

**HALIFAX, MONDAY, NOVEMBER 5, 2001**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:00 P.M.**  
**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: Good afternoon, I would like to call the committee to order. The reason I asked for this meeting today was really to deal with some organizational issues that the committee has to deal with, not least of which is the where and when we are sitting because we need to run advertisements with respect to those kinds of matters. I guess when I said where and when, I assumed that the committee the last time had travelled throughout Nova Scotia, at least to some points, and so we perhaps best deal with the issue of the sittings of the committee because we have a very tight timeline in order to get a report back by November 30th, which is the parameters of the resolution passed by the House. We're going to have to start sitting in the not too distant future. I am going to throw something out only for the purposes of discussion, that was that perhaps we would try five venues in Nova Scotia, in no particular order: Sydney, Port Hawkesbury, Truro, Halifax and Yarmouth, with the understanding that if the turnout were spectacularly heavy that we could always revisit further meetings.

MR. MICHEL SAMSON: If I am not mistaken, from what I read this morning, I don't know if it's this select committee or if it was the Electoral Boundaries Commission that was required to hold additional meetings.

MR. CHAIRMAN: The Electoral Boundaries Commission held, I think, a meeting in every county in Nova Scotia. I believe those were the terms of reference of the Electoral Boundaries Commission. I believe it met. I don't think this committee is bound - certainly, the resolution doesn't bind us to hold meetings anywhere in particular, or actually hold meetings at all, but I assume that we obviously are going to have to hold public hearings, so that was a given.

MR. BROOKE TAYLOR: Just for the record, Michel, in the minutes that were circulated by Gordon, on Page 2 it speaks to meetings and public hearings relative to the committee, not to be confused with the commission. I guess they held seven, or something like that. I think five probably would be a good starting point and would certainly give us an idea as to what folks out there think about this particular issue.

MR. MANNING MACDONALD: I don't have any problem with five venues, but I do have a problem with the timetable here. Are we looking at completing these five meetings, places, and getting feedback by the end of November?

MR. CHAIRMAN: Yes.

MR. MANNING MACDONALD: That presents a problem for me in terms of the House. The House is sitting in November and we have the highly unusual composition of this committee with four high-profile Cabinet Ministers on the committee. I suspect that if we're going to be travelling for the month of November, you've got one-third of the Cabinet out of the House on any particular day and that concerns me as a Party Leader for our Party and I am certain the same goes for the NDP. I can't speak for them, naturally. It concerns me that some consideration perhaps should be given to having members of your caucus substitute for some of these ministers on the road trips. It's not going to be acceptable that we have ministers out on Question Period days for the whole month of November, if that's the schedule.

MR. CHAIRMAN: I recognize the concern, and there will be some substitution. For example, you can imagine when the committee meets in Yarmouth, there may be a member from that general vicinity who could be doing some substitution. That's why the resolution - trying to be as flexible as possible.

MR. MANNING MACDONALD: Because you can appreciate that you have the Minister of Finance, the Minister of Education and the Minister of Justice as well as the Minister of Tourism at any given time out of the House, it concerns us.

MR. CHAIRMAN: Yes.

MR. HOWARD EPSTEIN: We do share the concern that has just been identified, of course. But I suppose it's possible to do something like this, to meet in Port Hawkesbury possibly the same day, if we had two different sessions. We might think about this, but the other part of it is that we have to be very careful in whatever advertising is done to make it clear that the public understands that this is not to discuss electoral boundaries but to discuss the mandate of the Electoral Boundaries Commission and, I suppose, as well the potential composition. Is that the idea?

MR. CHAIRMAN: That's right. My understanding, and I looked at the ads, and I don't think they're included in what you have, but the material that ran for the select committee ads last time was incredibly clear on what the purpose of - and I don't know if you've got the ads there - but I can assure you, Mr. Epstein, because I have reviewed the ads that were run last time, that they ran ads that I would describe as "crystal clear" on the issue of trying to make it clear what the public could come and talk about. In other words, there's no point for me to show up at this meeting, if I am a member of the public, and talk about the boundaries of the riding of Richmond, except I may want to talk about the principle behind which that riding is represented, which is part of the terms of reference issue. But it would not necessarily be appropriate for me to talk about the fact that Richmond should be bigger or smaller or whatever, that the line should be in another place. But, certainly the terms of reference, for example, with respect to the seat - and I just pick Richmond as an example - might affect those kinds of consideration by the commission.

So I think you're right though, the advertising has to be very clear because we don't want people coming in thinking this is their opportunity to talk about who their representative is in the Legislative Assembly.

MR. TAYLOR: Mr. Chairman, is it your understanding that the mandate of this committee would be essentially the same, perhaps with some minor adjustments, as the 1991 committee?

MR. CHAIRMAN: That's right.

MR. TAYLOR: To establish terms of reference for the commission?

MR. CHAIRMAN: That's exactly right. Obviously the outcome might be different because we can choose to vary the terms of reference if we decide to. But you're right, that's exactly the mandate; it is exactly the same, as I understand it, as the 1991.

To talk about dates because it seems, and I guess the question and I will ask the people who are here from Cape Breton Island to speak to this - I had originally been anticipating that the meetings would all be evening meetings. My experience has been that the public turnout at daytime meetings is not particularly auspicious; however, if people wanted to do the meetings on Cape Breton Island, it certainly could be done on the same day. Probably not afternoon and evening because there's the take-down and set-up and my experience with select committees is that it takes a fair amount of time to do the take-down and set-up. I am getting the nod from the booth there because it's recorded, the presentations, so the best you'd be able to do is a morning and an evening because you'd have to have the take-down after you've finished the morning and that's not very viable. Morning meetings, particularly, have low turnouts and if that were the case, we could do them back to back so that we could take advantage of the proximity of geography. I am just throwing this out; these are just suggestions. There's November 13th, which is a Tuesday, and November 14th, which

is a Wednesday; that is following a long weekend, November 12th being a holiday. I was suggesting that because we had four members of the committee from Cape Breton Island, if we were to do November 13th in Port Hawkesbury and November 14th in Sydney, for example, and I am not wed to that, that would allow the Cape Breton members to at least stay on the Island. It would keep travelling to a minimum.

HON. RODNEY MACDONALD: It might be better that we do the opposite, November 13th in Sydney and November 14th in Port Hawkesbury. That way you are travelling to Halifax. Is that easier on you guys? It would make no difference to me, somebody from Sydney might find it easier.

MR. CHAIRMAN: So just the suggestion at this point would be maybe November 13th in Sydney and November 14th in Port Hawkesbury. Again, in the spirit of not trying to take people out of the House too much, that might be it for that period of time and then the following week, November 19th, which of course is not a Question Period day at all, I was going to suggest we do Yarmouth. That is Monday. That is no problem. The only issues are issues of quorum and those are mainly government issues. Then Tuesday evening in Truro, that is November 20th and that is close to Halifax so that would allow everybody to attend Question Period. Then finally, Thursday, November 22nd in Halifax and, again, that would obviously not affect Question Period. I am trying to accommodate the concerns that Mr. Manning MacDonald raised. Does that sound reasonable?

MR. SAMSON: Are you proposing just evening meetings and no afternoon meetings at all?

MR. CHAIRMAN: That was my proposal. We can certainly do afternoon meetings if people think there is the demand for it because there is no more set-up or take-down for that. We can make ourselves available in the afternoon, as well, if anybody feels there is any point to it. I am just asking a question, really, here.

MR. SAMSON: I guess we want to be as accessible as we possibly can be as a committee and certainly I know, from my area, anyone who would want to travel to Port Hawkesbury, I know especially seniors, would probably be concerned about having to travel; 6:00 p.m. now is night time and we don't know what kind of weather we might be facing. So I think if we eliminate afternoon meetings, we might be cutting off a number of people who may have wanted to come before us, but don't want to travel at night time under questionable weather. So I would raise that concern that if we don't go with the afternoon, you might be closing the door to people who otherwise won't be able to attend.

MR. CHAIRMAN: I would certainly have no problem doing a 3:00 p.m. to 5:00 p.m. in the afternoon and then doing a 7:00 p.m. to 9:00ish in the evening if that would help address that concern. That is fine. As I said, this is trying to be as accessible as we can to people, within reason.

MR. TAYLOR: You mean on the same day?

MR. CHAIRMAN: Yes, the same day and the same place.

MR. TAYLOR: Okay, the same venue.

MR. CHAIRMAN: The same venue. So, for example, using Sydney as the first day, we would be in Sydney and we would have a 3:00 p.m. to 5:00 p.m. that afternoon, break for supper from 5:00 p.m. to 7:00 p.m., resume at 7:00 p.m., say 7:00 p.m. to 9:00 p.m., and longer if necessary, but it may not be necessary. The theory that people who were available in the afternoon could come in the afternoon and those people who would rather have an evening, would still have the opportunity to do it in the evening.

MR. TAYLOR: You might want to consider having the afternoon session for one hour only, as a possible trial balloon, 3:00 p.m. to 5:00 and 7:00 p.m. to 9:00 p.m, that is four hours at one venue. Looking at the submissions that were received in 1991, there weren't all that many. I am just thinking that we could avail ourselves in the afternoon, sure, but I think it might be a bit excessive. In my understanding, it wasn't done previously, but that is not to say we can't do it again.

MR. SAMSON: Oh, no. The last time the committee sat, they had afternoon meetings and evening meetings.

MR. TAYLOR: For two hours at each sitting?

MR. SAMSON: I don't remember the hours, but they clearly sat at two different times during the day, one in the afternoon and one in the evening, from what I remember reviewing this morning. In fact, at some of the locations, there were considerable amounts of representations. I remember in the South Shore area, the Meteghan and the Yarmouth meetings had a considerable amount of presentations. One had between 12 and 15 presentations.

[3:15 p.m.]

MR. TAYLOR: Maybe I misunderstood, Mr. Chairman, it speaks to 12 written briefs were received by the committee, many accompanied by oral presentations (Interruption) made to the committee (Interruptions)

MR. CHAIRMAN: Your point is taken. Why don't we try for Sydney and Port Hawkesbury because those are the ads that have to run most immediately, to try the four hours. The difficulty I'm going to have, the one problem we have is with the Truro meeting. If the Truro meeting runs 3:00 p.m. to 5:00 p.m., a Question Period is going to be engaged. That's the only one I'm concerned about. The one in Halifax is no problem because, frankly,

we can adjust the hours. We can talk with the Government House Leader about what his plans are for that Thursday and we'll simply make sure that the committee isn't meeting when Question Period is on.

MR. MANNING MACDONALD: Well, we would be in at 12:00 noon anyway, so Question Period would be over before 3:00 p.m. We don't have to travel when it's in Halifax.

MR. CHAIRMAN: That's right, yes. The only one that is problematic is the one in Truro really. That's the one that's problematic because Yarmouth is on a Monday again and that's not a problem. The one in Truro is going to be a problem unless one of the solutions might be to have the House go in earlier that day to allow us to be finished by 3:00 p.m. It may be adjustable that way. I think that's reasonable to try to talk about.

MR. MANNING MACDONALD: I think that is something for the Government House Leader.

MR. CHAIRMAN: We're all there in town so I guess there's no real harm in the extra couple of hours. We may have a very long supper if no one shows up, but if we do, then we're there for the people (Interruptions) On a more serious note, I have the advertisement from last time and I will read it because it is not very long, but I think it is pretty effective in demonstrating.

"The Nova Scotia House of Assembly, by a unanimous vote, has established a Select Committee to make recommendations to the House by June 14, 1991, or as soon thereafter as possible, respecting: 5(1) The composition of a Provincial Boundaries Commission on Electoral Redistribution; (2) Terms of reference for the Commission; (3) A timetable for the Commission to complete its report."

Those are the three issues they dealt with last time.

"It is not the Select Committee's function to determine the constituency boundaries for an electoral redistribution. That will be the task of the Electoral Boundaries Commission which will hold public hearings.

Any person or organization wishing to present views to the Select Committee on matters relating to the Committee's terms of reference as set out above, may forward written submissions to the Chairman or arrange through him to meet with the Committee.

Arthur R. Donahoe, MLA - Chairman."

MR. SAMSON: Just a question of procedure, I know that the commission last year had made provisions to allow for bilingual presentations to be made to it and I know that the chairman of the commission was bilingual. He was from down the French Shore. They had a secretary available who was also bilingual, but I don't know if the select committee had those provisions or not. I don't remember if I saw that or not and I am just curious.

MR. CHAIRMAN: I don't think select committees of the House have traditionally had any bilingual - we have two members on the committee who are bilingual, but I don't think there's any support. We're part of the House of Assembly and there's no formal support as part of the House of Assembly. Now, clearly, if you're talking about the terms of reference of the commission, that is obviously an issue that we can address under the issue of terms of reference.

MR. RODNEY MACDONALD: Mr. Chairman, just for clarity, I was wondering on the five locations, did we decide that we're just going to do the first two dates in the afternoon?

MR. CHAIRMAN: I think we're going to do them all in the afternoon because one thing we do need to do is run our ads. We're going to try to arrange to have instruction go out by tomorrow to the newspapers to start running advertisements because that's really one of the urgencies of getting notice out to people.

MR. TAYLOR: Mr. Chairman, do we have access to population rate of growth projections and things of that nature, you know, you may entertain presentations, submit information that may not be factual, but . . .

MR. CHAIRMAN: I will make enquiries to determine what consensus-kind of material - and it may not be census data - which is growth rates, or depopulation rates, as the case may be, that might be available for the benefit of the committee. That's a reasonable suggestion. Is there any other information of that kind that the committee might want to have as background?

MR. TAYLOR: At present the variance is plus or minus 25 per cent. I think that's the same as municipal elections.

MR. CHAIRMAN: I think the variance is greater than that because you have the constituencies that are represented, constituency of interest today, and there are five of them, I believe, Preston, Argyle, Richmond, Clare and Victoria.

MR. HOWARD EPSTEIN: I believe the Electoral Boundaries Commission of a decade ago accepted a plus or minus of one-third.

MR. CHAIRMAN: Did they?

MR. EPSTEIN: They did, yes. That, in fact, leads to huge variations, of course, because something that is plus one-third is twice the size of something that is minus one-third.

MR. TAYLOR: HRM, I believe, is 25 per cent.

MR. CHAIRMAN: That is for the municipal variations. There have been huge population shifts in the province. I suspect, this is anecdotal, but I think we can all guess the difference in huge population shifts in this province, particularly to HRM in the last number of years.

MR. EPSTEIN: We are sort of jumping ahead, in a way.

MR. CHAIRMAN: We are talking about background information.

MR. EPSTEIN: The other thing you might want to note on that line is that in the Saskatchewan electoral boundaries case that went to the Supreme Court of Canada, they accepted as consonant with the Charter boundaries that were up or down 50 per cent, which seems to be very undesirable and very dubious, but they did accept it, when specified by Statute, but that is perhaps not what we are looking at.

MR. CHAIRMAN: I suppose the argument would be made that the process that we have here is specified by Statute. That is an interesting lawyers' argument, whether or not the process being specified by established Statute - and I am not speaking for or against 50 per cent either.

MR. RODNEY MACDONALD: Along with the census information the geographic size of ridings.

MR. CHAIRMAN: The geographic size of ridings. There is a Supreme Court of Canada case, which is the Saskatchewan reference, but there are also other cases since on issues dealing with that and that would be part of the material I hope to have available, the legal.

MR. EPSTEIN: Are you asking about the background information . . .

MR. CHAIRMAN: Yes.

MR. EPSTEIN: I am not sure if it is background, but it is a question I had when I compared the resolution that was adopted this year with the resolution that was adopted a decade ago. It may be that it is clear, but when in Section 6, the House was setting out, clearly for the guidance of a select committee, this committee, its support for certain things, it talked about 52 members and a commission that is broadly representative of the population of the province. When you compare that with some of the language that was used a decade

ago, at that time, although they talked about 52 members, there were specific references to the community of interest that might exist in the province at large and there were references to the Acadian and Black communities that were repeated a couple of times. That language was clearly dropped from the resolution that was adopted this time. I don't think there was any debate before the resolution was adopted, but I am wondering if you, Mr. Chairman, see any particular significance in this?

MR. CHAIRMAN: I think what happened is that there was Statute, my understanding is, in the previous situation, the Statute was amended as part of the process. The House of Assembly Act now speaks to a lot of those issues and I think it was the feeling that the Act itself spoke to those issues and, in fact, the wording, which I know was agreed to unanimously, included reference to the Black, Mi'kmaq and Acadian communities. It is in the resolution itself. I think it mentions it once.

MR. EPSTEIN: It was a decade ago.

MR. CHAIRMAN: The present resolution . . .

MR. SAMSON: I don't think it's . . .

