

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
SIXTH SESSION – FOURTEENTH LEGISLATURE
24th Day**

Tuesday, March 10, 1964.

The Assembly met at 2:30 o'clock p.m.

On the Orders of the Day

STATEMENT RE HIGHWAY SAFETY

Hon. R.A. Walker (Attorney General): — Mr. Speaker, I would like to refer to a statement which I propose to release to the press following the announcement which the Premier made yesterday, and I shall just run through it, Mr. Speaker, for the information of the house:

Yesterday, the Premier announced the intention of the government to foster plans to study and establish methods of combatting traffic accidents on our highways and streets. This is indeed a matter of utmost concern to everyone, and a matter that I personally feel requires our immediate attention.

Through my department and through my association with the Saskatchewan Government Insurance Office, I am daily made aware of the seriousness of the problem. We must be prepared to assist those various agencies now campaigning for better driving habits and increased highway safety but we must also be prepared to do more to augment these programs with assistance that only this government can offer.

I am, therefore, pleased to announce that as requested by the Premier yesterday, my department has already initiated the first step in this program by convening a joint meeting of representatives of various police forces in the province, and crown prosecutors. The purpose of this meeting, scheduled for Regina this Friday, is to bring together those agencies that have the greatest experience in the field of enforcement in traffic laws, and to discuss how these laws can be better and more consistently enforced.

As the members of this Assembly are aware, traffic offences may arise under the Criminal Code, under The Vehicles Act, and to some extent, under municipal bylaws. The more serious vehicular offences involve negligence of the motorist. The degree of negligence present will determine the proper charge to be laid, and as any lawyer can attest, the difference between mere negligence upon which a charge of driving without due care and attention may be founded, and gross and wanton negligence that would support a charge of criminal negligence, is one of degree only. It is extremely difficult in most cases to assess the degree of negligence present in the circumstances. Enforcement is most effective where the law is administered consistently throughout the entire province, and it has been the experience of my department that on occasions in the past, law enforcement bodies have preferred charges against a motorist under The Vehicles Act where the circumstances indicate that the motorist might well have been charged under The Criminal Code for dangerous driving.

Similarly in some instances the motorist has been charged with a more serious offence than circumstances warranted. The main purpose of these joint meetings will be to review the principles of the law upon which the various charges are founded, and to investigate means of ensuring uniform application of these principles. It is certainly not my feeling that the only, or most effective, method of preventing traffic accidents is to increase the seriousness of the charge against the motorist, or to increase the number of prosecutions for traffic offences. On the contrary, Mr. Speaker, it is my intention to ask this joint meeting to consider the feasibility of issuing cautions and warnings to motorists for minor traffic offences, that will I believe, bring home to them graphically the responsibility they have to others.

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I know that the exchange of various views, of experience and a discussion of how the various agencies can mutually assist each other in carrying out their functions will contribute much to safety on our highways and roads.

WELCOME TO STUDENTS

Mr. A.T. Stone (Saskatoon City): — Mr. Speaker, before the Orders of the Day are proceeded with, I would like to welcome a group of school children from the North Park School in Saskatoon to the legislature. I am sure that the members will join with me in saying how pleased we are to have them, and hope their trip to Regina will be pleasurable and an informative one.

Some Hon. Members: — Hear! Hear!

SASKATCHEWAN-MANITOBA BOUNDARY CEREMONY

Hon. Eiling Kramer: — I would like to say at this time it was a pleasure for me to take part in a ceremony last August at the point where the Saskatchewan-Manitoba boundary meets with the Northwest Territories boundary, which members will know, is one of the longest unbroken boundary lines anywhere in the world. Beginning in British Columbia on a glacier and winding up 1,500 miles away at the Hudson Bay.

Taking part in this ceremony was the Hon. Mr. Benidickson, Minister of Mines and Technical Surveys from Ottawa, the Minister of Mines and Resources, Mr. Whitney, from Manitoba, and myself as minister from Saskatchewan.

It was quite a thrill to see this cairn placed for posterity at this particular point. It is also worthy of note that the minister for Canada was standing in the Northwest Territories, while the minister for Manitoba was standing in Manitoba, and of course I was standing in Saskatchewan all but a foot or two away from one another.

The credit, I think, comes for this feat, and has to be shared jointly by the three governments for the costs, but I think there is a great deal of credit goes to the crew that worked under temperatures as low as 60 degrees below zero camping out in the winter because this is the only way that this trunk line could be carried through that treacherous terrain. When you fly over 250 miles of line that doesn't deviate one inch in either direction, at least by looking at it, it is as straight as a string, all the way up that 250 miles, it gives you some indication what a feat this is. Credit must go to the native people, they were mostly native people, and all pretty well from Saskatchewan, that carried out this work not only the surveying but also the physical work of erecting the cairn and doing the clearing. Now, at this point, right in the corner is Hasbala Lake, and the marker that was erected is only about three or four hundred yards north of Hasbala Lake. Fortunately, for the purpose of putting up a cairn it was on dry land. The interest that has been shown in recent years is due to the fact that there has been a tremendous amount of surveying and prospecting that has gone on in the past which has made it necessary for this line to be proceeded with and I think members of the house will be gratified to know that this 250 miles was completed in March of 1963.

There is now only a short distance south of this 250 mile trunk line that remains to be completed.

With that, I think I will say once more we give credit to the surveyors and the crews that undertook this tremendous feat in the winter and carried it to a successful conclusion. I think the house should recognize our indebtedness to the people who did this work.

Some Hon. Members: — Hear! Hear!

Mr. Kramer: — And with those few words, Mr. Speaker, I lay on the table the Northwest Territories-Saskatchewan-Manitoba Boundary Survey Atlas and the Boundary Commission Report.

ADJOURNED DEBATES

The Assembly resumed the adjourned debate on the proposed motion of Mr. McDonald for second reading of Bill No. 27 – An Act to amend The Saskatchewan Election Act.

Hon. R.A. Walker (Attorney General): — Mr. Speaker, I want to extend my appreciation to the house for having agreed to adjourn and stand this question to allow me time to review the legal implications of the bill and to consider what action the government might take in reference to this bill.

Mr. Speaker, I think I would like to commence by asking the house to review the rules which govern residence of voters in Saskatchewan. I know that it is customary for us to think of residents as merely being physically present in a particular place but The Election Act goes to some pains to indicate that residence is simply not the mere matter of being present at a place and enumerators and returning officers and voters themselves, are under obligation to consider the rules of residence before deciding that they are resident in some particular place.

The rules start out with this preamble:

the following rules apply to the interpretation of the word “ordinarily resident, ordinarily resided and resident” and words of similar import in any section of this act, which these words, or any of them are used with respect to the right of a person to vote.

Then I would draw attention to two or three rules which I think are particularly germane to the discussion before the house.

First of all, there are ten rules which are of more or less general application, so far as armed services personnel are concerned, and then you have rule 11, which deals expressly with members and defines their residence in relation to Saskatchewan voting privileges.

The relevant parts of clause 11 may be recited as follows:

A person serving as a member of a naval, military, or air forces of Canada, or in any other of Her Majesty's naval, military or air forces, shall not by reason only of such service be deemed to be, or to have gained a residence in Saskatchewan, or in any constituency, unless he has under The Canadian Forces Voting Regulations, contained in schedule 3 to the Canada Elections Act, filed a statement naming a city, town, village or other place in Saskatchewan, as his ordinary residence provided that a period of service in Saskatchewan immediately prior to the filing of such statement shall be deemed to be a period of residence in Saskatchewan.

That means that an armed services person filing such a declaration under The Canada Elections Act, is entitled to put in that he is a resident in Saskatchewan, whether or not he meets or fulfils the provisions of the general rules governing residence, and when he does that he is entitled to claim any period that he was in Saskatchewan immediately prior to the filing of the declaration.

Now I should say that under The Canada Elections Act it is open to members of the armed forces to file such a declaration any time during the months of January and February, and the declaration then takes effect until the filing of another declaration. If an election were to be held in Saskatchewan, say on June 15th, 1964, and an armed services person filed such a declaration in February, it would mean that he would be able to count as residence the period that he was in the province immediately prior to the filing of that declaration. He would still have to be able to accumulate a total of six months residence in order to be eligible to vote on June 15th, so that if the vote was on June 15th it would be necessary for him to have come into the province not later than December 15th and some time in January or February, file the appropriate declaration naming a place in Saskatchewan as his place to vote.

Now it is proposed by the member from Moosomin (Mr. McDonald) that this clause should be repealed. If we are to repeal this clause we should see what the effect of the other rules would be because the other rules would then govern the qualification for residence.

