, John, M.P., terminal<br>gratuity upon leaving<br>Public Service         | 79-96                  |
| REPORT OF ELECTIONS  |                        |
| Release date March 1969  | 3                      |
| REPORTS TO THE HOUSE   |                        |
| First  | (2-4)                  |
| Second   | (2-4)                  |
| Third  | (5-4)                  |
| Fourth   | (7-4)                  |
| Fifth  | (8-4, 8-5)             |
| Sixth  | (10-3)                 |
| Seventh  | (11-5)                 |
| REPRESENTATION COMMISSIONER  |                        |
| Revised Main Estimates 1968-69   | (Appendix A<br>p. 6-8) |
| RIDINGS  |                        |
| Boundaries   | 77, 78                 |
| ROBERTS, JOHN, M.P.  |                        |
| Committee report to the House  | (8-4, 8-5)             |
| Letter from Hon. Jean Marchand,<br>Minister of Forestry and Rural<br>Development | 80, 96                 |
| Question of Privilege, terminal<br>gratuity upon leaving Public<br>Service       | 79-82                  |
| SENATE AND HOUSE OF COMMONS  |                        |
| REPRESENTATION ACT   |                        |
| Provisions, interpretation Section 16  | 81, 82, 85,<br>87-94   |
| TRANSPORT AND COMMUNICATIONS STANDING<br>COMMITTEE                               |                        |
| Printing of Minutes, unusual delay   | 24, 29                 |

TRANSPORT AND COMMUNICATIONS  
STANDING COMMITTEE (Cont'd)

|  |                                       |
|--|---------------------------------------|
| Reports to the House   |                                       |
| First, presentation  | 34,36,43                              |
| Second   |                                       |
| Draft presentation   | 32-47,50                              |
| Investigation  | 22-27,29-46,<br>(5-4),48-70           |
| Resolution   |                                       |
| Claims Great Slave Railway<br>Company against Canadian<br>National Railway | 32-36,50,57                           |
| Transportation, Atlantic Provinces   | 32-39,44,47-<br>49,53,56-58,<br>62-65 |
| Resolutions, reporting to the House  | 34,35,(5-4),<br>48,54,61,62,<br>69,70 |

UNITED KINGDOM

|                          |         |
|--------------------------|---------|
| Electors list, permanent | 107,111 |
|--------------------------|---------|

UNITED STATES

|                           |             |
|---------------------------|-------------|
| Electoral list, permanent | 102,103,112 |
|---------------------------|-------------|

WHALAN, J.D., CHIEF ELECTORAL OFFICER,  
PROVINCE OF NEW BRUNSWICK

|                             |         |
|-----------------------------|---------|
| New Brunswick Elections Act | 185-187 |
|-----------------------------|---------|

APPENDICES

|  |                       |
|--|-----------------------|
| A- Revised Main Estimates 1968-69,<br>Chief Electoral Officer and<br>Representation Commissioner             | Appendix A,<br>p. 1-9 |
| B- Letter to John Roberts, M.P. from<br>Hon. Jean Marchand, Minister<br>of Forestry and Rural<br>Development | 96                    |



|  | Page               |
|--|--------------------|
| WITNESSES  |                    |
| - Blouin, Gustave, M.P., Former<br>Chairman of Committee on<br>Transport and Communication | 47-64              |
| - Castonguay, Nelson, Representation<br>Commissioner                                       | 97,98              |
| - Connell, J.P., Assistant Secretary<br>(Personnel), Treasury Board                        | 87                 |
| - Hamel, Jean-Marc, Chief Electoral<br>Officer   | 2,71,72,120        |
| - Hickey, A.J., Assistant Chief<br>Electoral Officer, Province<br>of Nova Scotia           | 136                |
| - MacDermaid, I.M., Former Chief<br>Electoral Officer of Nova<br>Scotia                    | 132                |
| - MacLellan, Returning Officer,<br>Province of Nova Scotia                                 | 134,135            |
| - Muggah, H.E., Deputy Provincial<br>Secretary, Province of<br>Nova Scotia                 | 150,151            |
| - Normand, Robert, Clerk,<br>Transportation and<br>Communications Committee                | 32-45              |
| - Ollivier, Dr. P.M., Parliamentary<br>Counsel and Law Clerk, House<br>of Commons          | 61,62,68,<br>84-86 |
| - Plouffe, Antonio, Chief, Committee<br>and Private Legislation<br>Branch                  | 29,30              |
| - Roberts, John, M.P.  | 79-82              |
| - Whalan, J.D., Chief Electoral<br>Officer, Province of New<br>Brunswick                   | 185-187            |

















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