MR. EPSTEIN: No, it isn't. It talks about a commission that is broadly representative of the population of the province without specifying. Now you are right that, of course, some of this has been taken care of in the sense that the Statute includes reference to discussions with the Mi'kmaq community to try to establish that seat. There is nothing else in it, however, I think that really goes beyond that. I just flagged this because it is an issue that undoubtedly will come up for discussion in front of us when people start to . . .

MR. CHAIRMAN: There is no ulterior motive, I can assure you. It is simply a matter that we, as a committee, have to determine the terms of reference and that is what we are here about. There is nothing more to it than that. Dealing with preliminary issues, what we are going to try to do, if it will be helpful to members, is to arrange for pre-booking of rooms and those kinds of things and have them all billed back to the House of Assembly as opposed to - I think that was done with the select committee, Mr. Taylor mentioned to me, on the fire (Interruption)

MR. CHAIRMAN: Yes, something like that. Sometimes it is helpful just to have the rooms billed to the Speaker's Office. (Interruption) A practical kind of assistance that we can provide to members and, obviously, Hansard will be there. There are going to be arrangements through the Internal Economy Board for communications and legal support because, particularly, the communications support is most critical in the writing of the report phase because that's the point at which that assistance tends to be most valuable.

MR. SAMSON: Do we know who is the legal support?

MR. CHAIRMAN: No, that's TBA and the same with the communications. We don't know who yet.

MR. SAMSON: I don't want to belabour Howard's point, but am I to understand that what you're saying is that that language of those specific referents of cultural concerns has been taken out because it is now part of the Act and it is accepted, or this Act is still open for debate as part of our terms of reference, whether we want to include those particular groups of concern again this time? I'm not clear on that.

MR. CHAIRMAN: First, the language in the Act is not open for debate as far as I'm concerned. That language is in the Statute itself and that's part of the terms of reference that we operate under.

MR. EPSTEIN: I don't think that's right, but it's open to interpretation. I think the only thing that's in the Act, if you accept the Act as it is, as a starting point, the only thing that's specific in the Act right now is negotiations with the Mi'kmaq people over a special seat. There's nothing in the Act, I think, about Acadian population having particular representation, for example.

MR. SAMSON: Or even the African-Canadian community.

MR. EPSTEIN: That, too. That's right. That isn't in the legislation. It was part of the background of the last commission. In fact, it was written into the terms of reference for the equivalent of this committee at the time, that's right, and the hint clearly was that it was expected that something would be done about that and that was manifested in the electoral boundaries at the time. The fact that it is not in our terms of reference this time doesn't preclude us from coming to grips with it, by any means, but I don't think we could assume that it's not up for questioning. I guess that's the problem.

MR. CHAIRMAN: And I think it's clearly within the terms of our reference to deal with those issues.

MR. EPSTEIN: Absolutely.

MR. CHAIRMAN: Are there any other further procedural matters that we should talk about? Oh, yes, one thing I wanted to talk about was - and I don't intend to because these are public presentations - the length of time for presentations. I thought that might be one of the it is just for scheduling really. It has to do with the scheduling of presentations. I don't think we're going to be that jammed for time that we're going to be into the cut-off, but people should know whether it is 15 minutes or 20 minutes just because you don't want people sitting around, to take Mr. Samson's point, who may have come some distance and who may want to make their presentation and vamoose. Any suggestions on the length of time?

MR. EPSTEIN: Fifteen minutes with flexibility, I'd say.

MR. CHAIRMAN: Fifteen minutes with flexibility.

MR. TAYLOR: A variance of 10 seconds.

MR. CHAIRMAN: Yes, that's right, questions of 10 seconds would be better; no, no problem, 15 minutes with flexibility is fine with me. That allows us just to schedule. Any other issues I guess of process that anybody wants to - obviously, my understanding is, a select committee, that members are entitled to their per diems and all those kinds of things so those are just a matter of ordinary expense claims.

MR. TAYLOR: Just regarding procedure at the hearings, some people no doubt will make requests on behalf of organizations or individuals, et cetera. Now, if somebody shows up after the people have made their appointments to make presentation and, of course, those will be entertained too. Like is there a cut-off cut-off, and that's it.

MR. CHAIRMAN: No, my understanding is that the people who show up without an appointment go to the end of the pack, so that if you show up off the street - I don't have a problem with people making presentations who are there, but those people who aren't scheduled will avail themselves of the opportunity to schedule themselves. Obviously, they have to wait until people who made that appointment are completed. Does that seem reasonable? So if Mrs. Smith shows up I don't plan, unless given very strong direction by the committee, to tell Mrs. Smith to go away.

[3:30 p.m.]

MR. SAMSON: Are we accepting written submissions?

MR. CHAIRMAN: Absolutely.

MR. SAMSON: Up to what point?

MR. CHAIRMAN: That was the one thing I was going to talk about. Yes, thank you very much, Mr. Samson.

MR. SAMSON: Always looking out for your best interests here.

MR. CHAIRMAN: Yes. With friends like you, exactly, I know how I fit.

My suggestion would be that Friday, November 23rd would be the cut-off for receiving submissions, which would give us the following week to produce the report. We obviously

have to have deliberations and that gives us the following week because November 30th is a Friday, so that gives us all five days of that week.

MR. SAMSON: I take it the advertising will say "written submissions" and tell people where they can mail them?

MR. CHAIRMAN: Yes, the ads - as last time - were done before the advent of e-mail being popular, so both written and electronic submissions.

MR. SAMSON: How quickly are you going to get the advertising out?

MR. CHAIRMAN: We're hoping to start running ads tomorrow or Wednesday at the latest. There are some things that have been teed up a bit with Communications Nova Scotia now, but of course they couldn't run advertisements about places for meetings until you knew when the meetings were going to be held and where.

Anything else anyone can think of?

MR. SAMSON: I think it's safe to say we're not varying from the amount of meetings that we're having.

MR. CHAIRMAN: I never say never, but unless there was a huge turnout that we were not able to hear in one evening would we be going back, and I don't think that's going to happen. But, if, for example, the reason I say never is if you had a meeting being held in Yarmouth as an example and everybody who wanted to speak at Yarmouth couldn't speak that evening, not because they weren't available but because they just simply couldn't be accommodated within the time, then we'd obviously have to look at making sure people had an opportunity and I don't think that's going to be a problem frankly.

Okay? Unless there are other matters, we stand adjourned.

[The committee adjourned at 3:32 p.m.]

**SYDNEY, TUESDAY, NOVEMBER 13, 2001**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:00 P.M.**  
**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: I would like to call the meeting of the Select Committee on Establishing an Electoral Boundaries Commission to order, and welcome those members of the public who have joined us here this afternoon for the committee's deliberations. I have a few introductory comments, and then what I will do is ask the members of the select committee to go around the table and introduce themselves and the ridings they represent.

By way of an introduction for those people who have never been at a select committee before, our hearings are recorded. Obviously all meetings are open to the public, so any member of the public has a right to be present and to listen to our proceedings. As I indicated before, the proceedings are recorded and will be transcribed for the benefit of the members of the committee in their deliberations. Obviously the submissions to the committee may be made orally today or at other hearings across the province. They may also be made in writing by sending correspondence to the select committee or by mail or via the Internet. We would encourage people who may not feel comfortable testifying or who have additional comments to make beyond those today to correspond with us accordingly.

With that I would ask the members of the select committee to introduce themselves and their ridings. We'll start with Mr. Epstein.

[The members of the select committee introduced themselves.]

MR. CHAIRMAN: Unless any of the members of the committee have any preliminary suggestions, we have one member of the public who is scheduled to testify. Mr. Epstein.

MR. HOWARD EPSTEIN: Mr. Chairman, before we do begin hearing from members of the public, I wanted to correct something that I said at the first meeting we had. I was reading the transcript and I saw, when I went and looked at the final text of the resolution of the House that established this committee, that I was working from an earlier and draft version of that resolution. I wanted to correct, for anyone who is reading the transcript of the proceedings of this committee, the statements I made reading from that earlier draft. They were not correct because the draft was changed subsequent to the time I saw it.

MR. CHAIRMAN: I was quite sure it had been changed, but I didn't have the final draft in front of me, I was dealing with one as well. In any event, I think some of those issues have now been clearly set forth in our mandate. Unless there is any further comment by committee members, we will begin with the first presenter, Mr. Vince MacLean, a person who has some experience in electoral matters in Nova Scotia. Welcome, Mr. MacLean.

MR. VINCENT MACLEAN: Mr. Chairman, ladies and gentlemen, I want to make it clear at the outset that I am not here representing anyone but my own views. I don't know if the Party to which I belong will like or dislike them but I will present the views anyway. I decided to ask to make a presentation today because I have been listening over the past number of weeks about comments with reference to electoral change in the boundaries in Nova Scotia.

I was fortunate enough to have a very unique experience of spending 18 years in the Legislature in many different positions, and an even greater opportunity to travel this magnificent province from one end to the other on many occasions during each year that I was elected in those various responsibilities. During that period of time, I not only developed an awareness of the geography of the Province of Nova Scotia but also an awareness of the different communities, their various interests and their differences. The more I travelled the more I came to understand, or at least tried to understand, the differences that exist in the various regions. No matter where I travelled I came into contact with people who always treated me very well, even though they didn't always support the views that I advocated or at an electoral time the positions that our candidates took.

I learned a lot from those individuals and developed, as I said, an awareness of those differences. A lot of it is dealing with perception. People who visit Cape Breton Island perceive Cape Breton Island to be, well, it's Cape Breton. Those of us who live here know very well that you have three very distinct rural areas: Richmond, which is totally different from Inverness; and Inverness which is different from Victoria but closer, probably, to Victoria than most others; and then you have, of course, the main base in Cape Breton County, and that is different as well. If you take a look at it there's a saying in Sydney that it's 15 miles from Sydney to Glace Bay but it's 1,000 miles from Glace Bay to Sydney.

[3:15 p.m.]

There are very significant differences within Cape Breton, but it is perceived by people from the outside, well, Cape Breton is lumped together. It's no different than Clare and Argyle. People on the outside say, well, you know, they both have Acadian members at the moment, so they're both the same. They are very different, as you would find between Shelburne and your neighbouring county of Queens, very different; Pictou and Antigonish, totally different as well. You have those differences.

Those differences, I think, probably plant the question that you have to deal with, what kind of Nova Scotia do you want from an electoral-process point of view? Do you want to recognize the differences, do you want to maintain those differences, or, ask the question, are they worth keeping? I think part of it is answered in why people come to visit Nova Scotia. They come here to enjoy the music and culture and magnificent scenery and an extremely warm welcome. That's something you get across all of the Province of Nova Scotia, although I must admit that certainly the best fiddlers come from Cape Breton; there might be a question of whether they're from Victoria County or Inverness County, but they're certainly in that geographic range.

You have to ask that question, or whether or not you just simply want to say, well, let's make everything equal, divide the number of voters in the last election by 52 and come up with a magic formula of roughly 12,500 people per seat, divided equally across the province and make everybody equal. Of course, then, in making everyone equal, we certainly destroy some of the unique nuances that were orchestrated during the last redistribution. A formula like that would certainly destroy Argyle with 6,600 - I'm going to be talking about voters not population - Clare with 7,200; Queens with 9,200; Richmond with 8,300; Victoria with 6,300; and Preston with 6,200.

Each one of those was recognized by the previous commission as having something unique, different, worth maintaining and outside of the traditional 12,500 votes that would be necessary to have a member. Your question is going to have to be, do you want to maintain those particular differences? If you don't, and you just divide it, in that particular end you pick up a little more than two seats just by making those equal, because the numbers in those particular seats are roughly 28,000 short of what it would be on the strict rep-by-pop situation. You could gain two seats there, and immediately transfer them to metro Halifax. I don't know if anyone would be happy, but maybe.

The other point I think you have to take into consideration while doing that is, is there an argument to be made for maintaining smaller population bases in rural seats. I had the wonderful opportunity for 18 years of representing Cape Breton South in the Legislature. At that time it ranged between 15,000 and 16,000 members before redistribution the last time, when it was reduced. It was a wonderful riding to represent because, like most urban ridings, it had no fisheries, it had no forestry, it had no mining, it had no agriculture, and most

importantly it had no roads. I can see the rural members, roads alone, the phenomenal problems that rural members have with roads, and the amount of time and effort that it can occupy for members is nothing short of phenomenal.

The other thing is that, very easily, I could walk around Cape Breton South in a number of hours, whereas Kennie MacAskill or John Leefe, who at the time was representing Queens - or Guysborough County - it's a good day's drive to drive around those particular counties in a day. You are dealing with massive pieces of real estate. Of course, when you have the massive pieces of real estate you have all of those opportunities, fisheries, forestry, some areas have mining, agriculture and, of course, roads left to contend with.

The other problem you have in the larger areas that you don't necessarily have, for example, in the metro areas is that you have much higher unemployment rates. When you have higher unemployment rates, you have more problems. More people want to see their MLA, want intercession on behalf of their MLA than you do in areas where they basically have not full employment but at least close to full employment.

The other situation with reference to the difference between rural and urban MLAs, of course, if you are in metro you go home for dinner, you sleep at home, you're not spending a lot of time on the road, you're not spending a lot of time away from your family, and if you have constituency meetings in the middle of the week, if you have constituency problems, you can do them before you go to the Legislature, you have opportunities to meet with constituents, they can even come down to the Legislature to see you. It's a little difficult when you're coming from a rural part, whether you are from Yarmouth or whether you're from Cape Breton North, it's really difficult for you to do any constituency work, except on the telephone, during the week. That aggravates the whole matter.

As well, when you're in Halifax - and goodness knows I spent enough time there and I loved living in Halifax - one thing that happens is that you begin to think, when you're in the Legislature in Halifax, that everything rotates around what happens in Halifax. All of a sudden you get out into the other parts of the province and you realize that's really not what's going on at all. You listen to the press as they ask their questions in Halifax, and that won't be what the press asks you in New Glasgow, or what the press asks you in Cape Breton, or what the press asks you in Yarmouth, because they have all kinds of different priorities than what's going in the scrum in Halifax. It takes on a whole different ambience when you're outside of the metropolitan area.

Of course the other advantage you have when you're living in the metropolitan area is that most of the government is there, so if you have a problem you can drop in to see the person in charge to try to get the matter dealt with. It's a little difficult when you're in one of the rural ridings trying to deal with it. I don't know how you get through as MLAs, but the general public has a hell of a hard time getting through to get answers to various questions, and it's not just reflective of people who are in government now, this has been going on for

quite a while. It's hard to get through the bureaucracy and to get answers. That's why, in so many cases, they go to their MLAs to try to cut through the chaff.

I guess what I'm trying to say here is that I like the idea of trying to maintain a base in rural Nova Scotia. I believe that rural Nova Scotia's representation in the House of Assembly should not be diminished simply by trying to say, look, we don't have the magic 12,500 for each of the particular seats. Metropolitan Halifax has 40 per cent of the voters; they have 35 per cent of the seats. But when I take a look at the last elections, 1998 for example, in the 18 metro seats, 66 per cent of the people who were eligible to vote voted. In Cape Breton, as an example, 76 per cent voted. In almost every rural riding, larger than the provincial average of 69 per cent - which was the average for the province of people who voted in each seat - more than 69 per cent of the people voted. They voted because I think they value their representation, they know their MLA, they have contact with their MLA, they use the MLA's offices more than you do when you're in an urban area.

I remember I would be sitting in Halifax listening to respective members, whether it be Rollie Thornhill or Joel Matheson or Fogarty when he was elected, and all they said was, had a tough week, you know, we had a dozen people in to see us this week. Well, I used to have that before breakfast on Saturday. There is just such a difference in the quantity of service between urban and rural ridings.

My suggestion is, if it's not broken, don't fix it. You may need some minor redistribution of population in the metropolitan area of Halifax, because there is a significant number, some seats have 17,000 for example - I think the Minister of Education has 17,000 in her seat - and some are down as low as 12,000. Within the boundaries of Halifax County, maybe those 18 seats could be rearranged a little more evenly.

As well, I think it's important to maintain the seats that were set up not as Acadian seats but as seats that would have the opportunity of electing an Acadian, if they so desired, namely Argyle, Clare and Richmond. Richmond, for example, is currently represented by an Acadian; the last representative wasn't an Acadian. In Argyle, for example, there has been Acadian and non-Acadian representation. The same is true, of course, for Preston. Preston was set up with the opportunity of allowing a person of colour to represent that particular riding in the Legislature. Well, just after the seat was established Wayne Adams won the seat, then for the Liberals. Yvonne Atwell, the next time, a woman of colour, won the seat for the NDP. Now David Hendsbee is representing, a person not of colour, I suppose.

The situation comes down that the seat is there, and it allows an opportunity for individuals but it doesn't say you have to elect the person of colour, you have to elect an Acadian, it is not mandated. It is up to the voters to make that particular decision, if they so desire. I think it's important to keep that.