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The preamble to section 31 which I have already read, is followed by these rules, and I draw the house's attention to the ones which I think are most pertinent.

Rule 2 says "the residence of a person shall be the place in which his habitation is fixed, and to which when absent therefrom he has the intention of returning." Now, a person may have had habitation at a number of places during his lifetime, but the rule refers to the place to which he would intend to return in the event of leaving this present habitation. It is the fixed one, the one which he regards as the base to which he would return. That is his residence, according to rule 2.

Rule 3 says that "a person shall not lose his residence by reason of temporary absence from home" so that any absence from home that is not permanent, is temporary, any absence from home that is temporary does not give rise to a new place of residence.

Now, the question facing the armed services voter in the face of those two rules is whether he considers his fixed place of residence to be the place where he is stationed, or whether he considers his fixed place of residence to be the place to which he would return after completing his service. That is the question which he must answer in order to determine whether he would qualify as a resident of this province merely because he is stationed in this province. He must answer rule 3; he must say that he is not just temporarily absent from the place where he lived at the time of his enlistment. He must be able to say that he is permanently absent from that place that he doesn't intend to return to that place.

Rule 6 poses even more difficulty for such a person. It says "a person shall not be considered to have gained a residence in Saskatchewan or in the constituency therein, if he comes to Saskatchewan, or the constituency for temporary purposes only, without the intention of making Saskatchewan, or some place in the constituency, his home". Now, whether a military person, living say in Toronto, who enlists and comes to Saskatchewan to serve a period of service in this province, can say that he has formed a permanent intention of making Saskatchewan his home is a highly problematical question, one which poses real difficulty for a military person to answer.

Now, clause 7 might be cited as helping out those who live in barracks in Saskatchewan. It says "the residence of a single person shall be the place where he occupies a room as a regular lodger, or to which he habitually returns, not having any other permanent lodging place." It might be said at first glance, looking only at the first few words of the rule, that this rule gives residence to the person stationed in a barracks at a place where he ordinarily occupies a room, but I ask you to look at it closely. "The residence of a single person shall be the place where he occupies a room, as a regular lodger" that might apply to a military person "or to which he habitually returns not having any other permanent lodging place". If he still has a permanent home at the place where he enlists, this rule doesn't help him, because he has a permanent lodging place, this would only apply to the person who has no permanent place to go back to after having served his period of service.

I am well aware, Mr. Speaker, that these rules do not absolutely bar service personnel stationed in Saskatchewan from acquiring a residence in this province. I merely say that these rules make it very difficult for a service personnel to acquire residence in Saskatchewan. It can be argued that in my particular case they do give residence to a service person stationed in Saskatchewan. Conceivably a service person stationed in this province who bought a business, or owned his home, and gave every indication that he was going to remain here after discharge undoubtedly would be able to show that he had an intention of remaining in Saskatchewan. The position of an unmarried military person certainly couldn't be fitted into any of these rules in order to give him residence in Saskatchewan.

Now, you might be interested in knowing what other provinces do in reference to this problem. There are only four other provinces that expressly deal with it in their statutes. Most of the other provinces leave the military person to shift for himself under the ordinary rules of residence.

The province of Quebec, however, expressly refers to military persons, and it simply says that the ordinary rules of residence apply to

military persons, so that it doesn't by any express reference benefit or indeed, hamper the military person from acquiring residence in the province of Quebec. It simply says a person on active service in the armed forces of Canada retains (they use the word domicile, but it means residence) the domicile which he had at the time of his entry into the service, unless he has subsequently established another domicile. I suggest that that is substantially what the rule is in Saskatchewan, the changing of the domicile means the taking up of another place, coupled with the intention of making it his permanent abode. So, Quebec by express reference to military personnel merely confirms what I say is the rule here under our regular rules of residence.

British Columbia makes reference to military persons and it only deals with those military persons who came from British Columbia, who were resident of British Columbia at the time of their enlistment, and it says "A person shall not lose or be deemed to have lost his residence in this province, or in any electoral district, by reason only of the fact that he has heretofore been, or may hereafter, be absent from his place of residence while serving as a sailor, soldier, chaplain, surgeon or nurse, or in any other capacity in the naval, military, or air forces of Canada." So that British Columbia, while it only deals with the British Columbia citizen serving abroad does not purport to deal with the outside British Columbia citizen serving in that province. British Columbia appears to take the view – its statute certainly does take the view – that a person's residence should be fixed at the place it was at the time of enlistment, which is, by and large, the result you achieve by a proper interpretation of our residence rules.

The Nova Scotia legislature deals a little differently than British Columbia. It has a section which says that any person on active service in the naval, military, or air forces of Canada shall be deemed to reside at the place in the polling district in which he was resident at the time of enrolment for such active service. That would mean, of course, that any person whether he enlisted in Nova Scotia or any other place, would be deemed to have maintained his residence at the place where he resided at the time of enlistment. And that corresponds with the British Columbia and the Quebec position, but then it goes on to say, in another clause, "that a person who is serving in the province in full time service, with the navy, army or air force of Canada, and who is living in a dwelling house, apartment, flat, or other self-contained housing unit shall be deemed to reside at the place in the province where he is so living", so that I would say that the effect of this second clause is to say that any person no matter where he may have come from, if he is living in a house, or an apartment, or dwelling, separate self-contained dwelling, does qualify to vote in the province of Nova Scotia. This would have the effect of enfranchising, I suppose, the officers and leaving the ratings and non-commissioned ranks without a vote if they came to that province from another province.

The province of Newfoundland goes in the other direction just as far as it is possible to go. The province of Newfoundland says that "a member of Her Majesty's forces stationed in the province shall not be deemed to be a resident therein, or in an electoral district, or polling division of, unless in the twelve months immediately preceding the date that he became a member of Her Majesty's forces he was a resident in the province." In other words, military personnel cannot, by any device, achieve residence in the province of Newfoundland except by going there for twelve months before enlisting. They concede, or recognize that a person ought not to be able to change his residence by merely being posted about at the behest of the posting officers the posting officials in the services.

So that Saskatchewan is the only province in Canada which accords to every military person, whether he comes from this province – of course, if he comes from this province he doesn't need this benefit – but whether he comes from B.C. or Newfoundland or Quebec, or any other province, the right to qualify to vote in Saskatchewan by the mere making of a simple declaration. Saskatchewan follows the lead of the federal government in this regard. The federal government acknowledges that life in the services can be pretty permanent, it can last a long time, and it can take people for lengthy periods into new communities where they have to abide by all the other incidence of citizenship and that they should have some recognized formal way of acquiring all the rights of citizenship in those communities.

Saskatchewan is the only province, I would say, that makes it possible for military persons, even though they don't meet the ordinary tests of residence, nevertheless to qualify as voting citizens and to take part in the franchise.

Now, I suggest that the need for these rules ought to be very clear. The other provinces make no provision for such visitors to their province. You might say, well, I am construing the rules of residence too stringently. There aren't a large number of cases interpreting the rules, I suppose principally because elections aren't usually won by very narrow margins, and the number of voters who may have voted while legally disqualified is usually very small, and there are very few cases of voters being prosecuted for voting illegally. It's often considered bad form for the winning candidate or the party winning to prosecute voters a few days after the election and I suppose this is one of the reasons why there's a lack of precedents on this question.

There is one reported case, however, which I think sheds some light on it and it is reported in the Dominion Law Reports 22DLR, second edition, page 288, and it is an election in St. John South, Newfoundland, decided by the Newfoundland Supreme Court with Mr. Justice Dunfield and Mr. Justice Winter presiding. I think for the light that it throws on the question of the interpretation of these rules, I would like to give the house the facts of the case as recorded by the court. The applicant or rather the person whose residence was at issue, was a Mr. Devine and according to the facts that are recited in the judgement, he is of the age of 31, son of the late Lewis Devine and Mrs. Alice Devine, both of St. Johns.

He was not out of Newfoundland until he was about 25; he lived with his parents until his father died in 1950 and thereafter with his mother, and after the father's death, they lived first at Bennet Avenue, and then at 48 St. Clare Avenue, where the mother lives now.

Just so that it will be easier for hon. members to follow the significance of the recital, I would remind you that the relevant date here is August 20, 1959; that's the date in which the election was held, August 20, 1959, so that these dates can be sorted out in relation to that date.