I also think it's important to keep areas like Victoria and Queens Counties, they represent very important parts of our heritage. They're very large counties and they're different as night and day and they bring a different perspective to the Legislature. If you listen to the representative from Queens County and listen to the representative from Victoria County you wonder if they're actually in the same province because the views differ quite substantially, but that's the nature of representing two extremely different rural areas.

So, in conclusion, my suggestion is that the questions that were asked, the composition of - I am not sure exactly who was involved the last time with Professor Landes, I think at Saint Mary's, I don't know if he operated alone or with others, but he certainly worked to achieve the rep-by-pop where he could, but he recognized the special entities around the province. I think that they haven't changed that much since that time.

Terms of the commission - basically keep things as close as possible to the way they are. The time limit - well, the quicker you do it and it could be ready for the next election campaign, if not it will follow the one after that. I rather see people, if you're going to give a clear, short and concise mandate, then the thing can be done very quickly; if you're going to say redraw all the lines, then it's going to be a long process.

I think it has worked well, it provides very diverse numbers of opinion in the Legislature and I think that if it were maintained that it would be well received by the bulk of the people in the Province of Nova Scotia. Thank you.

MR. CHAIRMAN: Thank you very much, Mr. MacLean. Questions for Mr. MacLean?

MR. EPSTEIN: A very interesting presentation. We have not, of course, yet seen the census data that's being gathered nationally this year, and I guess it won't be available until the spring. The idea of doing this every 10 years is to use the census data as part of the information that goes into the mix. I think you made your central point fairly clearly, but I wonder if you have any sense of what you think is a tolerable upper and lower limit in terms of deviation from the average in terms of numbers of population?

MR. VINCENT MACLEAN: Actually, I didn't deal with population - I dealt with actual voters because I wasn't sure what the census was going to say and I knew how many people were recorded as electors in the last couple of elections, so I dealt with that. Actually, the multiplier effect should probably come out fairly close to where your census is, unless there's a very large older population here in Cape Breton and a very large younger population in another part of the province.

It's hard to come out with the deviation because, for the most part, if you take a look at the seats and if you deal with them - for example, just say that the average of 12,500 is reasonable. Well, Annapolis and Antigonish are both around 14,000; Colchester North,

Truro, Bible Hill, Musquodoboit, they're all right on target; Cumberland North and Cumberland South, between the two of them, they have the target; Hants East and Hants West, basically when you come right down to it, the only areas that you're really looking at that are below - if you took a variance of even 10 per cent - the only ones that are really below it are Digby-Annapolis and Guysborough-Port Hawkesbury, which come in at 10,280 and 10,500. The rest of them, the Cape Breton ridings, all of the ones in Cape Breton County basically come in pretty close, they're all within the 10 per cent factor; most of them are all within 5 per cent. So, they're all very close in Cape Breton County. Inverness itself is right on target. You're dealing with Richmond and Victoria.

[3:30 p.m.]

If you set up a tolerance - and I think that the last time a tolerance of 20 per cent was talked about - that would cover all of the ridings, but you're still not going to deal with the situations of Clare, Argyle, Victoria, Richmond, Queens, and Preston. No matter what variance you bring in, you can't set it up to include those in it. You have to recognize that those seats are unique and should stand alone. Personally I believe every county should be entitled to one representative and I have stood by that consistently, so as far as a variance goes, I don't think it matters what - I think that even if you said 10 per cent or 20 per cent, it's going to cover 90 per cent of the seats; sorry, maybe 90 per cent is high, it's going to cover 75 per cent of the seats. You're going to have eight seats that aren't going to be covered by most variances.

As I said right off the bat, if you lump those six that I keep talking about, lump them together and expand them, you can make everybody equal, but I don't know if you're going to make anybody happy. When the people put this package together the last time, it took a lot of work, it took a lot of selling to the three Parties, people bought it and it has worked. Except for a little massaging, I would say leave it fairly close. Take your seats in metro, balance them up a bit. It may need a little re-balancing a touch in Cape Breton County, for example, but you have got enough numbers in both areas to maintain the seats that you currently have.

MR. EPSTEIN: I take it that except for those unique or special seats that you're talking about, you would advise us to think in terms of 10 per cent or 20 per cent variation, is that what you're saying?

MR. VINCENT MACLEAN: No more than 20 per cent, but I would say you're probably looking at, I think I did a factor of taking in 15 per cent and if you use 15 per cent, except for those six seats, there wouldn't be any changes. Unless my numbers are all wrong, but I am just using the reports of the electoral - by the way, you don't have any of this stuff on the government website. I couldn't even find the election returns on the Internet; I could find everything else about the government, but I couldn't find that.

MR. CHAIRMAN: I have a question, Mr. MacLean. It's about constituency boundaries crossing county boundary lines. Have you any thoughts on that subject?

MR. VINCENT MACLEAN: I don't like it. I don't think that Guysborough has anything in common with Port Hawkesbury. I don't know if that end of Digby County has a lot in common with Annapolis, but they were thrown in because I guess nobody knew where to put them at the time. The rest of Annapolis is quite large; it's not large enough for two seats and it's too large for one seat. Certainly I don't think Port Hawkesbury - Guysborough County, it would be a small population, but it's just absolutely massive and it's the hardest county in the province to get around because you still have to cross ferries, there are no direct routes, you have to go down to Canso and come all the way back up if you want to switch over, it's a very difficult place to get around. Now maybe with the offshore oil development there, communications links will improve and population may improve as well.

I would rather see one county a little larger and one county a little smaller. For example, there's a little area of Pictou County which is a little low and Antigonish is a little high. You could easily chop 1,000 voters out of Antigonish and put them in the corner of Pictou County but I don't know if you would make people very happy doing that. They have a quantifiable interest and a definable interest and I think you should try to keep that if you can.

MR. CHAIRMAN: Any other questions from members of the committee? Thank you very much for your presentation, Mr. MacLean.

I believe there are no formal presentations set up now except, I understand there is someone coming back at 4:30 p.m. Perhaps the appropriate thing to do would be to recess until 4:30 p.m., unless there is someone from the public who would like to come forward at the present time to give a presentation? I guess there isn't, so unless there is any other business, I think perhaps the easiest thing for us to do is to adjourn until 4:30 p.m. and we will resume our presentation here at 4:30 p.m.

MR. PAUL MACEWAN: Mr. Chairman, I don't know if I should raise this but I think I will anyway. I see comments on the front page of today's Chronicle Herald describing Mark Parent, MLA and in The Daily News, on Page 3. His comments circumvent or contradict the terms of a resolution that was passed unanimously, as I recall it, by the House, which he voted for. So he votes for the resolution in week one, week two he is on the front page of the newspaper saying, it is no good, we have to do otherwise. I think that perhaps you, as chairman of this committee, could quietly make it known to brother Parent that he is out of line. I rest my case.

MR. CHAIRMAN: Thank you for your intervention, Mr. MacEwan, however, I am sure you understand that from your experience as a legislator over many more years than I, that colleagues in the Legislature express opinions which, in often cases, are their own and for which they, themselves, will answer in due course. I note your - I was going to say helpful - intervention anyway. I would, however, for the benefit of the members of the public who are present, as you observed correctly, the House has voted unanimously to support in this next cycle - if you would like to call it that - a House composed of 52 members with the possibility of a Mi'kmaq seat. So as far as I am concerned, the House has clearly expressed its view and that is the definitive where I come from. I guess that is as far as I am going to travel on that limb, Mr. MacEwan.

MR. MACEWAN: I am anxious to be led down that path.

MR. CHAIRMAN: No, I think that is a serious mistake. Mr. Taylor.

MR. BROOKE TAYLOR: Mr. Chairman, notwithstanding my disagreement with our colleague, it certainly would make for some interesting nomination conventions, wouldn't it?

MR. CHAIRMAN: Yes, it would, very interesting indeed. I think we can wax eloquent on that at a later time. We will return at 4:30 p.m., thank you.

[3:59 p.m. The select committee recessed.]

[4:43 p.m. The select committee reconvened.]

MR. CHAIRMAN: Ladies and gentlemen, I would like to call the select committee back to order. We have with us Mr. Wes Stubbert who is, I believe, interested in making a presentation. I just wanted to indicate, because I don't believe you were here earlier, sir, these proceedings, of course, are being recorded. So with that, I would ask you to begin your presentation.

MR. WESLEY STUBBERT: Mr. Chairman and members of the Boundary Committee, I only realized today these meetings were being held here so I scratched this down rather hastily but, however, I think it gets the point that I want to make. With regard to the proposed downsizing of MLAs on Cape Breton Island and increasing Halifax seats as proposed by NDP member Mr. Epstein, as well as others, we have been battered by loss of industry, loss of population, loss of business and loss of revenue. It must be noted that Cape Breton MLAs have very large geographic areas such as Victoria County where it could take a full day to drive around the riding, while Halifax has ridings that could be walked around in half a day. Population cannot be the only factor in deciding ridings in Cape Breton or elsewhere in Nova Scotia.

Cape Breton MLAs are swamped with serious lack of employment problems, health care problems, social services problems, environment problems and much more. To reduce our MLAs where we have only 10 to debate with 42 mainland reps would further weaken our Island clout, we have little enough now, and our serious rural problems would not be addressed. We lost one MP and now have two for an area and it is an impossible job for two people. Our education system is cut to dangerous levels, yet the provincial Minister of Education refuses to come here to discuss and look at our system. Yet the minister says she does not know what is going on in some budgets. Well, if you don't look at them with the people who administer them, how would you know of any problems?

Is this study based on the fact that Cape Breton is represented by Liberal MLAs and NDP Opposition and the mainland by the Progressive Conservative majority? Is this a political decision to simply cut Cape Breton and increase Halifax's strength to the point where Cape Breton will not matter. We have lost much to Halifax. With a 40 per cent unemployment rate we need 10 MLAs. I, myself, have handled many appeal cases for Employment Insurance and Canada Pension applications as well as housing problems and so on because our MLAs are too busy to do so. Their workload is unbelievable because of our sad economy, and calls to Halifax and Moncton receive push 1, push 2, push 3 responses and recorded messages that do nothing for you.

It has been proposed that Cape Breton become a province, but I strongly believe in the proposal to do a 10 year plan to eliminate provincial governments and have federal-municipal governments only as in Scotland and other countries. Cape Breton would then get all its money due and not be siphoned off by Halifax. For now we must keep our 10 MLAs. Thank you for your time and consideration and respectfully submitted, J. Wesley Stubbert.

MR. CHAIRMAN: Thank you very much, Mr. Stubbert. Mr. Taylor.

[4:45 p.m.]

MR. TAYLOR: Mr. Chairman, I would just like to say to the presenter, Mr. Stubbert, that as a committee member, I have never heard of the proposal that you articulated here earlier on in your presentation. If that proposal is out there, perhaps I am uninformed because I haven't heard of that proposal. I can't speak (Interruption) No, I haven't read your column, Paul, either, but, anyway, I appreciate your concerns and thank you for your presentation. I just want you to know from this corner at least that I have not been formally advised of any such proposal.

MR. STUBBERT: Well, if you do some research, you will find the suggestions are there.

MR. CHAIRMAN: Mr. Epstein.

MR. EPSTEIN: Mr. Stubbert, two things I think, one is I should probably put on the record, since I've been referred to, by you, specifically by name, and I think in the break I heard from others about what has been characterized as a proposal, I suppose I should say what it is that I believe I said on a previous occasion. What I did say was that if seats in the Legislature were assigned as equally as possible by population, it seems very likely that the population shifts that have taken place over the last decade since the last redistribution would lead to a recognition of greater population in metro and, therefore, greater seats and perhaps one fewer seat in Cape Breton because of a reduction of population here.

The important thing to note about that, of course, is the qualifier that if population is the only determinant. In my view, population is an extremely important determinant, but this is not something that this committee will ultimately decide. Ultimately, that's for the Electoral Boundaries Commission to deal with. So that's the first thing, but we do have to give some guidelines to the Electoral Boundaries Commission. That's really what it is that we're involved with. What I wonder about this issue is whether you think that there is some appropriate and allowable variation from the average in terms of numbers of population. Surely, there cannot be a freezing for all time of numbers of seats regardless of what happens in population. So I guess I am not sure what you think is an acceptable variation?

MR. STUBBERT: I guess what I am saying, Mr. Chairman, if I might, is that we have been losing population to Halifax for some years now. We have been losing school board budgets as a result of that; and students enrol in Halifax and Dartmouth and so on, that we lose the revenue and it goes to Halifax and that continues on and on. What I am saying is that simply doing it on a population basis, we will eventually have all the seats in Halifax and there won't be anything here. It seems to be that governments appear to be doing all they can to strangle Cape Breton. They keep moving things. They keep transferring. When they're not doing it, MTT is doing it and Nova Scotia Power is doing it.

I recall when the information highway was the big thing on the horizon at the time and I said at that time it would be a one-way street out of Cape Breton and as far as MTT and Nova Scotia Power Inc. are concerned it has been. So I think that when you are deciding, yes, population is certainly an important issue. But if you continue to cut the representation here and strengthen Halifax and you continue to have the economy go down, down, down here, then we won't need any representation because we will be a deserted island. We can't continue with that. On the other side, there has been some effort made to boost the economy of Cape Breton by call centres and so on, but as the CBC has noted, every time we create a job, we lose three.

I think, Mr. Epstein, you might look at the situation that if you have people who are in dire need of services and representation, they might number 5,000 in a particular area such as Victoria County, but they are far removed from many services, jobs, hospitalization and so on. They have to travel usually to Halifax if it is serious and so on. So all of these considerations have to be taken into consideration, not just we have 100,000 people here, so

give them five MLAs and we have only 20,000 here so give them one. To me that doesn't effectively represent an area or the seriousness of its problems.

Also, if you have an over-balanced representation where all the representation is from Truro or Halifax and there is very little east of that, then how does the problem get on the table? How do you sit around in a group like this and have 90 per cent of the people representing the mainland and three representing Cape Breton and get any effect in it. Your voice is lost. We have hard-working MLAs and we have had them in the past. I must say, Mr. Chairman, that I followed Mr. Epstein's comments very closely over a number of years and I respect his frankness and his direct approach to these things, but I don't always agree with him. I don't agree with him in this instance. I think the theory of the thing is fine, but in practice, it isn't going to work on Cape Breton Island, or you are going to simply shut us out of representation.

MR. EPSTEIN: Could I ask Mr. Stubbert if he could help us with one other aspect of the problem. The process that we are engaged in right now happens every 10 years. In fact, this is only the second time under this scheme that it's happened. It happened in 1992 and now it is happening again in 2001-02 and it won't happen again for another decade. So what do we do when we are thinking about districts lasting for a 10 year period? What do we do when we are thinking about population changes during that time? Do we take that into account, likely trends in population changes over the next decade?

MR. STUBBERT: Certainly, you have to take everything into account, but it can't be just population. It is like having a thousand patients for a doctor and all of sudden you only have 500. They still need a doctor. What I am saying is what seems to be lost in the affluence of Halifax is that our island has suffered so greatly. We are talking about representation, but I think the government is talking about cost - that if they can reduce one or two MLAs, they save a few bucks. But the budget is in the billions of dollars and it doesn't mean a thing, but it means a great deal to the people here and in particular, our rural areas that are being shattered and battered and jumped on all over the province, not just here in Cape Breton. Rural areas are getting the short shrift, including the phone companies who now want to jack up our phone rates because we happen to live five miles outside of town. So that is the consideration we have to have.

We have strong MLAs here and we have had them in the past on both sides of government and I think we have to maintain them. You talk about your 10 year plan, well in 10 years time, Cape Breton Island might have 500,000 people. You can't go on what might happen down the road because we all know that Cape Breton Island, some day, will be overpopulated, without any doubt because of the world population explosion. It is exploding at such rates that they have fear now of being able to feed the population and they are going to come here by agreement or by force.

I attended Sydney junior college at one time on a Municipal Affairs course and at that time, it was mentioned about immigration and so on and I said then - and that was 30 years ago - that Cape Breton and Canada would either have an immigration policy that was acceptable or they would simply come by force. What are they doing now? They are coming in containers. They are coming underground, overground, underwater, any way you can mention and they are landing here. Our population is estimated at 31 million. It is probably 32 million, with 1 million unaccounted for. So I think that for you to say, and I can understand your reasoning, but that 10 years down the road we might not have enough people, we could have twice as many people, also, especially with our offshore oil and gas proposals, if you don't take that all to Halifax and New York.

MR. CHAIRMAN: Thank you, Mr. Stubbert.

Mr. MacEwan, please.

MR. MACEWAN: Thank you, Mr. Chairman. Mr. Stubbert, I want to commend you for an excellent presentation here today. It was very well thought through. In just researching some of the last report of the select committee of 10 years ago, I find the Supreme Court of Canada agrees with you, sir. In 1991, they handed down a decision on a case involving the Elections Act of Saskatchewan, which had been challenged on the basis that it did not provide for everybody to get an equal number of seats in the Legislature. It didn't uphold the one person-one vote formula. It didn't view this as a mathematical exercise altogether, although that is part of it, but it is not the whole picture because the Supreme Court of Canada ruled, in that case, that the right to vote that was guaranteed by Section 3 of the Charter as a right to having effective representation, and that must be what all of us around this table are considered to be because the people elected us. So the people are giving the effective representation which requires relative parity of voting power - not absolute, relative parity.

Parity of voting power was not the only factor the Supreme Court said that was recognized as important for ensuring effective representation. Other factors like geography, community history, community interest, minority representation, rate of growth projections - Howard - and the difficulties of representing rural ridings - everyone else - as compared to urban ridings, were all recognized as potential factors which might have to be taken into account in drawing electoral boundaries to achieve effective representation. That is what the Supreme Court of Canada said. I take it, sir, that you would agree with the Supreme Court of Canada?

MR. STUBBERT: Yes, Mr. MacEwan, I don't see how the committee can go against the Supreme Court of Canada.

MR. MACEWAN: Well said, sir.

MR. CHAIRMAN: Thank you. Are there more comments?

MR. TAYLOR: Mr. Chairman, I would like to indicate to the presenter that I am certainly under no predisposition and I would hope all committee members are of the same mind. I think it is very important that we listen to all Nova Scotians, irrespective of political stripe, but our mandate, I believe, is to listen to Nova Scotians that come before us. Yes, MLAs have views. We have MLAs in our own caucus who have views, perhaps, that we may not necessarily agree with, but we do respect all members in the House. I think that is a given. But, personally, I am more interested in views coming from people such as yourself, a former grassroots politician who is very close to the people. So thank you, very much.

MR. CHAIRMAN: Thank you. I think, Mr. Epstein, you had a comment.

MR. EPSTEIN: I actually have one more question for Mr. Stubbert. A decade ago, when the last Electoral Boundaries Commission turned its mind to the question, one of the points that they were asked to consider was maintaining county lines but on the other hand, they didn't do that. There were a few instances where county lines are crossed, and I have in mind, of course, Guysborough-Port Hawkesbury here and I guess there is Chester-St. Margaret's and there is Digby-Annapolis. I am wondering if you have any observations for us that might help us think about this issue of county lines when we turn our minds to this issue of community of interest, history and geography?

[5:00 p.m.]

MR. STUBBERT: Mr. Chairman, county lines don't often mean very much. I represented Cape Breton County on municipal government for some 25 years. In the first regional government they swept away the county lines, they doubled our taxes and they cut our services. So county lines certainly are of value when defining the rural area but whether they can be applied in the case of 10 MLAs or not, I am not sure whether that would be feasible or not.

I know the area of Cape Breton County - and when you are talking about Cape Breton County you are talking about the whole industrial area now but I am talking about the rural Cape Breton County, the former Cape Breton County - there should be some recognition of the needs in those areas because they are very great. I could go on for 20 minutes on the needs of roads, water and sewer and so on and the concentration goes on in the towns and the former city rather than the rural areas.

For instance, right now in the Town of Sydney Mines - to their credit and to the credit of their representatives - I believe \$1.6 million is being spent. There are nine communities in my former district, close to 8,000 people, and we got \$40,000; that is not even the interest on \$1 million. So county lines should be recognized and looked at but they may have to spill

over into the urban-serviced areas in order to create a reasonable representation from our MLAs.

MR. CHAIRMAN: Thank you very much. As a member of the Executive Council I would have to say - you mentioned there was a proposal by government to reduce the number of MLAs for cost-cutting - I am not aware of any such proposal. There may be a member of the government Party who holds those views, but for the record I wanted to indicate that that is not a government position, I believe.

MR. STUBBERT: No, this was not a recommendation from government. It was a recommendation from economists and people who sometimes do better planning than government - sometimes. I usually describe an economist as someone who guesses wrong. (Laughter)

I want to thank you very much, Mr. Chairman and the committee, for not only allowing me to appear but to take the time from your busy schedule to look at the situation, to come to Cape Breton. Some won't do that.

MR. CHAIRMAN: Thank you very much, sir. I believe that is the last of our presenters until we resume at 7:00 p.m. Unless we have any other business, we stand adjourned until 7:00 p.m.

AN HON. MEMBER: Do have any presenters at 7:00 p.m.?

MR. CHAIRMAN: Is there anybody scheduled for 7:00 p.m.? (Interruption) Yes. How many people do we have scheduled right now? (Interruption) One. Well, there may be more people who come in so I guess we will resume at 7:00 p.m.

[5:04 p.m. The select committee recessed.]

[7:03 p.m. The select committee reconvened.]

MR. CHAIRMAN: I would like to call this meeting of the committee back to order. We have two presenters scheduled for this evening. The first of our presenters is David Johnson. Mr. Johnson, would you like to come forward and have a seat, please?

Just for your information and for any other member of the public present, the proceedings here this evening are being recorded and will be transcribed for the benefit of the committee members. Obviously this is a public meeting. We thought that would be useful for those individuals present to know. As well, because some of the people who may not have been present this afternoon when we did introductions, I would ask the members of the committee, to introduce themselves and name their ridings.

[The members of the select committee introduced themselves.]

MR. CHAIRMAN: Go ahead, Mr. Johnson.

MR. DAVID JOHNSON: Just let me introduce myself. I am David Johnson, and I teach political science here at the University College of Cape Breton. Just by way of introduction, I have long been interested in electoral distribution, electoral policy, election law, and before I took up the position here at UCCB I had worked on a part-time basis with Elections Ontario. I thank you for this opportunity to speak to you tonight, and I wish you well in your meetings and discussions and deliberations in the days and weeks to come.

I think yours is far from an enviable task, but an important one. The members of this committee are called upon to help chart the evolution of the Legislature in this province and, as such, you are called upon to help chart the evolution of the democratic process in this province. This is all-important and very solemn work that you're charged with; of course I also appreciate it will not be easy. I am sure, as you'd know coming into this, this will not be easy. You will face many passionately held, yet competing viewpoints regarding electoral distribution.

Of course, electoral distribution engages many matters: matters of equality; the principle of representation by population; the integrity of the individual right to vote; the concept of fair representation; concerns regarding regional interest; community representation; and the collective interests respecting economic and social development, especially as it relates to the rural mainland of this province and Cape Breton Island.

I think in many ways the core tension in electoral distribution, as you're well aware, is a division of interest between individual elector equality based on the principle of one person, one vote, and collective regional interests, the community representation, community sustenance, and community development. This tension is palpable and how to manage it calls for the exercise of sound and wise leadership.

I have taken the opportunity of providing the members of the committee with a copy of an article I had published in 1994 in the McGill Law Journal. It's an article that although time-related in that it came out as an analysis of the still most-recent Supreme Court decision on electoral distribution dealing with the evolution of a sister committee, I guess I could say, coming out of Saskatchewan, I thought, looking back at this piece, some of the basic principles that are discussed in the piece are, in my opinion, worthwhile. I took the liberty of providing copies for the committee, for your reading.

Some basic thoughts here on the questions that were asked in the press advertisement for this committee. I am sure we will have more time to deal with some of these matters later, matters regarding the terms of reference of the distribution commission as to composition. I really would not have much to say other than encouraging the committee to look at

established provincial procedures in other provinces and what I see as a developing pattern of distribution commissions, namely the establishment of a tripartite commission under the leadership of a senior judicial officer, a second person being the chief election officer of the province, and a third person typically being an academic in the province. Looking back at how the matter was dealt with some 10 years ago, I note that Professor Jennifer Smith from Dalhousie was the committee academician.

As far as terms of reference for the committee, I would stress as a first and guiding principle the primacy of the equality principle. I would argue that the primary consideration of the commission should be the distribution of seats based upon the governing principle of elector equality, one person, one vote.

The second point. Dealing with the issue of giving consideration for concerns of territory and community of interest, I would warn an electoral distribution commission of the dangers of an excessively high-deviation quotient. It is understood we have permissible deviation quotients up to 33 per cent in this province. Previous commissions in this province, other provinces, the federal government have permissible deviation limits of up to plus-or-minus 25 per cent. The excessive use of such deviation quotients, the use of excessively high-deviation quotients, of course, has the practical impact of distorting the equality principle, providing for an imbalance in electoral representation in a Legislature and in the extreme threatening the democratic principle of majority rule.

The use, as you are well aware, of a plus-or-minus 25 per cent deviation quotient has been accepted by the Supreme Court of Canada in the Dixon case of 1991. I would simply say that the reasoning of the majority was and is still subject to serious criticism in that case,

and that there was a strongly worded dissent in that case.

To the question of what would the Supreme Court do today if presented with similar matters and presented with issues respecting the current practices and principles of electoral distribution, I don't know. One never knows what the Supreme Court will say or do until (Interruption) That's right. I do know that the greater one moves away from the principle of equality and the higher the use of a deviation quotient, then the greater the likelihood of a legal challenge made under the Charter.

As far as the issue of a special designated riding, I would question that. I would question the justification for that both on matters of principle and on matters of practicality. One has to be careful and I would warn a commission of being careful in establishing such special representative status for a distinct group. If one is establishing a specific riding explicitly based on race, for the Mi'kmaq nation - the Legislature can do that - one is opening a Pandora's box, though, I think. One is opening a quite important and grave debate about possible representation of other historically discriminated groups and whether the most effective way of dealing with past discrimination is the establishment of such electoral representation. I think there are grave debates and grave questions about that.

As far as the issue of an appropriate reporting date, I would leave that to the commission and to this committee. I have heard mention of next spring as an acceptable date for that and I would concur in that.

One thing I would just say in closing here is an important need to distinguish between matters of legislative representation and representation of interests - regional interests, group interests. I would warn an Electoral Boundaries Commission not to overload the role of legislative members, not to overload the purpose of the Legislature in dealing with regional interests and group interests. I think there are always alternative methods of dealing with particular group interests, particular regional interests, rather than laying great stress upon the shoulders of individual members of the Legislative Assembly. There are always alternative ways and means of accomplishing desired ends. Not everything has to be loaded on to the shoulders of elected Assembly officers.

Most of the detailed arguments on matters of deviation quotients, representation of geography and territory and community of interest are found in the article and I would encourage people to look at that.

[7:15 p.m.]

MR. CHAIRMAN: Are there any questions from the committee? I guess one question I would have, we've had a chance to just have a very quick glance at your paper. One of the questions I had, I guess, would be earlier today we had some presenters who believed that some of the factors such as geography, the ability to represent electors, the size of ridings were a significant factor and historical community interests such as the ability of common interests to be represented. Do you have any thoughts on those subjects particularly? The size of riding, for example.

MR. JOHNSON: I appreciate the concern. You've a difficult issue of debate between the principle of electoral equality - one person, one vote - versus territorial considerations. The territorial argument, as I understand it, is that it is physically more difficult to represent large territorially disbursed (Interruption) That's right, sure. And even in that case, there's much more of a concern for non-traditional ways of communication, to use some of that jargon, and that it demand that one uses the most modern, up-to-date communication techniques possible, video links, video teleconferencing and that type of issue and in that type of riding you simply cannot have the type of representation or the same type of rapport with electors as you would get in a downtown metro riding where you can simply walk around the perimeter of the riding in a number of hours. In that case you're just dealing with, you just have to get into alternative ways of communicating with constituents.

The argument that you have territory and so therefore areas that are more sparsely populated areas of the province deserve more ridings, the further you go down that road, the greater the distortion on electoral equality becomes in that the weight of individual vote in

the rural riding becomes distorted and greater than that in an urban riding. There comes a point where a commission has to draw the line. There comes a time when a court has to assess - if it comes to that - the legitimacy of those lines drawn. I would . . .

MR. MACEWAN: They have. It's right there. I have a summary of it here that's not that long, but it says basically the same thing. The majority of the Supreme Court of Canada feels that rep-by-pop strictly and mathematically is not the overriding consideration. It's not.

MR. JOHNSON: That's right.

MR. EPSTEIN: I have a question. First, thank you for your article and I wonder if you have a view as to what is a desirable, allowable percentage deviation?

MR. JOHNSON: I have long preferred the Saskatchewan and Manitoba position - 10 per cent, 15 per cent.

MR. EPSTEIN: Why do you see that as preferable to the 25 per cent that the court said might be strictly allowable if it goes to litigation?

MR. JOHNSON: The closer one gets to the principle of equality, in my mind, is the ideal. I appreciate it's impossible. Absolute elector equality is, of course, impossible in that people die, people move. There is transience in that sense of it. The absolute equality is impossible; even the American Supreme Court has recognized that but it is a matter of principle. If the key principle is one person, one vote - that is the key principle that elected democratic body is founded upon - it's that key democratic principle going up against other concerns and interests of regions, of territory, of communication patterns.

Given that there'll have to be some deviation from perfect equality, my argument would be that you want as limited deviation from the democratic equality principle as possible. Within this country, some of the leading provinces pushing for the equality principle are Saskatchewan and Manitoba, 10 per cent to 15 per cent. Again, the Supreme Court of Canada - you're right, Mr. MacEwan, I recognize that - has endorsed a majority decision, endorsed 25 per cent. There's a dissent, of course.

MR. MACEWAN: The majority rules, not the minority.

MR. JOHNSON: That's right. All I would say is that courts change their minds and if courts change their minds, Supreme Courts change their minds. Again, there will be some deviation quotient here, I know that, I appreciate that, and I imagine or suspect it will be higher than what I would ideally like to see. I appreciate that too. All I would warn the commission, any commission that's established here, is that again, as I've said, the greater the deviation and the higher the deviation quotient is set, the greater the likelihood of legal challenge. Again, whether that challenge is successful or not, I don't know.

MR. MACEWAN: Anybody can sue anybody. It doesn't mean they'll win.

MR. JOHNSON: No, that's right.

MR. CHAIRMAN: Mr. Epstein, are you finished?

MR. EPSTEIN: A second question.

MR. CHAIRMAN: Yes, go ahead.

MR. EPSTEIN: Did I understand correctly that you were suggesting to us that the commission that was set up should be a three-person commission?

MR. JOHNSON: That's how I understand most commissions in other provinces and certainly the Ontario experience that I am familiar with, or that I am most familiar with in practical terms.

MR. EPSTEIN: Yes, because, of course, when this was done a decade ago, I think there were probably about six or eight people on the commission. Was it six? Okay. And the three categories you suggested, judicial, academic, and the third category was?

MR. JOHNSON: The chief election officer.

MR. EPSTEIN: I see, okay.

MR. CHAIRMAN: Go ahead, Mr. Taylor.

MR. TAYLOR: Thank you for your presentation, Mr. Johnson. I think when we use the Saskatchewan decision as a precedent, and it seems to be quite popular here today, as far as I am concerned that decision rendered back then in 1991, it seemed as if it was predicated on territorial and communication concerns.

Quite frankly, in rural Nova Scotia - and this is no disrespect to previous and present governments - the transportation infrastructure, for example, has not improved a whole lot in the last decade. I have had the privilege of representing my constituency for nearly a decade and, you know, when you talk about courts today and courts of yesteryear, obviously, different people will render different decisions. But I know, for example, the previous two Liberal Governments adopted a policy, and in fact the present government adheres to it that, in terms of paving our secondary roads, we all recognize that our existing paved roads should be paved before we can start to pave some gravel roads.

That's not something that was developed recently. That has been in place for a number of years. I can speak, and I am sure Mr. MacEwan and Mr. MacDonald too would agree, that the infrastructure in rural Nova Scotia - I am not talking about the communication infrastructure, but the transportation infrastructure - you know, population increases, the demands on existing infrastructure are incredible. So I think that in terms of that one element of the decision, a whole lot hasn't changed, quite frankly.

MR. JOHNSON: In thinking of that I put that into thinking of principles, democratic principles here, versus really what I am hearing, with all due respect, is an argument about a need for better roads.

MR. MACEWAN: I don't want to butt in; put my name on the list to speak.

MR. JOHNSON: I appreciate the issue and the concern. My argument has long been that these concerns about communication are valid and important. Rather than distorting the principle of one person, one vote, there are other means to enhance the communication capabilities of elected members and their constituents. If it is a matter of better roads or CAP sites, or better Internet hookups and electronic video conferencing, teleconferencing over vast distances, these are the lessons that one does learn from the Territories, the Northwest Territories, and they are lessons that are well learned and well served.