The election list used at this election was originally taken in 1955, and on it there appeared his residence of 48 St. Clare Avenue, Mrs. Alice Devine, Kevin Devine and Charles Devine. Mr. Devine says these are his mother, his brother and himself. Between 1955 and 1959, the boundaries of districts were altered but a new list was not taken. There was legislative authority for sorting out and reprinting parts of the 1955 list, so as to cover St. Johns South in this election. Thus these three persons were listed as voters at 48 St. Clare Avenue, St. Johns for the 1959 election, now in question. After living with his mother up to October 1953, Mr. Devine took service with the United States Air Force as a civilian employee with Canadian nationality. The United States Air Force had at St. Johns a base called Fort Pepperell which was in 1953 the headquarters under Lieutenant General of the United States North West Air Command, controlling United States bases and branches in northeastern Canada and Greenland. Although the organization has been changed since 1953, Fort Pepperell is still in some respects headquarters for these bases and posts.

Mr. Devine was sent to Sondstrum, Greenland, where he took up accounting work and he was there until May 1955. He was there 19 months during which time he went back to St. John at Fort Pepperell three or four times on leave and on temporary duty. The military and civilian personnel moved freely by air, from May to November 1955, he worked at Fort Pepperell Air Force base and in December 1955, he was sent to the United States Air Force side of Good Bay Air Base in Newfoundland territory in Labrador where he remained up to February 1958, a period of 14 months. Again he was back at Fort Pepperell, at various times on temporary duty and leave. He returned to Fort Pepperell on February of 1957, with one month's leave and resided there during his leave. On March 19, 1957, he was again posted to Sondstrum,

Greenland, where he remained up to July 1958 a period of 16 months.

I would just like to point out here, Mr. Speaker, that where we require 6 months residence, the Newfoundland Act requires 12 months, otherwise the terms are very similar. So he was 16 months there in 1958.

At this time he was in charge of the Post exchanges and made numerous trips back and forth to Fort Pepperrell and other United States bases in Newfoundland, and the United States in the course of business.

In July 1958, he returned to Fort Pepperrell on leave and remained there from the middle of July to September 1, 1958, but the conclusion of his leave, he spent at Fort Pepperrell. He went to New York city with the understanding that the United States Air Force might have a post for him there. He was told that there was a post vacant at Ottawa, where it seems the Force has a post exchange. He went to Ottawa and found that the position had been filled; however, another opening was developing and he came back to St. Johns and stayed until late September 1958, and remained there until March 1959, a period of 5 months, he then resigned and returned to St. Johns. He says that the position was unsatisfactory and the pay too low and he thought of resigning before Christmas but did not actually do so because an air pass was not available at the moment. In March 1959, he returned to St. John and as a hope for enterprise failed to materialize, he decided to make a tour of Europe, purely as a holiday, which he did someday in April to July 31, 1959.

From July 31, 1959 to August 30th, he stayed at the Newfoundland Hotel in St. Johns. On August 31st, he took up residence at the Cochran Hotel, St. Johns where he has since resided. While in Ottawa he and a friend rented a furnished apartment, because he did not care to go to the expense of furniture as he did not intend to stay long. He visited his mother at 48 St. Clare Avenue, when he has been in Newfoundland, but as she has converted her home into apartments, there's occasional residence there, it would be inconvenient for both, so he had stayed at Fort Pepperrell which is outside the constituency.

The judge says that he feels "on the whole that Mr. Devine did not lose the attribute of residence there." Now here is a civilian who was going out not under orders from the military authorities but as a civilian, who was voluntary of his own free will, going outside his native province to seek employment. The question is, could he have established residence during these periods exceeding one year when he was outside the province of Newfoundland?

A loose interpretation of the rules of residence certainly, my hon. friends would probably say yes, that he could have acquired residence outside the province of Newfoundland, having been there for periods in excess of 12 months, but he can only have one residence. This is clear, Mr. Speaker in both Acts, he can only have one residence, and if he could have qualified as a resident outside of Newfoundland, he couldn't at the same time be resident of Newfoundland and if the rules are applied as my friend from Moosomin (Mr. McDonald) says they should be applied and people who are temporarily here while serving in uniform would have to therefore lose their residence at their place of enlistment.

My contention is when the court says that these extended absences from Newfoundland did not interfere with the residence in Newfoundland, then they could not have conferred residence on him at these other places, and if, of course, residence could not have been conferred under these circumstances in other places, to a civilian employee, even less could they be conferred upon a military employee because this man at least went of his own free will to these places and military persons have no volition in the matter. His movements are at the behest of his posting officer in accordance with the exigencies or the wishes of the military and not the volition of the individual military person.

So that, Mr. Speaker, “intention” is, I submit, the key word. Now having provided the military persons in this province with an alternative means of acquiring residence in Saskatchewan by the signing of a declaration, we have given to these military people a right which no other group in the province enjoys. If a military person from Toronto comes to Saskatchewan and wishes to retain his residence in his home constituency in Toronto, he may do so, by filing the appropriate declaration but an oil worker who comes to Saskatchewan from Toronto has no such rights. The military person is given this special right and this is the right which we don’t give under our act to workers in any other category.

Now, Mr. Speaker, if we remove rule 11, I submit that we are not achieving what my hon. friend hopes to achieve. I submit, Mr. Speaker, that if we pass this Bill we are achieving the exact opposite to what my hon. friend says he hopes to achieve. Indeed, voters who have filed a declaration in anticipation of voting in this province next June, or whenever the election comes, will be prevented from voting in Saskatchewan unless they can show quite independently of the declaration that they have acquired a residence in this province with the intention of remaining permanently here. So, it would be very difficult for armed service voters, I submit, to qualify to vote if the opposition Bill is passed.

What will likely happen however, if rule 11 were repealed, is that enumerators would adopt a sort of casual view of the legal implications of “residence” – would adopt the rather naïve interpretation of the rule that all that is required is 6 months physical presence in Saskatchewan. Indeed you will find many people who think that’s what the rules are. As long as you are here 6 months you’re entitled to vote, and you’ll find that enumerators may be tempted to adopt this rather naïve and incorrect view of the rules and put people on the voters lists who aren’t genuinely qualified to vote. If such persons do vote, in any numbers and my hon. friend wins his constituency by a majority of 100 votes and there are 120 people who were put on the list on the assumption that merely because they have been living here for 6 months, therefore, they are entitled to vote, then of course his opponent can come along and challenge the election result and have it overturned. For if there are more people who voted illegally then the size of the majority for the winning candidate, the election can be voided, and I’m sure that no member wants to open up a situation where large numbers of people might vote who are not in fact legally qualified to vote. Now, I suggest that this is what will likely happen if rule 11 is repealed. As it stands now, there’s really no question about it – the enumerator merely has to ascertain whether or not a declaration has been filed naming this constituency by the voter as his home and if so, simply put the name on the list, and then anyone who seeks to vote in addition to that who is not legally qualified, will have to be sworn in and a judge will decide whether or not these additional voters are legally qualified and a judge will determine whether or not the ballot envelope should be opened and there will be no possibility of illegal votes having been cast and having affected the validity of the election.

So it seems to me that if the legislature want to decide in favour of some definiteness in the law, they should retain clause 11. If the legislature wants to expose us to the risk and the hazard of many people voting who aren’t qualified to vote, then rule 11 should be repealed.

I suggest that the government would very happily support the repeal of rule 11, if it could be shown that the rules of residence would permit more voters to vote.

Now, Mr. Speaker, it’s been said, not by my hon. friend, it has been said about this rule in the past, that the rule was concocted out of a desire to prevent armed services personnel from voting. I suggest that such an insinuation is a base and vile slander, Mr. Speaker. I suggest that if this house really wanted to prevent armed service members from voting, we would pass the amendment asked for by my hon. friend. I suggest that we would pass it because the number of armed service personnel who can qualify under the ordinary rules of residence are very, very few. Under rule 11, the number is whatever number wishes to vote, wishes to file the declaration and vote. I am told by military persons that the filing of this declaration every year in January and February is known to all or most all military persons. It is a matter of routine orders drawn to the attention of military persons routinely on the bulletin board and they know about it. You can’t say that they don’t know about it. Furthermore, Mr. Speaker, in the last year and a half, there have been two federal elections, in each case it has come forcibly to the notice of the voter, where his residence is and if he has been dissatisfied to vote at the place of residence which he had at the time of enlistment, he is thereby prompted to take corrective measures to file a declaration naming a Saskatchewan address as his place of residence.

Mr. Speaker, there is no justification for this amendment, either on the grounds that it will extend the franchise, because in fact it will diminish the franchise among armed service voters. There's no ground for repealing it because voters aren't aware of its provisions, because voters have become aware of the provisions, not only by the two federal elections but by the discussions that have taken place in the press recently on this question. Repealing it now would be betraying those voters who have complied with the rule, who have filed a declaration in the expectation that by doing so, they will have a chance to vote in a Saskatchewan election. I for one am not in favour of going along with any withdrawal of a privilege which they have earned, which they have claimed by complying with the present law.