MR. TAYLOR: But if I can, Mr. Chairman, I will just conclude. That seemed to legitimize, if you will, or justify, the Government of Saskatchewan being permitted to establish rural ridings with a smaller electorate, for example. It was a big consideration then and I guess I am just saying that it's a big consideration now. Yes, there are priorities and governments have priorities and they change, but I still would think that in rural Nova Scotia especially, because of, maybe, competing department interests, transportation still is perhaps not what we would all like it to be.

MR. JOHNSON: Yes, and then I could understand how representatives in metro Halifax would have competing and different concerns, simply making the argument for the difficulties of representing the big city and a big city community. Often where the neighbourhoods are large, people don't know each other, necessarily. You've got an influx of people coming and going. I know representatives of such large urban centres would say it's equally difficult to represent people in that type of neighbourhood.

MR. TAYLOR: That's correct.

MR. CHAIRMAN: Mr. MacEwan.

MR. MACEWAN: I find myself beginning to agree with some of what I am hearing, which is a bad sign. But it is also a sign of aging too quickly, so never mind that.

[7:30 p.m.]

I think the basic premise on which the one person, one vote, and equal division of the constituencies is based is that the duty of the elected representative is the same in all cases, and that's not true in Nova Scotia. There are two types of ridings. Perhaps we can say three. There are those members who represent totally rural constituencies, like my good friend Brooke Taylor over here. Not a town, not a city, just straight rural areas. Then there are those members like my good friends at the far end here and to my left - no, he doesn't, just him - totally urban ridings. Then there are those members like my neighbours to my right and left,

and myself, who represent mixed ridings - partly rural, partly urban.

Now the job of representing those three types of constituencies is not the same, believe me, and I will tell you why - the most basic, transportation. I am the Transportation Critic for the Liberal Party right now. What a rural member has to do - like Frank Corbett or myself - is go out and get pavement. That is the number-one yardstick you have to meet. Whether you can get it or not, people will judge perhaps why you didn't or because the Tories were in power, or something like that, you see. You have to make efforts and be visible.

Now the member who represents an urban riding doesn't have to worry about that stuff at all, that is the municipality's responsibility. Blame the councillor, he used to be mayor, he used to be councillor, blame them but don't blame the MLA, it is not his jurisdiction.

Now that one fact in itself means that the rural member and the half-rural member has to work harder and be aware of all kinds of things: where there is a pothole, has it been fixed yet; has it been fixed in a way that will last all winter and not for just two days; is the ditch cleaned out on such-and-such a lane; is Madam So-and-So's culvert working or is it plugged up? Those are things that rural members have to spend much time worrying about which the urban members don't.

If you were to have two different jobs in your Political Science Department, one being a professor who taught 72 hours a week and another being a professor who never taught at all because he needs all his time for research, and you are to pay them equal money when they are not equal jobs, I say it is not fair; you have to bear in mind what the jobs are. If you give a rural member more work to do than an urban member and yet say that the urban members and the rural members should represent the same number of voters, considering the higher responsibilities of being a rural member, you are not going to attract too many people who want to do that for a job, in my view.

Now you may think I am wrong. I have done it for 32 years, sir, I know what I am talking about. I am not a passive observer from the spectator's stance. I rest my case.

MR. CHAIRMAN: Go ahead, yes, Mr. Clarke.

MR. CECIL CLARKE: David, just in following up on your comments, do you have an assessment, or have you done an assessment, or do you have an opinion on the current electoral boundaries within the province? If so, I guess the secondary item is, how would you have assessed Nova Scotia in relation to other jurisdictions you have studied?

MR. JOHNSON: I must admit I have not done that type of assessment. I will be looking forward to seeing what the 2001 census figures are when they come out. Certainly I know past literature on boundary distribution would have all of the Atlantic Canadian Provinces amongst the most mal-apportioned in the literature, the most mal-apportioned electoral ridings in the country, the greatest deviance from the principle of equality, again with Saskatchewan and Manitoba being, in that sense, the most well-apportioned.

MR. CHAIRMAN: Thank you. Mr. Taylor.

MR. TAYLOR: Do you think community interest should be permitted as a deviation form, if there are clear community interests?

MR. JOHNSON: The problem I have with the concept of community of interest is that, with all due respect, I find it impossible to define a community of interest. Everyone will define community differently and when a term is so vague and haphazard and open to variable definition, taking a look at a map and trying to draw community lines, I find it very difficult, and to draw lines that are sustainable, I would find it very difficult. You take a map and you draw lines, you create ridings and those ridings themselves become communities of interest that will then be defended by people 10, 15, 20 years later.

You take the community and if a community of interest is to be the defining principle upon which an electoral boundary is established, one could make an argument that the north end of Sydney is a community distinct from the South End, or one could make an argument that the north end of Halifax is distinct.

MR. TAYLOR: Mr. Chairman, I guess the point, or I guess the question I was asking is whether or not you feel it should be a factor given consideration. I can speak - and I don't mean to be parochial - the only agricultural community in the Halifax Regional Municipality happens to be in my constituency. The rest of the riding, like the Upper Stewiacke Valley, Old Barns, and Lower Truro and that area is also an agricultural community.

Now the agricultural community is a big element of the overall community, if you will. Some people would say - most in the riding, especially those who go to the sale in Murrays Siding every Thursday, outside of Truro, that there is a big community of interest there and a community history there. A lot more in common than, let's say, in Halifax Chebucto, although we are part of the super-city. So that is what I am wondering, should the

community of interest have consideration or should it have no consideration? I don't think it is something you can cherry-pick. That is just one example I am familiar with, and I am sure Cecil and Rodney and Mike and Manning would have other communities of interest in their respective ridings, but should that be a consideration?

MR. JOHNSON: To me it is very difficult, and it is opening a Pandora's box in that different people would define communities differently and community of interest differently. Your definition would differ from others in your same area, I am sure. When you are opening up the community of interest as a defining principle of drawing boundaries, to me the concept of community of interest doesn't define, it doesn't provide a clearing of definition of what is the community.

You are speaking of a community of interest here, sort of an economic interest. One can also speak of students, is there a community of interest amongst young people that should be given weighing in drawing boundaries? Or is there a community of interest of the elderly? If one is getting into a concept of community of interest, one could actually begin getting away from territorially defined communities altogether. If we are moving towards a Mi'kmaq community, a race-based community, and if we have moved towards a Black community of interest the last time - if that is how we understand Preston to be - should we be moving further along in those lines? At which point do we begin speaking of gender communities of interest?

Once you open up the Pandora's box of community, other people - not necessarily me - will come before you with all sorts of other communities, of which they will argue very passionately and persuasively - or perhaps persuasively - that merit representation. At what point do you begin redefining the concept of community and linking in representation to community, because at some point one can get away from territorially-based communities altogether.

MR. MACEWAN: How would you do that - alphabetically?

MR. JOHNSON: No, it is not for me to do, but you will get those arguments coming. Historically Britain did have academic communities.

MR. MACEWAN: Yes, I know that.

MR. JOHNSON: That's right. Once one begins getting . . .

MR. MACEWAN: Oxford would elect a member, I know.

MR. JOHNSON: That's right. The concept of community is very loaded. My sense is that everyone will have a different definition of what that community is. I would just caution any commission to be very careful in its use of the concept of community.

MR. CHAIRMAN: Thank you. I believe Mr. Manning MacDonald has a question.

MR. MANNING MACDONALD: Just a couple of short questions. This afternoon Vince MacLean made a presentation here and he struck a chord with me when he talked about replacing the word community with the word county. He stated today in his presentation something that I happen to believe in as well, that no presently constituted county should be left without representation in the Legislature. If you go by 'rep by pop', or if you go by some other criteria that may be put together in terms of the next makeup of the Legislature, that this could, in fact, happen, that a county could be left.

I will give you a specific - Victoria County is a good case in point, one that is familiar to me, one that is entirely rural with the exception of a small, semi-rural community in the Village of Baddeck. Other than that, it is very sparsely populated in some areas, although the area itself is huge, as you can see on the map.

I think in any redistribution of the seats in the province, given the fact that it is now a given that the makeup of the next Legislature is going to be 52, but we don't know where they are going to be or where the boundary lines are going to be. I think that Vince was right today when he said that no matter what happens, you should not disenfranchise an entire county with a member in the Legislature, as well as - and not only Victoria County but Richmond County and Inverness County are both in the same boat there. They are rural counties and I think there is a case for two or three others on the mainland - Queens - disenfranchise them to the favour of more urban communities such as metro Halifax.

MR. CHAIRMAN: Do you want to comment on that?

MR. JOHNSON: I hold to the position of the United States Supreme Court in Buckley, again, that people count more than territory, that land doesn't vote, people do and the ideal of the Legislature . . .

MR. MANNING MACDONALD: Smokey would love to hear you say that.

MR. JOHNSON: Majority rule. The argument, the counterclaim would be that those people would be represented in weight of their population. Everyone in the province will be represented; no matter how you draw the boundaries, everyone is going to be represented. The argument is that a sparsely populated rural area deserves greater representation than metro Halifax.

MR. MANNING MACDONALD: No, representation, period. In the case of some of these counties I am talking about, they have only one member now, like Victoria County. I don't think the people of Victoria County would be too pleased to find out in the next Legislature that they don't even have a member from the entire county.

MR. JOHNSON: Those people would have a member. The boundary would not be contingent upon the county.

MR. MANNING MACDONALD: Port Hawkesbury. So you wouldn't be prepared to deviate from your premise that representation by population is probably more important than representation by territory, even though the population could be affected adversely.

MR. JOHNSON: I hold to the principle of electoral equality.

MR. MANNING MACDONALD: That's a start.

MR. CHAIRMAN: Just one observation, I guess. I am aware of the U.S. Supreme Court case you are talking about, an Arizona case, I believe. Anyway, I remember the case you are talking about. Of course it established the proposition, it dealt particularly with the divergent, as I remember the case, the situation in the Senate seats, particularly in the various legislative assemblies in the States, which tended to not follow the 'rep by pop' model but tended to emulate the model used in the U.S. Senate, which, of course, is not a 'rep by pop'.

MR. MACEWAN: Some of us wanted to speak about that, the U.S. Senate, two Senators for every state - Rhode Island and California all the same.

MR. CHAIRMAN: That's right. I guess that is the point, the argument might be made that our constitutional system is not a 'rep by pop' system because, in fact, in a number of matters you have a voice in Parliament; for example, based upon the Senate where Nova Scotia has 10 Senators and P.E.I. has four Senators and Ontario - well, the biggest divergence would be between Ontario with 24 Senators and P.E.I. with four Senators. So we don't have a strictly one person-one representation system, and that is part of the constitutional framework that has been set up.

MR. JOHNSON: That's right. There is a problem; if there is concern for greater representation in your argument of territorial representation, I am not averse to that. There are always alternate ways of doing it. If one wants to engage in it constitutionally, historically this province had an Upper House. We could emulate the federal Senate; you could establish a legislative council that would represent Nova Scotia regionally, as the Canadian Senate does and as the American Senate does. Of course everyone is aware of the implications of that, that rather than having 52 elected Members of the Legislative Assembly, we would have an added-on council. Historically that is part of our tradition.

[7:45 p.m.]

MR. MACEWAN: In 1927.

MR. JOHNSON: That's right, but historically it was there. (Interruption) In theory, if we are looking at alternative ways of providing representation, as you mentioned, Mr. Baker, that is one option; one can do that. If one is concerned that it was simply lessening the territorial size of ridings, nobody likes this option either, rather than maintaining the status quo at 52 - and you will have an argument about whether it should be down to 40 - but if you want smaller ridings, you double the number of seats and divide the ridings in two and you have got smaller ridings. Again, nobody likes that argument of an assembly going up to 100-plus seats, 104 seats. There are these options. If you are going to put everything on the table, and we are not, we don't put all of the stuff on the table but there are options. If we are talking about - I know my points may sound odd to you because very much I am coming from a position of principle, I appreciate, Mr. MacEwan, I am not a practising politician, I am an academic and I . . .

MR. MACEWAN: I appreciate that point . . .

MR. JOHNSON: I deal with ideas, I teach ideas, I teach alternative ways of thinking to students, hopefully. As they are throwing the ideas out and getting as much stuff on the table as possible and thinking about it, you folks have the difficult task of establishing a commission with the real-life task of actually having to do this. I appreciate the problems you would have as a member dealing with people.

There are options. I think in terms of principles. Here the principle of electoral equality runs up against a concern and interest of territorial representation, geographic size, individual definition of community. There are those concerns. If you hold to those positions as matters of principle, that in principle counties should have at least one Senate representation and for effective representation, I could come back and say well no, if you really want effective representation for those counties, give them two seats or two members or three members, if you are trying to counter the balance of power in metro Halifax. If that is a matter of principle, you don't let money dictate your principles.

If we could get much more effective representation for Cape Breton, through adding seats to Cape Breton, as a matter of principle, provided that that principle was applied equally across the province, I would say go for it.

MR. MACEWAN: We can't, we are cut to 52 and that is it.

MR. JOHNSON: Yes. Then appreciate here there are these pragmatic, practical concerns that are vitiating principles.

MR. CHAIRMAN: Thank you very much. It has been very thought provoking and . . .

MR. MACEWAN: I could support the United States Senate, but you don't want me to talk about that.

MR. CHAIRMAN: We can't determine the terms of reference for the U.S. Senate. So we could talk about electoral reform in Florida, too. It might be an interesting source of discussion, but thank you very much, sir, for taking the time to be present.

Our next presenter is Scott MacLean. Mr. MacLean, if you would like to have a seat. Whenever you are ready, sir.

MR. SCOTT MACLEAN: Hi, I am Scott MacLean. I am a citizen of what we'll call the former Sydney. I sit here tonight with a bit of mixed emotion.

MR. MANNING MACDONALD: It's still Sydney.

MR. SCOTT MACLEAN: It is still Sydney. Some people like to say the CBRM. (Interruption) I sit here with mixed emotions. It's almost as if I had an enemy driving my truck over an embankment in that although I certainly do not want to see Cape Breton reduced by its representation with new territorial boundaries, my personal preference obviously would be I would like to see a new form of governance.

If we knew exactly what we wanted our MLAs to do, if we were able to write a job description which might help your group decide how many of you do we need to perform the task but, obviously, the differences in thought on what exactly is the task. Some would suggest we should spend more of our time working with our bureaucracies in a sense if we look at our good friend from Britain, Jeffrey Archer, who in one of his books referred to an elected politician is nothing more than a temporary inconvenience who sooner or later will be ejected by the voters. I wish to read something here to you, please.

If we had the benefit of Joseph Howe and the rep by population, it would be kind of interesting to see what his viewpoints would be today based on the way the change in the population has been deviated from the communities of his time. How often has the question been asked and asked in vain, why is it with the resources Cape Breton possesses that the Island, instead of improving, is going from bad to worse, the value of property daily decreasing? To make such a derogatory statement now may seem absurd because it has been so often put, so thoroughly canvassed that the words, although very simple words, have been divested of their meaning in the eyes of Cape Bretoners. They now draw forth but a cool shrug of the shoulders and observation, ah, we know all that, but how is it to be helped? There is no necessity to recapitulate the many evidences existing as to the melancholy fact.

There is no need to repeat the old, but too true story of revenue-absorbed claims, ridiculed capital withheld, and energy prostrated to mainland Nova Scotia.

It was worse than useless to repeat, to go over this again, because there is no man whose opinion is worth having who does not know that the depression of Cape Breton is to be traced to the illegal act which this Island, a part and parcel of Nova Scotia, and any man who believes that this is no solution to the question, we would not be at pains of convincing to the contrary such a man's influence would be worthless on either side.

Although that may sound modern to some people, that was written over 200 years ago in the spirit of the times. What we're facing here are the many things that you deal with as to what constitutes a boundary. We talked by rep by population. You talk about territorial - economics and the economic concerns are very important and the equalization that has been noted here. Murray Sale of the New Yorker, 1995, referred to Canada as warm-hearted, stable, fair to its many minorities, staunch in the cause of justice and democracy. Canada is one of the most highly respected countries. This is in no small part due to the fact that Canada has an equalization system since Confederation in 1867.

The Premier of Nova Scotia, John Hamm, in his October 2000 speech to the Nova Scotia Chamber of Commerce outlined this moral nature of equalization. If you could listen to the words and exchange the word Canada to Nova Scotia, and Nova Scotia to Cape Breton, equalization is not a bare-handed grab from the haves for the have-nots. It is a constitutional embodiment of equality. Equalization is more than fiscal arrangements. It is a bold statement by all Canadians that we share a common vision, a common destiny, and that being Canadian is about tolerance, generosity and fairness. That vision brought Canada together, a common vision of society predicated upon equity. It must grow stronger in the future if we are to remain one nation. It is the glue that binds us together.