So, Mr. Speaker, for these reasons, I feel that I cannot support the bill.

Some Hon. Members: — Hear! Hear!

Mrs. Mary Batten (Humboldt): — Mr. Speaker, I think the hon. Attorney General was correct in one thing he said. He said that intention is the key word and I would think that this is the key word so far as the motives and the intentions of the hon. members are concerned. The intention of the hon. member from Moosomin (Mr. McDonald) is to extend the right of franchise to our armed forces; the intention of the hon. Attorney General can be guessed at, I wouldn't like to suggest what it is. I do know that the result of the amendment that he brought in 1959 was to disenfranchise people who formerly voted and thought they had the right to vote, and sometimes, Mr. Speaker, I think if we were all as learned in the law as the hon. Attorney General, we would be completely paralyzed, and we couldn't do anything. I think that if his interpretation of these amendments is correct and I imagine perhaps it is, nobody or at least very few people who are in the travelling profession or who haven't actually purchased a home and established their roots and lived here for three generations would qualify under that residence clause. Because this is one of the most strangest clauses. As a matter of fact, I think, Mr. Speaker, that somewhere along the line, the Attorney General decided that the domicile were synonymous with residence and I think this bore out the fact that he used the two words as if they were the same one. They certainly are not. Domicile is required to be proved by plaintiff, say in a divorce case, because only the one court is considered to have the right to dissolve marriages between parties, and you prove the domicile so that you can't go to various provinces and have courts take jurisdiction over a thing like marriage in a number of provinces. Only one court is entitled to do this. This surely is not the intention of this legislature, certainly it wasn't the intention of members of this side of the house. In 1959, to require that anybody who has the right to vote in Saskatchewan must have as their firm intention to move into Saskatchewan and live in Saskatchewan for the rest of their lives. Surely, this isn't what the ordinary man and woman in the street consider residence to be, and it's because they have a more commonsense than that expressed by the hon. Attorney General, in fact a more sensible view that they have been able to vote. Because they've not worried about the interpretation of the law that he has given us. Surely if the enumerators who go out in this country had to write an examination on what residence is, there would be very few qualified enumerators and surely if they were being instructed by the Attorney General, we wouldn't have this election for another year or two, because it would take him that long to explain it to them.

Mr. Speaker, residence means to the ordinary man and woman in the street, and the ordinary enumerator and the ordinary voter that he has physically lived in this province for six months. And I agree and I think that most people of Saskatchewan agree with this view. It doesn't matter too much to me what other provinces say about this, and with the exception of Nova Scotia, I think the other provinces take it for granted that residence does mean physical presence in a province; therefore, they don't have to have special legislation passed for the armed forces because they don't have the hindrances set up in their acts that the hon. Attorney General set up in our act in 1959. And because they don't have these enclosures these stoppages to the right to vote, they don't have to have exceptions, and therefore, a member of the armed forces in the other provinces, the same as a traveller, the same as a manager of a company who comes here and lives here for six months, feel that they have an interest in the province, that they are residents of that province and providing that they are qualified otherwise, they're 18 years of age and so on, they vote. They put their name down on the voters list and they vote, and this is why this amendment of 1959, disenfranchised a large number of the members of the armed forces and their families. And this was an injustice. Just as we feel of other injustices that we want to remedy, surely this is an injustice that should be remedied.

Perhaps the amendment as introduced in this session is not sufficiently definite and I think that the hon. member probably is going to bring in house amendments that will remedy this, so that it will be crystal clear that a member of the armed forces who resides in the province of Saskatchewan for a period of six months and is otherwise qualified to vote, should have the right to vote. Mr. Speaker, if the men and women in this house are agreed on this principle, are agreed on the principle that no one should be disqualified for this reason from voting in our provincial election even though he has six months residence. If we are agreed on the principle, that the armed forces and their families should have the right to vote providing they have been physically present in this province for six months there should be no division on the question of this bill, because this is the only principle. If the hon. Attorney General in his meticulous way wants to change this or wants to introduce another amendment I'm sure that he would meet with support from this side of the house. Our only intention, our only motive is to give these people a vote which they lost by the amendment of 1959.

Some Hon. Members: — Hear! Hear!

Mrs. Batten: — Mr. Speaker, I think the difference between the armed forces and other people was pointed out by the minister, that difference is that they haven't any choice as to where they live, but surely, this should not take away their right to vote because when they have lived here for six months, they're well qualified to do so. They are intelligent; they are an especially dedicated group of people and surely we need their thoughts on political subjects in this province. We need their votes; we need them as voting citizens of this province.

You can't put this on par with the federal section whatsoever. The question in the federal statute is of course, that the member of the armed forces should be entitled to choose his own constituency, and this is the difference between residence in the province and residence in the constituency. The member of the armed forces who enlists and still has an interest or may be has his family living back in his constituency of origin, has the right to keep that as his constituency in federal election. But, Mr. Speaker, there's no reason why this province or this legislature should bind a member of the armed forces to have the same constituency for federal election and provincial election. They don't have to be the same thing. As a matter of fact, I think that the example that the hon. Attorney General mentioned, that if someone files a declaration here under his amendment, they can't possibly vote in Toronto, or if they file a declaration saying that their constituency is in Toronto, they can vote in Toronto. That's going to do the people a lot of good in a provincial election in Saskatchewan, and it's going to do them a lot of good in the provincial election in Ontario, when they're living in Saskatchewan, and they're physically situated in Saskatchewan. They can't have a vote in Ontario unless they fly down there. Even then there's probably no provision in the Ontario act for them to be allowed to vote in such a case. It's exactly the same for a member of the armed forces even if he has filed a declaration that he's living in Saskatchewan and that Regina is his constituency. If he happens to be on a high seas, he's still not going to have a vote. Therefore the sensible thing to do is do exactly what the hon. member from Moosomin (Mr. McDonald) wants to do and I think that in addition to those sections, we could well re-examine some of these amending sections that were brought in by the hon. Attorney General because when you establish domicile . . .

Mr. Walker: — The sections dealing with intention were not brought in by the Attorney General; they are long historic standing election act and they're in every election act in Canada, Mr. Speaker.

Mrs. Batten: — Well, I haven't got the sections here, but I think when we get into committee of the whole, we can go into them and I think the Attorney General will notice that when he brought in the amendments in 1959, he changed the definition of "ordinary residence" to make intention a part of this resident definition. Now this is something we can go into detail in committee, but my suggestion is that as far as the members of the armed forces are concerned, intention should not be part of the definition. As a matter of fact, I strongly suggest that intention is not a proper part of the definition for anybody's residence, because this is going to be a very difficult thing to get. How many people could vote in Saskatchewan, if they have to swear an oath to the effect that they had

come into Saskatchewan with the firm intention of staying here and never leaving? These things are contingent of so many things and certainly we shouldn't put people in the position where they are going to have either be untruthful with the enumerator or have to be left off the voters' list. Surely, our intention, Mr. Speaker, in this legislature is to open the act for as many people to vote as are interested in voting and are ordinary residents of Saskatchewan. For this purpose we should use the definition that is used by ordinary people because these are ordinary people that are voting.

This is the definition that should be used. No matter what our definition, no matter how far we have to go in our amendment, certainly, I think we should keep the one intention in mind, and that is that we should give our armed forces and their families a vote, if, because they are in Her Majesty's Service, they have had to reside in this province for a period of six months prior to the election. I think this is the attitude that we want, this is what we feel, and I think this is what should be enacted in our legislation, and, therefore, I certainly support the bill of the hon. member from Moosomin (Mr. McDonald) in principle, if amendments are needed to that bill in order to clarify it, I don't think there should be any difficulty about looking after the technical aspect of it, but the intention is absolutely clear, the intention is to allow armed forces and their families, who because they are in the armed forces, have had to be in Saskatchewan, and have been physically present in Saskatchewan for six months to have a vote in our provincial election, no matter what their constituency or what their declaration, insofar as the federal election is concerned, may be.

Some Hon. Members: — Hear! Hear!

Hon. A.E. Blakeney (Minister of Public Health): — Mr. Speaker, I wanted to add a few remarks after hearing the comments of the hon. member for Humboldt (Mrs. Batten).

It seems to me that an impression might have been left that a member of the armed forces in Saskatchewan was not able to vote in a Saskatchewan election even though he has been here for a period of eight or nine months, or ten months, or as the case may be. I think that all members will be aware that a member of the armed forces is, in fact, able to vote, and all we are talking about is the preliminary procedures which you must go through prior to voting, and we are talking about the filing of the declaration. This is what the objection is taken to.

Ordinarily, a citizen cannot select the province in which he votes or the constituency in which he votes; these are selected for him by the oration of the rules of law. The act states that you can vote in the constituency in which you reside, and this is the sort of rule which applies to civilians. The difficulties which have been the subject of this debate have arisen by reason of the difficulty in defining where a member of the armed services resides, and I think that more weight ought to be given to the comments of the Attorney General, with respect to the possibilities of uncertainty if the proposals of the member from Moosomin (Mr. McDonald) were accepted.

I realize that members opposite have, shall we say, guarded against this sort of an argument, by arguing that they are going to introduce some house amendments which are going to have a different effect and, of course, this puts me, at least, in a bit of difficulty in arguing against the house amendments which I haven't seen, or arguing for them if I found myself in agreement with them. But certainly, the bill as presented is one which I do believe would lead to a substantial body of voters who were uncertain as to their rights to vote, because of the application of the rules, and wherever there is a large body of voters who are uncertain, there are or can be substantial difficulties in conducting elections.

The Saskatchewan Elections Act goes to a great deal of trouble to give votes to people who are in hospitals, who are outside of their own constituency, and all of these produce a good deal of difficulty. I have been through a recount or two on this, and there is no doubt about it that many of the provisions which are designed to extend the franchise do so at the cost of importing uncertainty into voting. I can think of some instances let's say that a student shall be resident, not where he goes to university but where his home is, and you have the situation of the married student and the married student's wife, and you can't figure out for sure whether the married student's wife lives in Saskatoon and the student in Rosetown, or both of them in Saskatoon, or both in Rosetown, for the purposes of the act, and it is . . .

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Mr. R.A. McCarthy (Cannington): — You are muddying the water.

Mr. Blakeney: — I may very well be, but certainly the rules which were introduced in 1959 had the virtue of clarity. Whatever else you can say about them, they do indicate with a good deal of clarity who can and who cannot vote among service men . . .

Mr. McCarthy: — I'd like to . . .

Mr. Blakeney: — The hon. member for Cannington will have the opportunity of joining in the debate and I know we will all welcome his contribution.

Mr. McCarthy: — But on . . .

Mr. Blakeney: — I think that a good case be made for the fact that the existing rules are fair, because it is really a matter of where you call home. You live where you call home to a very considerable extent. A commercial traveller or an oil worker moves and intends for the purposes of his job to stay where his job takes him.

Mr. McCarthy: — Who says so?

Mr. Blakeney: — I say so, and I think that any court of law would say that in the ordinary course of events in determining the residence of an oil worker, an oil worker would be held to reside where his job took him. In the ordinary course of events he does not have to stay at the location where his job takes him but on the other hand, he is perfectly free to stay there. He has the opportunity to choose his residence. A member of the armed services does not.

However, to some extent these are not the arguments which I find most cogent. The argument which I find most cogent is the one which really is based upon the fact that the act gives to members of the armed services, firstly, a clear indication of where they are to vote, and secondly, a very much wider latitude as to where they are to vote than any other citizen enjoys. They may select their constituency within limits which are not open to the rest of us, and they are free to selection, as I say, a constituency where they enlisted, or where their relatives live, or where they now are, and certainly if any service man in Saskatchewan wanted to vote in Saskatchewan, the possibility of elections has not escaped him.

We have had a federal election in 1962, a federal election in 1963, there has been talk of by-election, there has been ample talk of provincial elections. The possibility of selecting his constituency has not escaped him.

An argument which was launched in 1959 to the effect that this was a sudden change for the 1960 election is a totally invalid argument for a 1964 election. This has been the law for five years. Two or three elections for federal purposes have been based upon the declaration, the . . .

Mrs. Batten: — Mr. Speaker, is the hon. minister suggesting that the federal election qualifications have anything to do with this bill, with this act?

Mr. Blakeney: — I'm sorry, but as I read the parts which the hon. member for Moosomin (Mr. McDonald) wishes to delete they are the references to the federal act, and these surely have determined the constituencies in which voters have wished to vote. They have had the opportunity to select the place where they live, and they have done it in 1962, and they have done it in 1963, and as the Attorney General has mentioned, they had the opportunity to do it for the 1964 provincial election, and they are in the happy position of being able to say they lived in Ontario in 1963, and Saskatchewan in 1964, and Ontario again in 1965, if they like. This is a benefit which is not open to all of us, but it is open to servicemen.

Mr. McCarthy: — Why shouldn't it be?

Mr. Blakeney: — Why should it? Exactly. It was put in because it gives the desirable certainty and removes the undesirable uncertainty. Now, obviously it gives an additional benefit to servicemen, but no one is quibbling on this score. The hon. members opposite say it derogates possibly from rights of servicemen. I doubt very much whether it derogates much, but if it does, the compensating advantage is much greater. The advantage of

being able to switch from province to province in your constituencies as they can, it seems to me, can no one argue that this is unfair to servicemen.

The argument which says that he is like an oil worker, or like a commercial traveller, is one which completely ignores the fact that an oil worker, or a commercial traveller cannot do this. He cannot, while being on a construction site at Esterhazy, decide that he will vote in the federal election in an Ontario constituency, and the provincial election in Esterhazy and in the next federal election, possible in a B.C. constituency where his grandmother lives. This is the happy position he is in and it is a benefit which we have given to servicemen. It has given them a flexibility because they can't choose where they wish to live, and it has given our act certainty.

I think that people will agree that servicemen ought to have the right to vote if they have been here for six months. If they decide that Saskatchewan is the place they want to call home for the purposes of voting, that is first class. Possibly amendments which would suggest that they can vote in Saskatchewan if they have lived here six months and if they haven't selected some other place to call home for voting purposes — . . .

Mrs. Batten: — May I ask the hon. member a question?

Mr. Blakeney: — I will take questions at the end of my address, if you don't mind . . .

It seems to me perfectly clear that a person now has the right to select to vote in Saskatchewan if he wishes to do so. It may well be that the selection should be automatic. It may well be that he should be permitted to vote in Saskatchewan if he hasn't selected some other constituency. That is something that can be looked at, but I think there is something inconsistent in the proposition which says that on a given day next June, a member of the armed services could go to the polls and vote in a federal election and a provincial election on the grounds that he is a resident of Toronto, and vote in Esterhazy or Saltcoats riding on the grounds that he is a resident of Saltcoats constituency, Saskatchewan. This strikes me as being inconsistent and I may say that I am not aware of this circumstance even having been possible in the ordinary course of events in electoral practice.

In electoral practice one is considered to be a resident for voting purposes where one actually resides. This is true for municipal elections and provincial elections and federal elections, and I think that the proposition that suggests that on the same day one can be resident in two different places for two different purposes shows its absurdity by stating it. It seems to me to be quite inconsistent.

It is perfectly fair to give anyone, if he has two or three possible residences, a clear and open option; but having selected this he ought to be bound by it for all electoral purposes. He cannot ordinarily, I would suggest, have any more or any less interest in the Saskatoon provincial constituency than the Saskatoon federal constituency or in the Regina provincial constituency than the Regina federal constituency. It seems to me the things which entitle him to vote with respect to one, entitle him to vote with respect to the other, where we make residence the basis.

I'm not opposing the proposition which was apparently thrown out by the hon. member for Humboldt, (Mrs. Batten) that we ought to open this up for all servicemen. I'm just saying that if he has knowingly and consciously selected another constituency for the purposes of voting then he ought, therefore, to be held to his choice. If he hasn't, then presumably he could have the opportunity to vote in the Saskatchewan election. And this seems to me not at all unfair, and it has, as I pointed out earlier, the benefits of flexibility and of certainty: the maximum degree of flexibility for the service man certainty for the purposes of operating the election, and certainty for the purposes of giving the electors a result on polling day which is as close to a final result as possible.

Accordingly, I find myself unable to support the bill introduced by the hon. member for Moosomin (Mr. McDonald). I will reserve the opportunity to look at it in committee because I gather in committee we will be faced with a different bill. Certainly the bill which is clear in its terms, simply to eliminate two sub-sections or sub-clauses of The Election Act, and leaving the remaining clauses is one which I find myself unable to agree with.

Mrs. Batten: — Is the hon. member going to permit a question?

If the hon. member says, as he does, that you can't change your constituency, once you have made your declaration, does he suggest by that that a member of the armed forces who has given in his declaration the place of Toronto, when he enlisted and leaves it at that is not entitled to vote in municipal elections, in the city of Regina, even though he lives here for twenty years.