I am one who would like to almost consider at some point that we would like to consider what I will call the Chinese model. I sometimes feel that because of the constitutional difficulties of leaving this province, or dividing a province, that we should take on maybe one province, two democracies. Well-known author and economist Jane Jacobs warns us, however, that equalization is a morally justified dependency set up, but is never a vehicle of economic development. In theory, equalization is not charity. It has been intended to rejuvenate the economies of poor provinces and help them become self-supporting, but it has not really worked out that way. The poor provinces remain poor. Nevertheless, the funds distributed from Ottawa make poverty easier to bear and to disguise the economic stagnation in poor provinces. The poor are the Atlantic Provinces, on the receiving side of the ledger.

Neither the have-not provinces nor the haves are in a position to think seriously about independence. The have-nots are too dependent on the federal government. The federal government is too dependent on the haves. Ontario, Alberta and British Columbia are thus

somewhat in the position of family breadwinners who have taken on heavy responsibilities for their dependants. They may complain about the burdens. They grumble and they insist on having their way sometimes but, morally and practically, they cannot walk out on their dependants. The dependants for their part may grumble in envy, may even accuse their benefactors of having trapped them into economic dependency. They often accuse Ontario of having done just that, but the dependants can't walk out either - what would they live on?

Notwithstanding moral arguments to help those in need, if Jacobs is correct, then two economies exist in Nova Scotia, one being Halifax or within an hour's drive, the other one being the balance of Nova Scotia. More to the point, capital moving from Halifax to the outlying regions, such as Cape Breton, might disguise stagnation, but it will never rejuvenate regional economics. Local economist and economic developer of the Cape Breton Regional Municipality, John Whalley, has acted as the navigator for the municipality in the management of decline. His analysis would seem to confirm Jacobs' prognosis of Cape Breton when he states that any regional economic strategy that is developed must address the issue of critical systems in one form or another.

Economic transfers serve the purpose of providing the region with the resources to offset some symptoms of weakness in the short term. However, transfers, if they are not invested to revitalize the relevant systems, simply create dependence without addressing the cause of dependency. Furthermore, the investments in some of the critical systems can be largely wasted if serious weakness in other key areas is ignored. Any economy experiencing an unprecedented rate of unemployment of 20 per cent, a poverty rate of 25 per cent, a labour force participation rate of 50 per cent and economic dependent ratios of 60 per cent has weakness in many critical systems.

A brief evaluation of this critical system within the CBRM would confirm this. If equalization payments are somewhat to restrict local autonomy and thereby offer little hope in breaking dependency in city regions, where lies hope for the economic prosperity? Some would argue that the people of Cape Breton and elsewhere in rural areas should simply move to large cities.

MR. MACEWAN: The Gordon Commission recommended that in 1956, I believe.

MR. SCOTT MACLEAN: So as we look at where we are, I have mixed emotions. In some respects I would like to see our Island become more autonomous, then all you have to do is reduce our seats by one. I would like to have Richie Cotton as an ally, but that will be the spark to spark it all. We would like to see more - we talked about equalization - and that is partly of representation as well. You cannot ignore the territorial issues as raised by both MLA MacDonald and, of course, Vince MacLean this afternoon.

MR. CHAIRMAN: Thank you very much. Questions from the members of the committee to the presenter?

MR. MACEWAN: It was a very well-thought-out and presented presentation.

MR. SCOTT MACLEAN: Thank you very much, sir.

MR. CHAIRMAN: We have two more members of the public who have indicated that they would like to present. The next one is Louis Ihasz.

MR. LOUIS IHASZ: Ladies and gentlemen of the panel, I am sure by this time you've heard a lot of lofty presentations about the electoral district changes that are being considered. I am certain by this time if not all of them at least most of them are probably against any electoral changes or map changes, particularly in Cape Breton.

By the way, let me give you a little background. I am the president of the Victoria County PC Association and I come as their representative today. We met in hurried succession yesterday after having read in the newspaper that this panel was going to meet here tonight and we were going to have an opportunity to meet with you. We had very little time to prepare anything formally, but I felt, and our executive felt, that someone should come and at least put it on record that we are diametrically opposed to any electoral boundary changes that would affect our county, such as it is.

[8:00 p.m.]

As has been already said, Victoria County is completely and entirely a rural community. We have about 7,500 votes there. I read somewhere that the bottom line, when it comes to electoral districts, should be around 18,000. I may be wrong there. So we're way off the mark in that respect, but nevertheless, we feel that Victoria County is a community. We've always had representation; we've had for many years now and we feel that we would lose a great deal if, for instance, our county was somehow chopped up, sliced up, and distributed and added on to.

I am not saying that we wouldn't probably get some representation, but it would not be quite the same. We would only then become part of another riding, and we would lose a great deal. That concerns us and that worries us. I know that there are driving factors causing you to give this whole issue consideration. I know that economics comes into it somewhere. I know that there are larger populated areas that feel that it's not fair that a populated area of 7,500 people should have the same amount of representation as some areas where there are 18,000, 25,000 or even 30,000 people. But that's not the case. The small people, they count as well.

We just can't say let's tie them on to somebody else's coattail and they'll be looked after. We don't think we will. All things said about Victoria County and Richmond County and Inverness County - if we're going to be chopped up and united with them, each county has its own identity and its own concerns, its own needs and its own wants. We are all Cape

Bretoners, but nevertheless, as has been alluded to earlier, even one part of Sydney could be different from the other part of Sydney or one part of Halifax. It's the same with Cape Breton, but perhaps that's what makes us distinct as Cape Bretoners. We are different and yet we are Cape Bretoners.

We, as a group, as an association in Victoria County, would be very, very much distressed to say the least, if the panel or the government finally decided that somehow we should lose our one representative in Victoria County. Thank you for your consideration.

MR. CHAIRMAN: Thank you very much.

MR. RODNEY MACDONALD: Louis, I appreciate your words. I want to go back to something that the previous submitter had talked about and Manning MacDonald brought up, the issue of having a representative from a county. When I think of the Victoria riding, there's the potential that the representative could come from northern Inverness County. Actually, in the same instance, a member for Guysborough-Port Hawkesbury could be from Inverness County as well, from Port Hastings. So there is actually the potential now where we could have different counties not have a representative. I just wanted your thoughts on that - what your thoughts would be and what the thoughts of - it hasn't happened, but if somebody from northern Inverness County represented the riding for Victoria.

MR. IHASZ: Well, we have misgivings about that. What would happen is that you are going to take a riding that's big territorially, distance-wise, and make it even bigger. Say if part of Cape Breton went with Inverness, you're going to burden the representative for Inverness that much more. Because of the vast distances in our ridings right now, I am sure it would be impossible for him to do the job that he ought to be doing. That's a great concern of ours. It worries us.

MR. TAYLOR: I would like to concur a little bit with the presenter, when he speaks about the problems that potentially could be created by redistribution. I think right now in Nova Scotia there are some ridings where the member resides in one county and represents another, or represents that county plus the additional county, or may live out of the riding altogether and in some cases, many cases, the stigma is always there, whether it's real or perceived or whatever. So there's no question that it is a concern, but I guess if you provide effective representation, which I guess all members like to think that they do, it shouldn't make a whole lot of difference.

There's no question that it certainly would be a perception there. Granted, as Rodney mentioned, you could have somebody from Inverness represent the whole new riding. (Interruption) Already, yes. Exactly. Thanks for the presentation.

MR. CLARKE: Louis, just from your perspective and any of your colleagues', would you say, when we talk of the economics, that people have a positive economic outlook for Victoria County and its viability in the long term - that it's a healthy county and that there's activity happening?

MR. IHASZ: The only industry in Victoria County is the tourist industry; that's our big thing. We realize that. We rely on it. Everybody does, but that is not to say that we could not diversify and bring in something else. The potential is there, I am sure.

MR. CLARKE: I guess, Mr. Chairman, one of the things that has been brought up is economic viability. It can be rather parochial as well to Cape Breton, and not in a finger-pointing session, but to recognize that this month will see the end of the second, or one of the two main cornerstones of our economy here on this island. This is the closure of both Sysco and Devco. So people would say that we have hit the bottom, in terms of how far the economy has gone down. Yet at the same time, we see positive movement like we saw in Victoria with the water or the sewer treatment plant. We had millions of dollars in development permits waiting to go just on some new infrastructure going in.

I guess one of the things, when we talk about economics and territory, a positive thinker would say that places like Cape Breton have actually stabilized at a low and hopefully we are actually going to grow in the future, and that that be a consideration. I think that is something that the County of Victoria feels a great sense of confidence in.

MR. CHAIRMAN: Mr. Epstein, I think you had a question.

MR. EPSTEIN: I actually just wanted to offer the witness a small correction on the numbers he was using. I think the average number of voters is about 7,500 in Victoria County, but the number you ought to be comparing yourself to is about 12,500 voters. The 18,000 number you were using, I think, is about an average population, not voting numbers. So it is not as wild a deviation as you were suggesting by your numbers earlier.

MR. CHAIRMAN: Some would suggest it is too big, but it certainly is not a factor of two or three times. It is because most times people look at representation by population as being by elector, not by actual population, because, obviously, some areas may have a larger number of older people who are electors, whereas another community may have a larger number of younger people who are not electors. Anyway, thank you. Thank you for your presentation, sir.

We have another presenter as well, Mr. Wilf Isaac.

MR. WILF ISAAC: How do you do? I am Wilf Isaac, the newly elected leader of the Cape Breton Party with a list of card members of 40,000, and we will be running members in the next election. So are you all calmed down now? Anyway, that is a theory. Watch it; it might be coming.

I am interested in politics, but not knowing a lot about politics, listening here tonight and looking at your electoral map and trying to find out - every 10 years now, you get a situation where you want to rearrange the boundaries because of economic reasons, money costs, a population migration, things like this. I suppose the two things you have to look at here are: one, cost; and two, migration.

Now because the federal and provincial governments have decided to make Halifax the central metropolis of the Maritimes, especially Nova Scotia, this has led to the demise of the populations in a lot of other counties in Nova Scotia. That out-migration may be the reason why Cape Bretoners are worried about whether they are going to retain the seats that they have right now or lose them due to the fact that Halifax has become the metropolis and Cape Breton has become the submarine. So we are sinking here, a little bit at a time. So that is the one thing that concerns me right now. I believe probably Halifax, right now, with its population explosion, is looking for more votes, more people to represent the number of constituents in that area.

I look at another factor here also. The more influence you have from multinational corporations in your province or in your country - they also like to control governments and having lesser representatives throughout Nova Scotia and the concentration in the Halifax area allows multinational corporations to concentrate their controlling powers from that one particular point, which means they don't have to go out and expand through the province while they are looking for control of the province and whatever interests them in that particular province. Right now, in this province, it is the gas and oil off the Scotian Shelf, the gas on the Sydney Bight and the gas over in the Cheticamp area. So everybody is looking to think that the gas and oil are going to be the future of Nova Scotia. If that is the case, then you are going to have an influx of multinational corporations. Like I said before, that is going to cause a huge migration from the rural and urban areas into the metropolitan areas.

Now people migrate, problems don't. You have 50,000 people in Cape Breton; 20,000 leave, the 30,000 left there still have the same problems as the 50,000. They have the problems of representation. They have the problems of roads. They have the problems of industry, jobs, unemployment, health. So looking at that, we have to understand what the government wants here. Do they want to increase the number of representatives in the metropolitan area by decreasing the number of representatives in the rural areas and urban areas, due to the fact that the migration is being concentrated in that metropolitan area? Or do they want to save money because they can't meet the budget that they promised they were going to reach, and maybe by cutting a representative here or a representative there, they might be able to reach their budgetary comments or promises or whatever?

In any event, when you are looking at that, I think that when someone said, if it is not broken, don't fix it, I don't think anything is broken here and if anything, it could be, maybe, improved upon. I don't think that by cutting representation you are going to improve anything. I think maybe by rearranging representation and not rearranging it to a point where you are going to allow certain areas of the province to be less represented - less vocal, in a way, so that they are not going to be able to get their concerns looked after because their representative might also be representing an urban or a metropolitan area where his concerns might lie, his interests, more in that particular situation.

So we have to be careful that if you are going to divide up this map and chew it up again, you have to be careful how you are cutting it up to a point where you are not taking the essential representation away from one particular area like our rural areas. Nova Scotia is hugely rural, as you look at that map there.

So in essence, I would say that the rural areas actually are the most important part of Nova Scotia. The metropolitan area, well that can take care of itself, due to the fact that it is well-populated and a lot of the industry front offices and whatever those metropolitan areas attract are there. So you don't have the problems of rural areas, like health problems, doctor problems, nurse problems, road problems. You don't have those problems.

[8:15 p.m.]

One situation was, I think, over in Wreck Cove or Middle River, where a bridge washed out last winter. A snowplow hit it. It was the main artery for people to take to the main highway, rather than detour a certain number of miles the other way. There was another road in, but it was a long distance. The government didn't think it was that important, that because it only served a few people, it wasn't that important. That's the situation that we have. Eventually, I guess, through the local representatives and the media, enough attention was brought upon the area to have the bridge repaired.

You have to understand that when you are looking at electoral maps, rearranging the electoral districts and ways to cut expenses and things like this, you can't allow people's rights to proper representation just to say, oh, he will be represented by Joe Blow over here, who is another 3,500 miles away; he is going to get the same representation. That's not the case we're looking at here. You have to make sure that the guy's in tune with the community.

You're the Tourism Minister, aren't you? Where are you from?

MR. RODNEY MACDONALD: Inverness County.

MR. ISAAC: In a situation like that, the man probably grew up around tourism so, I mean, he is in tune with tourism. But how many other people? If you take a person, a representative in the fishing industry, where you have Ernie Fage looking after the fishing

industry - I don't know if he has had that much opportunity to understand what is going on - and then you have somebody fighting in the same government, representing another category of workers in the oil industry. So what you have is a conflict of interest within your own government. One representative is trying to satisfy the fishing industry and the other representative is trying to satisfy the oil and gas industry and they're fighting each other, whereas those two representatives should be one. You see? Because it is all industry, whether it is the fishing industry and agriculture or whether it is the gas and oil industry, it is industry. So that's one situation you can look at there. If you want to make a few deputy ministers after that, fine.

That's the one thing I find, that you know, Cape Breton and your decentralization maybe of your governments, you have an awful lot of things, like you wonder why you have the out-migration. You have cut back on the stevedores in North Sydney; Maritime Tel & Tel is pretty well dead in Cape Breton; Nova Scotia Power is pretty well all moved out; your airport personnel, I mean there are no more jets that arrive here. So when you drain an industrial area or a community and then you turn around to slap them in the face and say, well, you don't have enough population now, you don't need a representative. You cut the mines out, you cut the steel plant out and you say, well, you don't have that many workers there any more. You don't need a representative there any more; you don't have anything. We took it all. We're taking everything, and we're going to take that representative and we're going to put him in the Halifax area and we're going to have him there. Well, you can't do that. That's not democracy.

So my idea is probably to leave it the best way, leave it the way it is. If you are going to arrange anything at all, then arrange it in the metropolitan area. If anything, cut from the metropolitan area and give more to the rural districts.

The subject of the Natives in representation. I don't know exactly what the Natives want or what the government intends to allow them to have. One minute you're talking about having them a representative there. Are they going to be a representative of a Party? If you're going to be in the Legislature don't you have to be representative of a Party?

MR. MACEWAN: No, you do not.

MR. ISAAC: You don't have to be a representative of a Party?

MR. MACEWAN: No. I was an independent member myself for about 10 years; I know.

MR. CHAIRMAN: There's an expert on this. Mr. MacEwan, I think, he is the leading expert in the room on this.

MR. ISAAC: You were an independent. Independent of what? Independent of any Party?

MR. MACEWAN: Independent of the other Parties.

MR. ISAAC: But were you a Party yourself?

MR. MACEWAN: They all wanted me except one, but I was independent. (Laughter)

MR. FRANK CORBETT: Which one didn't want you, Paul?

MR. MACEWAN: I don't know. (Laughter)

MR. ISAAC: It is difficult to understand what the Natives want. In one situation you have the federal government with the Marshall decision and then you have the Nova Scotia Government having to make intrusions on that in accordance with the fishermen that they control in their own area here.

What is the idea of Native? Do they want a member of the Legislature? Do they just want a representative there? What's the story? Is it just one representative for every single band in Nova Scotia? If that's the case, where the people are saying well, all these rural areas have different problems, so even though they have different problems, you're thinking well, they're rural areas and they don't need that much representation, so we can combine these two areas here and cut that guy out there and take the southern part of Nova Scotia there and combine those two and cut him out. What are you going to do with the Native bands?

Each individual Native band has different needs. Are you going to say, well, you're only going to have one representative? What if they want six representatives? Are you going to say, no, you can't have that? Why? What excuse are you going to use for them not to have six or seven or eight or one representative from each band there? What's the reasoning behind allowing one but not allowing five? What if they go up and say, this guy up there is not representing me properly, my band is bigger than his band, how come he is in there?