Mr. Blakeney: — I just don't know the answer to that, I just don't know The Municipal Act, but it seems to me not unreasonable that it be the same. Certainly I am saying that for the purposes of federal and provincial elections it ought to be the same and if it isn't this way for municipal elections, I would have to look at the municipal act. I really can't say what . . .

Mrs. Batten: — But you said it is the same . . .

Mr. Blakeney: — Presumably it should be.

Mrs. Batten: — I have one other question I want to ask the hon. gentleman. If he feels so strongly that this certainty is so important for the armed forces, why have they not suggested this for everybody? Why don't they suggest that everybody register in January and July and say this is my residence?

Mr. Blakeney: — I think the answer to that is obvious, that everyone else doesn't have the opportunity of the choice. Everyone else is bound by the rules of law, which I mentioned in the earlier part of my remarks, and I doubt whether we would want to extend the opportunity for everyone to select their constituency in the relatively free manner which is given by this statute as it presently stands to members of the armed services. It might, indeed, give certainty, but it seems to me that it would give to ordinary residents and ordinary voters a freedom to exercise their franchise in different constituencies, which we are willing to give to members of the armed services, but are not willing to give to the ordinary citizen.

Mr. David G. Steuart (Prince Albert): — Mr. Speaker, I was quite amazed listening to the hon. Minister of Health talking about the veterans and saying what a choice they were giving them. As the hon. member for Humboldt (Mrs. Batten) said — the armed forces can make a decision as to where they vote federally. He is saying in effect that his government will say where they have a chance to vote provincially.

An armed forces member can't say if he is living in Saskatchewan he may say a year, or two years ago, or three years ago in a federal election that he wanted to vote in Ontario, where he came from, or Quebec. In the meantime, after he has lived in Saskatchewan two or three years he may be as disturbed as the rest of us are about what is going on here and decide he wants to vote in Saskatchewan, but he couldn't vote in the meantime if an election was held in Quebec, a provincial election, or Ontario, they wouldn't send him a ballot out here. He would have to go, if he wanted to vote in a provincial election, where he resides. There is no province that I know of that sends ballots all over the country to their armed forces because they might have designated a year or two or three years ago, that they wanted to vote there federally.

I think the question before this house is whether we treat the members of our armed forces who have resided here for six months the same way as we treat our civilians. I feel, Mr. Speaker, if the government was serious about this and really wanted to pay more than lip service to treat our armed forces the same as they treat our civilians, if they really wanted to do this, they had lots of notice on this and the Attorney General could have come across to this side of the house and sat with the member and said if there is a better way of doing this, this is the way we suggest you do it. They have done this on other occasions. We feel that they are trying to deny these people a vote, and we think there is a specific reason why they are trying to do this.

Some Hon. Members: — Hear! Hear!

Mr. Stuart: — You know, Mr. Speaker, the members on the other side have a great saying they have had it for years, “If they are old enough to fight, they are old enough to vote” and we are saying that these people are in our armed forces, they are residing in Saskatchewan, they might be anywhere in the world in six months, six day, six years from now. But we are suggesting and asking this government to join with us to give them a chance to exercise their democratic right in this province in provincial elections and they haven’t come up with anything but to point out that what has been suggested in the bill by the hon. member from Moosomin (Mr. McDonald) has its difficulties. In fact, it is a difficult thing for members on this side of the house to introduce a bill. This was a piece of great news that a member from this side of the house was allowed to introduce a bill, but . . .

Mr. Speaker: — ORDER! I think you are straying a little bit from the principle of the bill, when you talk about whether they introduce these bills or whether they can’t. You are getting away from the bill that is before us.

Mr. Stuart: — Mr. Speaker, I think the thing boils down to one thing. Are we prepared to give these people, members of the armed forces, the same treatment that we give civilians or are we going to discriminate against them. I would like to see where the members of the armed forces, the veterans on the other side of the house stand, if they have any, I think they have one or two, where they stand on this issue. I think that what we are suggesting here and what they are opposing, if they don’t join with us and co-operate and help us pass this, it is an insult not only to veterans and a discrimination against people in our armed forces, I say it is an insult to every veteran in this province and I hope that they are prepared to co-operate with us and allow us to bring in some amendments, house amendments if it goes into committee, so that we can make it workable if the Attorney General is right when he says that the bill that the hon. member from Moosomin (Mr. McDonald) has brought in has some questions in it or some problems which may create more problems than the ones we are trying to solve.

I think this is what it boils down to, are we going to discriminate or to continue to discriminate against our armed forces, or are they going to pay more than lip service to the so-called rights of minority groups and support us on this bill or the theory or practice behind the bill.

Hon. W.G. Davies (Minister of Public Works): — Mr. Speaker, I don’t want to attempt here to enter into any legal argument about the meaning of the sections that are proposed as compared to the existing sections of the act. I thought I caught a comment from the other side of the house about somebody trying to “muddy the waters”. I must say, Mr. Speaker, that in my opinion this is what some of the speakers on the other side of the house have tried to do when they suggest that we on this side of the house have attempted discrimination against any of the members of the armed forces; because that is just not true so far as I am concerned.

What we are trying to discuss here, I think, in a reasonable fashion, is to give the same kind of rights to the members of the armed services as to all other members of the population. This is what I think is a fair proposition. This is what I understood the member from Moosomin (Mr. McDonald) to argue when he originally introduced the bill.

However, as has been explained by the Attorney General the fact is that if the amendments which are requested were passed by this house, it would appear as the bill now stands we would give fewer rights to the members of the armed forces than presently exist. If we take the meaning of the word “residence” as it is now defined within our act – and I don’t know, Mr. Speaker, what amendments the member from Moosomin may have in mind and we are left at this stage to guess about that – but all I’m saying is that there is no doubt, so far as we can see now, and from what we have been told by the Attorney General (and this hasn’t been disturbed by anything that has been argued on the other side of the house) that the amendments that are proposed will give fewer rights than presently exist for members of the armed services in Saskatchewan who might vote in a provincial election.

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I want to say that the prime difficulty, so far as I know, and I have some experience with this in 1960, was that many of the people who were in the armed services at that time didn't appear to comprehend the impact of the amendments that were made in 1959. I understand that there was a posting of rights that could have been exercised, but that all members of the armed forces that could have taken advantage of those rights did not do so, in fact. This resulted in some confusion and many persons who might have voted did not vote in the 1960 election. But as the Minister of Health has told us several years have elapsed. There has been a considerable discussion of the meaning of these amendments in the press, there certainly was not in 1960.

I want to say that I personally went to the officer in command of the Moose Jaw Station, Group Captain Hunt last July. I pointed out to him the 1959 amendments and suggested that the declaration that is mentioned the statement naming a city, town, village or other place in Saskatchewan as ordinary residence, and so on, in terms of the Canadian forces relations should be utilized by all those members who wanted to use a vote in 1964, if an election took place in this year.

I understood from publicity in the local paper and through other media that, as a matter of fact, there has been a considerable exercise of rights in this regard. A number of people at the Moose Jaw RCAF base have in fact filed such declarations. Having filed such declarations they will have the right to exercise their franchise in the coming election, and it seems to me that what we have been told this afternoon, that there is every doubt that they could have exercised the rights if the amendments that we now talk about were approved by this house.

I think this is the issue, and this is what we are looking at as of this moment. It seems to me to be a fair proposition that that statement be filed, and I do think that all those that have something to do with the control of the forces, should make these clauses known to the members of the forces. This was done in Moose Jaw, and I point out here that this statement enables the person to claim a residence without having to offer any evidence of where that domicile, residence, or whatever else you want to call it, is located.

All he has to do is make that claim through filing that statement, whereas it seems to me that any residence clause you have in some manner, shape, or form must establish what that residence means in terms of your rights to vote as a member of the armed forces.

It seems to me here again that what we have at present, is certainly superior to what is proposed. I point out that it does not appear to me that the hon. member from Humboldt (Mrs. Batten) is correct in saying that they don't have and I think she put it "hindrances" in other provincial acts. It would appear from what we have been told this afternoon that no other provincial acts, as a matter of fact, gives as many rights as do the rights that are conferred by the Saskatchewan legislature.

I believe the member for Humboldt mentioned the meaning of domicile in terms I think of the Newfoundland legislation. I think it was Newfoundland or perhaps Quebec legislation, I suppose here the question of domicile would be interpreted by that act, as "domicile" may have a meaning in one piece of legislation that it would not have in another.