If somebody said that you are opening up a can of worms here, you're liable to get it. They are probably going to be night crawlers, so you have to be careful what you're doing here.

So that's the situation that I am looking at right now. Hopefully, the powers that be will take into consideration that we do live in a democracy here. It is not necessarily all the time where one person, one vote usually acts here. There are a lot of times that one person and one vote really doesn't get you anywhere. In a case like that, we have to look at the whole situation here, we have to look at fairness here, and we have to look at democracy here. We need democracy back in Cape Breton and we need democracy back in Nova Scotia.

The only way you're going to do that is to give fair representation to the people. If you don't do that, then you're not after democracy here; you're after a situation where you're going to have multinational corporations controlling your government from a centralized area in the province, which is Halifax. So you have to think of that very carefully. I thank you.

MR. CHAIRMAN: Thank you. Are there questions of our presenter, please?

MR. ISAAC: That's it. No one wants to ask me a question. I came up here and I spent a half hour talking and you don't even have a question for me? I missed the hockey game and by the time I get home, I am going to miss Archie Bunker. (Laughter)

The problem with this situation is you don't do things right here, usually with governments. You should have announced that you were going to cut one seat in Cape Breton, two seats in southern Nova Scotia, then you would have had a crowd here. Even if it wasn't true, you should have said it anyway. It would have gotten the people here interested.

MR. CHAIRMAN: I think you're confusing interest with a lynching. (Laughter)

MR. MANNING MACDONALD: Wilf, regarding your comment about the Mi'kmaq seat in Nova Scotia. I believe that back in the previous committee of 1992, there was some suggestion that perhaps a seat should be set aside . . .

MR. MACEWAN: One seat.

MR. MANNING MACDONALD: . . . for the Mi'kmaq community at that time. Input from the Mi'kmaq nation would then be solicited and asked to come before the committee to agree or disagree with that. Now, as I recollect, at the time, the elders in the Mi'kmaq nation met and decided that they would visit the issue. They would then determine among themselves what the composition of that seat would be if it was going to become a reality. That didn't happen, you know, so the opportunity is again out there for the Mi'kmaq nation to sit down and decide whether or not they want a seat in the Nova Scotia Legislature, bring that suggestion before the Boundaries Committee, and, if they want, before this committee before we finish, but that's up to them. I mean the seat is there if they want to do that.

Now, I just want to finish off by saying this, Wilfred. We didn't determine that there should be a seat there. The interest came from the Mi'kmaq nation originally and that's fine, but it now is incumbent upon them to follow up and decide whether or not they actually want it and how it's going to be achieved.

MR. ISAAC: In a sense like that, I am looking at Cape Breton here, okay. If, for example, the Mi'kmaq were to approach the government and say, okay, we're looking for a seat here. Now if that seat comes from Cape Breton, for example, and I understand that Cape Breton has the highest population of Mi'kmaq in the province, right?

MR. MANNING MACDONALD: That's correct.

MR. ISAAC: If they're going to take that seat and make it a Mi'kmaq seat, they're going to say, well, these votes that the Mi'kmaq have are not going towards the Tories; they're not going towards the Liberals; they're not going towards the NDP. So that population you don't have anymore, you see.

MR. MANNING MACDONALD: Or the confederacy.

MR. ISAAC: Well, you know, one thing or the other.

MR. MANNING MACDONALD: I mean, they've got two nations there too.

MR. ISAAC: Yes. So if the government says, well, look, you know, you've lost that voting base so you don't have to represent these people anymore; they're going to have their own representative there. So what are you going to do in the case if they come to Cape Breton and say, well, in view of the fact that the Mi'kmaq nation has taken so much of the percentage of the vote away and you don't have to represent them anymore, then why should you have an extra person in there? So you have to realize that situation also here for Cape Breton. I am not saying it would be used, but if the numbers look at it and if the numbers are there, you know, government is going to look at it and say, hey, it's justifiable. So we've got to be careful about that situation also because it affects Cape Breton and not Nova Scotia, not mainland Nova Scotia.

MR. CHAIRMAN: There's just one comment I would make. You used the phrase government, and I suppose if you make that in a very broad sense of the word, but I just want to refer to the fact that the Government of Nova Scotia, meaning the Executive Council of Nova Scotia and the Progressive Conservative Party, the decision about doing these things is not a decision of theirs. It's a decision, obviously, of the committee, which is a Committee of the House, not a committee of the government. And also, of course, with respect to the Electoral Boundaries Commission, I think in the past it has been composed after some consultation between all the parties involved so that it's not a government in the classic sense that it's the . . .

MR. ISAAC: But it's government-appointed, I presume?

MR. CHAIRMAN: It is government-appointed but . . .

MR. ISAAC: Well, you have to understand, you know, I might look like cabbage, but I am not green, let's put it that way. I don't care what committee you have that's set up by the government. The influence behind the tables, behind closed doors, comes out somewhere. Now, if anybody is going to sit up there and say no, that's not true, well, I am sorry; I am not going to believe that. But you know for a fact that there are the powers that be, are going to say, listen, we don't have the money to put extra seats out there and we need extra seats here. So get out there and do it. I don't care how you do it, but do it. So this is something that I think is going to happen and I hope it doesn't affect Cape Breton, that's all.

MR. MANNING MACDONALD: Walter, let me follow up on what the Chairman just said. He is absolutely right, but he left out one thing, that the governing Party of Nova Scotia has a majority on this committee. It's an all-Party committee, but the governing Party of Nova Scotia - he uses the terms government and Legislature, that's great, but the majority on this committee is the governing Party. So, you know, if we're putting together a set of references to go to the Boundaries Commission, they've got the vote.

MR. ISAAC: My personal opinion on this would be that you should have an MLA from a rural area who knows the story, an MLA from a metropolitan area and an MLA from an urban area. If you have those three types of people involved in divvying up, you know, discussing what's going on, then everybody is going to have to vote by consensus and everybody is going to get something out of it. It's like a win-win situation. So if you have those three different categories in there, you know, it's what they call compromise and win-win situations. The guy from the rural area is not going to say yes if he doesn't get what he wants.

MR. MANNING MACDONALD: You're wishful thinking there.

MR. ISAAC: But I mean that's the situation I am looking at; maybe I am wishful thinking.

MR. MANNING MACDONALD: It's going to come down to politics, you know that.

[8:30 p.m.]

MR. ISAAC: That's sadly enough, yes, but like I said before, you know, you can cause a lot of animosity here if things aren't done properly and because Cape Breton has suffered a tremendous out-migration of workers, and that's mainly to the Halifax area. I don't think that gives them the right to say, well, since they're all in the Halifax area now, you know, they deserve representation here. Like I said, the problems are still back in Cape Breton. So, people, with that, I will leave you.

MR. CHAIRMAN: No, Mr. Epstein, I think, had a . . .

MR. EPSTEIN: I would like to make a comment, not so much a question, I guess, concerning this whole question of how this committee operates. I think part of the intention is to try to reach consensus rather than to split along Party lines. We'll see how successful we are, but I think, given the enterprise that we're involved in, that would probably be quite important.

On the question of the possibility of a Mi'kmaq representative, we have not yet, of course, heard formally from anyone in the Mi'kmaq community about what it is that they might have in mind. At this point, about all we could do is recognize that even though a decade ago there might have been some expressed interest in the possibility of a Mi'kmaq seat, it's not clear that that is still the nature of the interest that the Mi'kmaq community might have in government. As I read some of the comments that are made in other contexts, it may be that being part of the Legislature might well not be of interest to Mi'kmaq leaders if they chose to see themselves as a nation of their own within independent constitutional status. We don't know yet what it is that they're interested in at all.

MR. ISAAC: And a reason for that could be also that a lot of what they get really, you know, is through the federal government anyway. It's either through treaties with the federal government or negotiations with the federal government. So maybe they see a provincial government as not really necessary to negotiate for whatever they need in this province. So that could be a reason also why they might abstain from having that.

MR. CHAIRMAN: Thank you very much. At least you weren't disappointed, you got your questions.

MR. ISAAC: Yes.

MR. CHAIRMAN: It was now worth missing the hockey game.

MR. MACEWAN: I would like to ask a question about the Mi'kmaq seat. I was on the last committee 10 years ago so I know a bit about this, and their recommendation was that there be one additional seat beyond the 52, to bring it to 53, if the Mi'kmaq wanted to have that seat. Now the idea, as I recall it - I don't have minutes here from 10 years ago to back this up - was that all Mi'kmaq reservations within Nova Scotia would be made one more Legislature seat - Eskasoni, Wagmatcook, Chapel Island, Millbrook, and all the different Indian communities within Nova Scotia would make it one more seat.

MR. ISAAC: All the different bands.

MR. MACEWAN: Bands, all right, yes.

MR. ISAAC: I would think from what I understood of what I knew about it also, that was the idea of it all.

MR. MACEWAN: Yes. Is it true that the Mi'kmaq didn't want to go along with doing that and so it didn't happen?

MR. ISAAC: That's what - and another thing I was thinking also is that when you have a number of bands like that, the thing is, well, you know, who runs? Is he elected? Is he appointed? In the Mi'kmaq nation nobody runs, I don't think. Aren't they appointed by the elders or whatever? (Interruptions) No, the chiefs have to run?

MR. MACEWAN: Have a band council election.

MR. ISAAC: Yes, yes, band council election. (Interruption) Right, yes; that's true, yes, yes. Yes, that's right; just have the band council, used to have a lot of problem with that.

MR. MACEWAN: If the Mi'kmaq wanted to have that seat we have the power to recommend to the commission which will do the actual dividing, and it will not be made up of MLAs at all but of commissioners we recommend for appointment by the Executive Council.

MR. ISAAC: I can see that could be a very difficult situation being the fact that they are spread so far over Nova Scotia, and every band has a different agenda.

MR. MACEWAN: No doubt. I just want to say . . .

MR. ISAAC: How could you ever have one representative representing the nation?

MR. MACEWAN: We have registered political Parties here in Nova Scotia; at the moment, as far as I know, there are three. If somebody else wants to start up a Party they can do that, but they have to comply with the provisions of the Elections Act; so I offer that. In any event, if the Liberal Party of Nova Scotia was faced with a 53rd new constituency that was sort of scattered around the map throughout the province, as another riding, well I would assume that our Party would want to nominate a candidate to run there. We already have an Aboriginal Commission in our Party set up as a separate organization for the promotion of Aboriginal concerns and affairs, and I think that is evidence of indication in that field of politics.

MR. ISAAC: I am just wondering if their concerns shouldn't be addressed by the federal government rather than by the provincial government.

MR. MACEWAN: That is their most usual response to this whole proposal, yes.

MR. ISAAC: Does the Nova Scotia Legislature have anything to do with dealings with other than electoral rights, or voting rights, or whatever, with the Native bands?

MR. CHAIRMAN: Absolutely. Without getting into a constitutional lecture, provincial laws of general application - now that is a lawyer's mouthful - what it means is general laws that are not specific to Indian communities apply on reserves. So, for example, Nova Scotia contract law applies on reserves, so the law that determines disputes between individuals on reserves is the same law that applies to disputes between individuals in a private contract off reserve. So that laws - contrary to popular opinion, people think of reserves as being islands of no provincial jurisdiction.

MR. MACEWAN: Federal jurisdiction.

MR. CHAIRMAN: Well, in point of fact, most laws of general provincial application apply. What happens is that there are in some limited areas, without giving a long lecture, in some areas such as for example land use and those kinds of things that provincial laws don't apply, but in general principle many provincial laws do apply. So there is an interest in issues that affect Nova Scotians generally affect Aboriginal people living on reserves.

MR. MACEWAN: The only thing I want to say to conclude was that the decision as to whether the registered Parties ran candidates in such a riding would be up to those Parties.

MR. ISAAC: Yes, but is it the Party that is going to run or is it the band themselves that is going run the candidate?

MR. MACEWAN: No sir, it would be under the Elections Act of Nova Scotia which gives any citizen complete certain procedures such as paying a \$100 deposit to run, getting the signatures of a certain number of electors on nomination papers, and files a declaration from the Party Leader that he or she is accepted as the Party's candidate for Cape Breton Centre or whatever the riding is, that is how you get nominated.

MR. ISAAC: Yes, but are you saying that if you were to allow, let's say for example . . .

MR. MACEWAN: In any constituency.

MR. ISAAC: Let's talk hypothesis here. If you were to allow let's say a Native representative, are you saying that a Caucasian could run?

MR. CHAIRMAN: Absolutely.

MR. MACEWAN: This is a democracy.

MR. CHAIRMAN: The rules . . .

MR. ISAAC: I'm not saying that he is going to be elected. (Laughter)

MR. CHAIRMAN: That's right. It is important to say that I can run as a Nova Scotian, I can choose to run in any seat in Nova Scotia. If there were a 53rd seat in Nova Scotia, hypothetically speaking, I think that I could choose to run in that seat. The question of whether I'd be electable of course . . .

MR. MACEWAN: You put your name on the ballot, that's what we were talking about.

MR. ISAAC: Yes, but there is the can of worms that I'm telling you.

MR. CHAIRMAN: I'm not saying that I'm going to do that now.

MR. ISAAC: The seat would be so diversified, I mean you would have 500 at the tip here, the seat, I can't run here in Halifax.

MR. CHAIRMAN: Yes you sure can.

MR. MACEWAN: Yes.

MR. CHAIRMAN: Absolutely.

MR. ISAAC: You have to live there, don't you?

MR. CHAIRMAN: No you don't.

MR. MACEWAN: No you don't.

MR. CHAIRMAN: You can run in Halifax.

MR. ISAAC: See, I told you I wasn't very up on . . .

MR. MACEWAN: You have to be a Canadian citizen.

MR. CHAIRMAN: Resident in Nova Scotia.

MR. ISAAC: A Canadian citizen or a British subject?

MR. CHAIRMAN: Right now it includes British subjects as well (Laughter) but that is a subject of some (Laughter) of which I have some personal feelings on. I won't go any further.

MR. ISAAC: You have to be a British subject I believe, isn't it?

MR. CHAIRMAN: At the moment.

MR. MACEWAN: You can run if you are a British subject, yes.

MR. MANNING MACDONALD: I will make one last good case for you, what you are talking about there and how things can get confused. Preston was set up to give the Black people of Nova Scotia representation in the House, ostensibly, right? You remember that? And it was a good move I think. It was a large Black community in the Halifax area; right now there is a non-Black representing that very seat.

MR. ISAAC: Yes, but the area is Preston.

MR. MANNING MACDONALD: Yes, but . . .

MR. ISAAC: The area is not Preston and Halifax and Whycomagh and . . .

MR. MANNING MACDONALD: No, the area is Preston.

MR. ISAAC: Do you know what I mean?

MR. MANNING MACDONALD: But the point is that anybody can run for the seat.

MR. ISAAC: Right, but how do you justify, what are the boundaries for the seat? You don't have any boundaries. If you are going to have a seat you have to have a boundary.

MR. MANNING MACDONALD: It would be the Mi'kmaq nation. You would have to include all the reserves as one boundary.

MR. ISAAC: So, that is the situation.

MR. MANNING MACDONALD: Anyway, that is not going to happen unless they come and make some representation as to what they want; that didn't happen before.

MR. ISAAC: Well, like I said, most of my concern is the fact that I don't want, if anything I would like to see Cape Breton, especially in a few areas there - well there are two large areas there - a few large areas of Cape Breton that should have more representation actually, but you're not going to see that because they are trying to cut it back. In any event, I don't think that they should have any less representation there for sure. If you want to rearrange the areas and with the same representation, I can see that, but I don't like to see the fact that you are going to cut some representative from Cape Breton and rearrange the areas. That, I would be extremely upset about. Okay. Thank you very much.

MR. CHAIRMAN: Thank you, sir. Thank you very much. I believe those were all the presenters who indicated they wished to speak this evening. We are about to wrap up here in Sydney. Our

next meeting will be held tomorrow at three o'clock in Port Hawkesbury and it is being held in the Maritime Inn, Canso Room.

With that, unless there is any further business, we stand adjourned. Thank you.

[The select committee adjourned at 8:40 p.m.]

**PORT HAWKESBURY, WEDNESDAY, NOVEMBER 14, 2001**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:20 P.M.**  
**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: I would like to call to order this meeting of the Select Committee on Establishing an Electoral Boundaries Commission. I wish to welcome members of the public who have taken their time today to be here with us. Just for the benefit of those who will be making presentations later this afternoon, I want to advise that we will be recording all the presentations made here today and they will be transcribed for the benefit of the committee members during their deliberations.

Also, this presentation is open to the public and members of the public are encouraged to come today, whether it is to this afternoon's meeting or to the one that will be resuming at 7:00 p.m.