Mr. Speaker, it seems to me that it is quite distasteful that there should be any attempt to make political hay over an issue of this kind and I sense that kind of thing is being done this afternoon. I personally find it distasteful and I want to say that I would like to see all members of the armed forces have the right to vote. But I think this has to be done in an orderly fashion. I think that our legislation at least guarantees that and I cannot go along with some of the inferences and suggestions that have been made here this afternoon.

Some Hon. Members: — Hear! Hear!

Mr. L.P. Coderre (Gravelbourg): — Mr. Speaker, I had no intention of taking part in this debate, but after the last statements that I've heard, it has aroused my Irish to a great degree.

I've served in the services and I have had men under my command. I know exactly the feeling that they have, when certain things go wrong at home they would like to have an opportunity to express themselves in that manner.

What you are doing is actually depriving the soldier or the men in the armed forces the right of voting. You have two very definite different ways how a person can vote — in person or by sworn ballot. In this province as anywhere else, when an election is called, the writs are issued and the enumerators go out and put the names of the people who are eligible to vote on the voters' list. Now you suggest you should have to register. Does that make two different classes of people? It appears to me that there is two different classes of people. Are you going to establish a poll tax? It seems to me that that is the situation. Does that not make a veteran a different citizen than the rest of the people of this province? I would like to say that I'm almost ashamed to be associated with members when they say such statements as this. Depriving the citizens the backbone of our country who in any way try to establish and maintain the freedom of the world and then here we try to deprive them of that. We should be ashamed to stand up and make statements like this.

Some Hon. Members: — Hear! Hear!

Mr. Blakeney: — Mr. Speaker, at the outset I would like to thank the Attorney General for giving me a copy of the material that was prepared by the law officers of his department, and I'm certainly in no position to argue on a legal basis with their interpretations of this particular act, or perhaps to argue with the Attorney General himself, the Minister of Public Health or my hon. friend from Humboldt (Mrs. Batten) as they are all trained in the legal profession and I'm sure the house is well aware of the fact that I am not.

But, Mr. Speaker, I think I occupy a similar position to what the member of a jury would in a particular case, and I can assure you that the arguments that have been advanced in this house by the Attorney General and his friend the Minister of Public Health and by the evidence as submitted by the law officers of the crown, I'm not convinced that they are correct, and I think on this occasion, that the interpretation of the layman is probably more beneficial, if you'll pardon me for saying so, than the interpretation of any lawyer whether he is in or outside this house. It is the majority of people who are going to vote in the next election or any election in the future, they are going to be lay people, and I am sure that the vast majority of Saskatchewan's citizens interpret The Election Act as far as the right to vote is concerned that if an individual is a British subject, they have been in this province for six months, and they're in a constituency on the days the writ was issued on the post, and I have . . .

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — I have given this advice to hundreds of people, some that were going to vote for me and some who voted against me, and this is the interpretation that I have of The Election Act and if the Attorney General wants to prosecute people, then he can probably find several hundred in every constituency after every election, if his interpretation of this act is the proper interpretation.

I was rather surprised to hear the Minister of Public Health, the hon. member for Moose Jaw (Mr. Davies) say that members wanted to gain political capital out of this particular question. Mr. Speaker, surely no member in this house on either side of the house, would attempt to use this subject to curry political favour. I take it from the remarks of people on your right, as well as members on your left that there is a desire in this house to make sure that members of the armed services have the same voting rights as every other citizen in Saskatchewan, and yet the Attorney General, the Minister of Public Health, the Minister of Public Works before they sat down said they would not support this bill. What does that mean, Mr. Speaker? That means that this bill cannot get into committee where house amendments or any other amendments could be brought in which would meet the approval of members of both sides of the house.

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — Mr. Speaker, the question is clear to me. If any member of this house votes against second reading of this bill, there's only one interpretation you can take, and that is that they are satisfied with the privileges that are extended to the armed services in Saskatchewan at the moment. Any person who votes for the bill on second reading has said simply that if there is anything more we can do to give these people the same right as other citizens, and we're prepared to do it in committee as a whole.

March 10, 1964

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — I would like to refer to one or two of the remarks of the hon. Minister of Public Health. He referred to the procedure that a member of the armed services must go through in order to vote in Saskatchewan. Why should the members of the armed services have any procedure to go through? No other service has.

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — Why? My friend is not a veteran and it's not his fault; I happen to be a veteran and served for a good many years, both in the ranks and as an officer. And if there is one thing that armed service personnel refuse to do it's to do something that other citizens are not called upon to do.

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — Why should a member of the armed services have to take a declaration about anything when it comes to voting? Voting in a provincial election? If they are British subjects, which they have to be in order to be a member of the armed services, if they live in Saskatchewan for six months, then they're in a particular constituency the day the writ is issued and I say let them vote. I don't care if they vote for my hon. friends or for myself, but if the truth was known and if you want to make it political, there are several members sitting over there that if the armed service personnel in their constituency vote, they wouldn't be back here.

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — And they also . . .

Mr. Walker: — Mr. Speaker, as a former member of the armed services, I protest against the insinuation that armed service personnel are voting against this government.

Mr. McDonald: — I couldn't care less whether he protests or whether he doesn't. I am confident that the armed service personnel will vote 90 to 1 against any member on that side of the house.

Some Hon. Members: — Hear! Hear!

Mr. McDonald: — In addition to that, Mr. Speaker, there are members . . . well I'm going to make it political . . . you started and I'll finish it. In addition to that there are members on this side of the house that if the armed services do not vote, will have majority of 2 to 300; if they vote, they'll have a majority of 1000. Now there's the politics if you want it.

But, this is not the question, Mr. Speaker. The question is whether this house is prepared to say to the members of the armed forces, now as far as the qualifications are concerned, you are the same as any other citizen. This is all that I ask, and I'm sure that after listening to my friends opposite, both the Attorney General, the Minister of Public Health said that if there was anything that could be done, to assure this house and to assure members of the armed services that we would be broadening their privileges as far as voting is concerned, then they would be interested in doing so.

This is in your opinion, Mr. Attorney General and I don't agree with you. Now perhaps the amendments that I have suggested, deleting section 11 and 12, will not accomplish what I set out to accomplish but, Mr. Speaker, I want to repeat that if you defeat this bill on second reading, then neither the Attorney General or myself or any other member will have an opportunity to do anything about this bill in committee as a whole because it will never go into committee and I ask for members on both sides of the house to give me their support on second reading. Let's get the bill into committee of the whole. Surely between the Attorney General and the Minister of Public Health and other members that are interested on the opposite side of the house, we can bring in house amendments that will satisfy members on

both sides of the house, and this certainly isn't the case at the moment and if it is killed in second reading, we'll never have this opportunity. So I ask members across the way to reconsider, maybe the decision that they have made prior to coming into this sitting of the legislature or this sitting of the house, and if we do that, then I think we can work out arrangements which will be satisfactory to both sides of the house and which will make sure that every member of the armed services who has the same qualifications as you and I, Mr. Speaker, can vote. And I hope that this is the desire of the people on both sides of the house. Let's forget about how they're going to vote, but let's make sure that they do.

I want to refer to some of the remarks of the Attorney General, and I think the Minister of Public Health mentioned it as well. They talked about the similarity of the Saskatchewan Election Act with those provisions of the Canadian Election Act as far as the forces voting rules were concerned.

Mr. Speaker, the federal act included these two sections to make it abundantly clear that all members of the armed services could vote somewhere in Canada during a federal election. When you have a federal election there are polls in every constituency, in every province in Canada, but when you apply these sections to the provincial act, this is not the result, because how on earth could a soldier for instance stationed in Regina, voting in a Toronto constituency in a federal election vote at all in a provincial election? Where would he vote? He doesn't vote at all, how could a resident of Toronto, as far as a federal election is concerned, vote in Regina in a provincial election. There's no provision for him to vote. Then surely, we're not going to say to members of the armed services – Now you cannot vote in the provincial election. And that is what this act has told them.

Another thing when you're voting in a federal election, I would hope that Canadian citizens would be making up their decision on what political party they were going to support by the policies and programs of that party across Canada with a great similarity. But in provincial elections, you decide how you're going to vote by the policies and the programs of the politician contesting a provincial election, and surely we're not going to say to people that because you want to vote federally in the city of Toronto, or any place else, then you cannot vote in the province of Saskatchewan, no matter how long you've been here. And you talk about residence. Mr. Speaker, there is some ex-members of cabinet of this government upon retirement, moved out of Saskatchewan, and I don't blame them, they were fed up with this outfit too, well then we should have gone to them before the last election they contended and said; Well, now look, if you're not going to live in Saskatchewan, you can't vote, if you were to carry this act to the conclusion that my hon. friends have been promoting.

They may think there is no difference between a member of the armed forces and many people who are working large companies today, I cannot see this. Certainly in the armed services you're told where you reside, but is it not true, Mr. Speaker, that there are many many people in Canada today that are told where they reside. If you want to be gainfully employed today, and you're working for a company for 10 or 15 years, maybe 20 years of pension rights, and that company decides to post you to Saskatchewan, are you going to quit and lose 20 years of pension rights? Not very likely. You're going to come into Saskatchewan. You may serve here for six months, a year or six years, but you know full-well that the day you come into Saskatchewan, that your retirement will be elsewhere. These people are in the exact same position as members of the armed services. Some of the people employed in banks, mortgage companies, oil companies, large chain stores – what about members of the civil service, aren't there people serving in the civil service of Saskatchewan today, who are British subjects, who come here from some other part of the world, but they've been in Saskatchewan for six months, they have been for argument sake, in Regina on the day the writs were issued, are they going to have to sign a declaration before they vote next June or whenever it is? No, they are not. So you have said to these people, you are a first class citizen but any person that dares put on the Queen's uniform is a second-class citizen and this isn't good enough, Mr. Speaker and I want to appeal to my friends to consider on this basis before they vote on second readings.

The Minister of Public Health said that no other group enjoyed this privilege, Mr. Speaker, I don't think this is a privilege. No other group has been segregated like some of the negroes in southern states of America to have to do certain things before you can vote. This is exactly what you are doing. You're treating the members of the armed services in Saskatchewan in a similar fashion to negroes in many of the southern states of the union, and I don't agree with that.

The Attorney General said that this is the only province giving the right to vote the same as on the federal basis, well I think I've explained that there's a great difference between voting in a federal election and a provincial election. He said if we remove rule 11, we are not achieving what we want. This is quite possible, Mr. Speaker, I agree with him, but why not pass or give this bill second reading and get into committee of the whole where the Attorney General could perhaps bring in some amendments that would do what I wanted to be done and I hope what he would like to see done as well.

So in conclusion, Mr. Speaker, I just want to refer back to some of the remarks the Attorney General made before he adjourned the debate some few days ago when this bill was before the house. And he said that at that time that he didn't want to give the members of the armed services any less rights than other citizens. Mr. Speaker, I suggest they have less rights; I suggest that he is convinced that they have less rights or he would not have made the speech that he made in the house this afternoon. So how he can vote against this bill in second reading confounds me. He said if we could be satisfied that the amendment gave further rights to members of the armed services, he would support it. He told us today that he is not convinced that this would happen, by the amendments that I have suggested but he has also said that he is not convinced that there are amendments that would do this, so let's put this bill in a position where those amendments can be brought into committee. It's true, his statement at that time that the federal act made sure that members of the armed services could vote. I agree with him but again on that occasion he said that was the intention of this act. Perhaps it was the intention, I'm not going to dispute that, but I don't think that in actual practice that this has been the result, and I want to conclude by saying what I said a few moments ago to those people who sit opposite who know members of the armed services as well as I do and I know there are many that do, if there's one thing that any person in the armed services resents, is having to do something because he's in the armed services to qualify to do the same thing if he were out of the armed services.

This galls any person in the services and I think it should. And certainly if your CO of your station draws it to your attention that you have to do so and so before you can vote, do you know what the average member of the armed services would say, "Well, I never have to do that on city streets and I'll be damned if I'm going to do it now." This is the reaction, and there are hundreds of members of the armed services who will not vote because they refuse to take this declaration and Mr. Speaker, I don't think they should have to take this declaration, and I appeal to members on both sides of the house to give us their support to get this bill into committee and then we can bring in whatever house amendments are necessary to do what I'm sure members on both sides of the house are desirous of doing, and that is to place members of the armed services in a position where a maximum number of them will vote on polling day.

Some Hon. Members: — Hear! Hear!

Mr. Walker: — Mr. Speaker, I wonder if the hon. member would mind answering a question before he takes his seat? The burden of his remarks seems to be that while this bill may detract from the rights of the armed services, that if we get into committee, we could bring in amendments which will add to the rights of the armed service personnel. Has he been bothered by any problem of the rules of procedure in doing this, as I understand it, Mr. Speaker, the amendment must not be the negative of the motion.

Mr. McDonald: — I haven't been bothered at all, Mr. Speaker. I cannot move amendments to my own amendment in second reading and I realize that, and there's only one way that this bill can be amended now, and that is if it's passed second reading and comes into committee, and I have no hesitation in saying that the amendments can be made in committee, that will do what both the Attorney General and I would like to see done.

Mrs. Cooper: — May I ask the hon. member a question? If this bill is defeated on second reading, would it not be possible for you to bring in a bill that would include the kind of amendment . . .

Mr. Speaker: — ORDER! ORDER! I don't think the question is in order. The question was not in order so the answer wouldn't be either.

The question being put, it was negatived on the following recorded division:

Yeas – 19

Messieurs

Thatcher	Cameron	Horsman
Klein	McFarlane	Coderre
Batten (Mrs.)	Staveley	MacDougall
McCarthy	Foley	Snedker
Barrie	Guy	Gallagher
McDonald	Boldt	Steuart
Danielson		

Nays – 29

Messieurs

Lloyd	Willis	Semchuk
Johnson	Thurston	Perkins
Brown	Wood	Thiessen
Blakeney	Davies	Snyder
Walker	Nicholson	Stevens
Nollet	Stone	Dahlman
Kuziak	Whelan	Kluzak
Cooper (Mrs.)	Thibault	Peterson
Strum (Mrs.)	Berezowsky	Broten
Kramer	Michayluk	

ANNOUNCEMENT RE BIRTH OF A SON TO HER MAJESTY THE QUEEN

Hon. W.S. Lloyd (Premier): — Mr. Speaker, may I ask consent that we return to Orders of the Day.

Mr. Speaker: — Is consent given?

Some Hon. Members: — Agreed.

Mr. Lloyd: — Mr. Speaker, the reason for the request and my interruption a minute ago was that I have just a short time ago received information that this afternoon Her Majesty the Queen has presented to the Duke of Edinburgh and to all of her subjects in the Commonwealth, her third son this afternoon.

Some Hon. Members: — Hear! Hear!

Mr. Lloyd: — I know that the house would want to be unanimous on this particular subject and to make some mention of it at this particular moment. This is the kind of an occasion one feels that a holiday ought to be declared, but I doubt if most people would want to go as far as that, at this particular point. I am happy, however, to join with all the people of Saskatchewan in expressing our congratulations and our best wishes and our intense gratification of this very happy event.

I should like to move, seconded by Mr. Thatcher:

That an Humble Address of congratulations be presented to Her Majesty the Queen in the following terms:

To the Queen's Most Excellent Majesty, Most Gracious Sovereign.

March 10, 1964

We, Your Majesty's dutiful and loyal servants, Members of the Legislative Assembly of the Province of Saskatchewan in Legislature assembled, extend to Your Majesty and to His Royal Highness the Prince Philip, Duke of Edinburgh, our most sincere and heartfelt congratulations on the birth, today, of your third Son. We assure Your Majesty that, in expressing our thanksgivings, we reflect the sentiments and affection of the people we represent, who rejoice with all Members of the Royal Family in this happy event. We earnestly pray that health and happiness may continue to bless Your Majesty and Your Newborn Son.

Mr. McCarthy: — Did you find out his name?

Mr. Lloyd: — Not yet . . .

Hon. Eiling Kramer: — It's a little too early to be Patrick.

Mr. W.R. Thatcher (Leader of the Opposition): — Mr. Speaker, I would certainly like, on behalf of Her Majesty's Loyal Opposition to associate ourselves with the words of the Premier and we too would like to extend our heartfelt congratulations to the Royal Family. We wish the Queen and the new Prince, long, healthy and a happy life. I would even go so far as to say that if the Premier would like to have the house take a holiday tonight we would even go along with that suggestion.

Some Hon. Members: — Hear! Hear!

Motion agreed to.

Premier Lloyd: — Mr. Speaker, I am sure that the Queen would be much more gratified if we simply grant ample supply to Her Majesty's Loyal government. May I move, Mr. Speaker, seconded by Mr. Thatcher:

That the Address of Congratulations just passed, be forwarded to Her Majesty through the proper channels with all convenient speed, having first been signed, on behalf of this Assembly, by Mr. Speaker.

Motion agreed to.

The Assembly adjourned at 10:00 o'clock p.m.