I don't believe there are any preliminary matters, members, so with that again, I will do what we did before and I will ask members of the committee to introduce themselves and indicate their ridings, starting with Mr. Epstein.

[The members of the select committee introduced themselves.]

MR. CHAIRMAN: Thank you very much. With that, I would ask our first presenter this afternoon, Mr. Frank MacInnis, on behalf of the Inverness PC Association. Mr. MacInnis, have a seat. Whenever you are ready, sir.

MR. FRANK MACINNIS: Mr. Chairman and panel, my remarks are fairly brief, on behalf of the Inverness PC Association. It is our feeling that the Boundary Review Committee should be composed of individuals who have no vested interest in constituency boundaries. This would exclude politicians at all levels, as well as those involved with political organizations. It is very important that any recommendations reflect common sense decisions and not partisan, political advantage.

Secondly, as demographic population shifts, the review committee should consider geographic realities to ensure adequate representation for this group. Spread out, wide geographic constituencies have very different priorities than concentrated, urban populations.

We feel there should be a time limit imposed, perhaps a period of six months, when the Review Commission is struck as public hearings assemble and organize the information received and forward it its recommendations.

Finally, the establishment of designated seats, such as First Nations or Black, should be approached with extreme caution. Establishment of such seats could create a ghetto mentality, create a demand for a designated seat for various special interest groups, or discourage individuals from these groups from seeking office in existing constituencies. Nova Scotia might be better served if all existing political Parties encouraged individuals from minority groups to seek elected office within the framework of their particular Party. Those are the only points we wanted to present to your panel today.

MR. CHAIRMAN: Thank you very much, Mr. MacInnis. Are there questions from the members of the committee? Mr. Epstein.

MR. HOWARD EPSTEIN: That was admirably succinct, thank you very much. On your comment about designated seats, you specified the possibility of a Mi'kmaq seat or a seat where most of the voters might be Black. A few of the seats where boundaries have been drawn so that the constituencies are notably smaller, in terms of population, have been around areas that have had larger concentrations of the Acadian population. I wonder if your comment is meant to extend to those seats as well, or to exclude them?

MR. MACINNIS: No, those as well.

MR. EPSTEIN: Okay, thank you very much.

MR. CHAIRMAN: Thank you. Are there questions from anybody on the committee?

MR. PAUL MACEWAN: I might just make an observation, Mr. Chairman, that the designated seats - I don't think that is the proper term to use - where Acadians or Blacks would constitute the largest number of voters, shall we say, those seats have already been set up; they have been in existence like la circonscription Richmond, for how many years, Michel? Since Confederation - before.

MR. MACINNIS: I guess the point we want to make is that if that designation exists, it shouldn't be restricted to a francophone speaker or a Black person or anyone in that area . . .

MR. MACEWAN: We have no such laws in Nova Scotia, sir, none whatsoever. If Richmond County wants to elect Paul MacEwan, it can, if I run there, but I will run in Cape Breton Nova.

We had Richie Mann representing Richmond County before Michel. There is no ethnic qualification to run as a candidate. You have to be a Canadian citizen, 19 years of age, I believe, and not be incarcerated in a federal penitentiary for more than two years.

MR. MACINNIS: I think the point we are making is that those items that you have just mentioned do not happen, that the seats are not restrictive.

MR. CHAIRMAN: I think those are all the questions. Thank you very much for taking the time to make a presentation, sir.

Our next presenter is Mr. Gabriel LeBlanc, from the Collège de l'Acadie. Have a seat, Mr. LeBlanc.

MR. GABRIEL LEBLANC: Members of the committee, I have just two points to make on behalf of the Acadian community of Isle Madame, in particular, and Richmond in general. Our concern is that we would like to see Acadian representation in or on the commission. By Acadian representation we mean an individual who is knowledgeable as well as sensitive to the Acadian aspirations in Nova Scotia.

Secondly, we are concerned that in the delugement of the Acadian community, as far as political presence is concerned in Nova Scotia, we would like to see a linguistic as well as a cultural component to the terms of reference. Now that does not mean that, in a sense, Brooke Taylor couldn't run on Isle Madame; that is not what we mean. We just feel that as a community, like in Richmond, whose majority is really of Acadian descent, that should be recognized by the Commission in setting up the electoral boundaries.

Gentlemen, those are the two points I wish to present to you today.

MR. CHAIRMAN: Thank you very much, Mr. LeBlanc. Questions from members of the committee?

Mr. Brooke Taylor.

MR. BROOKE TAYLOR: Well, Mr. Chairman, I think Mr. LeBlanc raises a good point relative to having somebody on the commission who truly represents the Acadian community. I believe that during the last Boundary Commission workings there was a Madame Saulnier, I guess from Digby County, representing that particular area of the province and, I believe, the Acadian community. I am not sure if you are familiar with that or not.

MR. GABRIEL LEBLANC: No, I am not.

MR. TAYLOR: But I believe that was the case. I could be corrected.

MR. CHAIRMAN: Mr. Epstein.

MR. HOWARD EPSTEIN: Can I ask if the constituencies that exist in the province at the moment where there is some significant Acadian concentration of population have worked in your view, in terms of generating appropriate representation in the Legislature?

MR. GABRIEL LEBLANC: Yes, it has worked. What we are really fearing is that if we are amalgamated with another section of a riding, we will lose our political presence in Nova Scotia. That's the concern expressed by the people.

MR. EPSTEIN: Are you talking about all three of the predominant constituencies?

[3:30 p.m.]

MR. GABRIEL LEBLANC: One in particular, Richmond, because I feel strongly, for example, if we were to become one with Port Hawkesbury, it would really dilute the Acadian presence in that riding and therefore minimize our political presence in Nova Scotia. That's the point that I am bringing to you. Yes, it has worked. Clare is well represented, as well as Argyle; Cheticamp is also well represented. But we would really like to keep Richmond the way it is if at all possible.

MR. CHAIRMAN: Any other questions? Well, thank you very much, sir, for your time.

MR. GABRIEL LEBLANC: Thank you for having me.

MR. CHAIRMAN: Our next presenter is Mr. André LeBlanc. Have a seat, sir.

MR. ANDRÉ LEBLANC: I am here presenting today as a private citizen. The reason I am here is that I am a citizen of Richmond County. I was recently married to a registered nurse and we make our home in Richmond County and we're very proud to be there.

My hope is that the commission has a broad base of youth and Acadian representation because the reason that we came home to Richmond County is because of my roots primarily. I enjoy the culture, the lifestyle of a rural area and I think that Richmond County in its current boundaries represents the Acadian people well and it's a riding which I am comfortable with. I know my MLA, my MLA knows me. I don't think things can be just based strictly on numbers. Many people in reports talk about how many numbers of voters there are - I don't think it should be based on that. I think it goes far deeper than that.

Richmond is my home and I can't imagine the boundaries being any different than what they are.

That's my main focus , that the commission has a solid base of youth on it because we are the future. There are many people like myself and my wife who decided to stay in rural Nova Scotia and help their community. We are actively involved in the community as well. I think it's important that we maintain the boundaries as such so that we can maintain our identity as a people in Richmond County.

MR. CHAIRMAN: Thank you very much for that, sir. Questions from the committee?

Just a curiosity question, are you originally from Richmond County?

MR. ANDRÉ LEBLANC: Yes, I am.

MR. CHAIRMAN: When did you move back to Richmond?

MR. ANDRÉ LEBLANC: My wife was working in Halifax for the QE II and we moved home and now she's working in the public health system. Last December we purchased a home in Richmond County, so we're now set up.

MR. CHAIRMAN: Any other questions? Thank you very much, sir. Our next presenter is Mr. Richard Cotton, Warden for the County of Richmond. Good day, your honour. (Interruptions)

MR. RICHARD COTTON: Committee members, I haven't a written statement - my remarks will be strictly off the cuff. I certainly want to encourage the commission, when you are setting up your terms of reference, to take into consideration not only our Acadian community, which is the reason why I am here today, I want to make sure that the Acadian representation, not only on your commission, but also with the seats that are already set up with that Acadian population, are not diluted. The same goes with the seat that presently is in Preston which services the Black community and I certainly would encourage you to look at the Native situation. I certainly would also encourage you to sit down with the Native community before making those selections. Sometimes we speak for minority rights, but there are times when we do speak when we don't really know what those minorities want.

When you're setting up your commission, I would encourage you to at least have Acadian, Black and Native representation on that commission. I think that would be a good way of making sure that their presence is felt and that any deliberations or any changes, they will be aware of them first hand.

In Richmond County, we have a mix of population from all sorts of cultures, but predominantly, we are Acadian. The communities of West Arichat, Arichat, Petit-de-Grat, certainly have been Acadian for years and continue to be. Even when people like myself move in and start marrying some of the young ladies - and that was a few years ago - but nevertheless they are predominantly. The Village of Louisdale, which is my home community, is predominantly Acadian, as is the Village of River Bourgeois and the Village of L'Ardoise. When I use the word village, just so Paul doesn't correct me, they're not registered villages, but we always refer to them (Interruption) They're communities, I guess would be a better word, Paul, exactly.

We think that when you're looking at how you're going to distribute the voting power and we do know that population plays a strong role in that and well it should. It is, after all, a representation by population. But I would encourage you that when you look at that - and not in deference to Mr. Parent and his idea of going down to 40 seats - but I would encourage you to go the other way.

I hope the MLAs don't believe that the public out there would want fewer MLAs. I can tell you that a few years ago we decided that maybe the best thing for Richmond County was to have fewer councillors because we figured that was what the public would want. We decided to downsize, went public and got absolutely pounded because they wanted the representation as it was.

I would say to you that particularly in rural Nova Scotia - I have never lived in Halifax, although I have three children up there, at least in the metro area - the MLAs are a very important part of those rural ridings. If you have to redistribute seats, I would encourage you to rather add on to the population of growing areas than take away what's already there. I think that's very important when you're looking at your considerations. The public may well have some problems with spending money in other areas, but for representation, I don't think you're going to get too many of the public - I am not saying there won't be any, there are always some, that will look at representation as not being a good investment as far as being represented in Halifax. So, I would encourage you to look at that.

When you're looking at reconfiguring seats, I know there are three seats now that are predominantly Acadian because they have the majority of the Acadian population, those being in Argyle, Clare and Richmond. I would certainly encourage that those seats be kept in their present form. Certainly, the community of Preston, again, I certainly haven't consulted with the Black communities in the rural areas, but that community at least has had the opportunity of electing a person who they feel can represent them. I guess it's another good example, too, that as long as people have a choice, it's not about being Acadian, as we well know in the situation with Preston, it's electing a person who they feel confident will represent their points of view.

Even in my own situation. Even though I married an Acadian and have some Acadian blood in me, I am disappointed to say that I have never been able to converse in the French language. That doesn't mean that I am not sincere and don't believe very strongly in Acadian rights; I can tell you that I do.

MR. MACEWAN: Michel's the best coach you can get on that.

MR. COTTON: He's too busy hollering at me, though, to teach me French.

MR. CHAIRMAN: Learning to scream in French is not everything it's . . .

MR. COTTON: Actually, I guess you need that kind of back and forth to appreciate where each of us stands.

That is my presentation. I think it is disappointing that the terms of reference aren't laid out to cover the minorities, and maybe that is the way you start. This is my first boundary hearing and maybe that is the way it starts. I think it is very important that they be part of the mandate that is sent down to the commission and it is very important to make sure that you have commission members who would actually be able to speak to those rights.

MR. CHAIRMAN: Thank you very much.

Mr. MacDonald.

HON. RODNEY MACDONALD: Thank you, Richie, for your comments. I just have one question and it is in regard to the number on the commission. You mentioned an Acadian representative, a Black, and a Native. I was just wondering, do you see a certain number on this commission that you would see as appropriate; six, seven, more or less?

MR. COTTON: If you are going to have those three representatives, I would think you would want to have a minimum of about 12 people on the commission and I would suggest it be no higher than 15. I think you also have to look at youths and a good cross-section of the voting electorate in Nova Scotia. Again, I do concur with the fact that I think it is very important that nobody involved in any political process be involved with that commission, except maybe to guide and set the rules. But as far as deliberations go, I guess not only does justice have to be done but it has to appear to be done too, so I would suggest that politicians not be involved.

MR. MACEWAN: There's who we had the last time we did this, 10 years ago; there were six of them and you see who they are.

MR. COTTON: Okay, I will read them out to you: Dr. Ronald Landes, Chairman; the Honourable C. Denne Burchell; Carolyn Thomas; Dr. Jennifer Smith; Mrs. Alphonsine Saulnier; and Mr. Sherman Zwicker; a pretty good gender balance too.

MR. CHAIRMAN: Mr. Samson.

MR. MICHEL SAMSON: Thank you, Richie, for your presentation. One of the comments - and it was interesting to hear you make reference to the amount of seats there should be, with Mr. Parent's comments, and then it was interesting to hear Peter O'Brien's comments, head of the Canadian Federation of Independent Business. I very seldom agree with anything Mr. O'Brien said and certainly didn't think very much of his comments. One of the comments he made was that in his opinion, half of the MLAs have nothing to do. I am just curious, from your experience, both as a Warden and being involved in public service the time you have been - even having served as executive assistant to a minister - what is your view of what is entailed as an MLA and what kind of workload is involved?

MR. COTTON: Well, certainly the comment that if there are half the MLAs with nothing to do, then I would suggest the electorate should kick them out of office and put some people in who are willing to work. It is not that the work is not there, it just means they are not doing their jobs. So if they are idle, it is not because the work is not there; they are just not doing their jobs.

Most certainly in my view, and again, it is difficult to speak on the urban areas, but there is almost a balance there. When you go out in the rural areas, the population is less, the geography is more, and there are usually more issues that come to the MLA's table. I know Michel and I have talked a lot because a lot of the time they end up coming to the councillors' table and we have to get hold of the MLA, and we have that kind of close working relationship.

In the metro area, maybe the need on a per-person basis is not as great because you do the opposite there, but the population is usually so much greater that it evens out. We have, let's say, 8,100 voters in Richmond County, and I know I was talking with Ms. McGrath before this started and she has around 20,000 to 25,000 in hers. I can tell you that if you represent that many people you have a lot of work to do. Also, if you are representing 8,000 people in a rural area, you have a lot of work to do.

MR. CHAIRMAN: I would have to agree wholeheartedly with you, Warden.

Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Cotton, for the presentation. Just going through the terms of reference for the last Provincial Boundaries Commission, I see that primary factors to be considered were minority representation, as you mentioned, or at least the opportunity

for minority representation. I think we have heard that time and time again thus far into these hearings, and we were in Sydney, of course, yesterday afternoon and last evening.

I think Preston - just going from recall - when that riding was formed, the first provincial representative was a Black person, the second was a Black person and now we have a white person, so to speak, but the opportunity is there. I think that is important and in the terms of reference, minority representation - including, in particular, representation of the Acadian, Black and Mi'kmaq peoples of Nova Scotia - that was drafted up by the committee similar to this committee. We have heard that time and time again and it is very timely . . .

MR. COTTON: . . . and that you will include that in these terms of reference too. You are very right. It just means the opportunity for the minorities to elect a person that they choose; it does not mean they have to be Acadian, Black, or Native. It just means they have to be comfortable with whom they are voting for to make sure that they represent their points of view.

MR. TAYLOR: Mr. Chairman, something else that doesn't receive a lot of attention, perhaps, and consideration is the incredible strain that representation puts on families, quite frankly, and you would know that, irrespective of government level. To somehow increase that workload, I think - perhaps it is parochial - I honestly believe it would be very difficult for families. We are kind of from the Beatles era, my wife and I, and many times she has commented that it is an 'eight-day-a-week job,' so I think that is still relevant here in the millennium.

MR. COTTON: I couldn't concur with you more. I think that MLAs, if they are doing their jobs, indeed have a lot of work to do.

MR. CHAIRMAN: Mr. Samson has a question or comment.

MR. MICHEL SAMSON: Just a follow-up, I guess. We have referred to Preston and to the situation there. I am just curious, Richie - I know you have a good history and Gabriel might have been able to go a bit further back than you can - but I guess just for the committee's purpose, could you indicate, going backward in Richmond County as MLAs, if there are ones you know of who have been Acadian and those who were not Acadian?

[3:45 p.m.]

MR. COTTON: Certainly Richie wasn't an Acadian, he was of Scottish-Irish descent. Mr. LeBlanc was Acadian. Mr. Doucet was certainly Acadian, but from the neighbouring community of Inverness, who represented Richmond for years.

AN HON. MEMBER: What about Earl Urquhart?

MR. COTTON: And Earl - we most certainly know Earl's roots and they weren't Acadian, but certainly he was in touch with the Acadian community and represented them well. After that, Michel, I am with Brooke in the Beatles era. That is as far as I am going to go back. The rest I've read in the history books. But Earl was representative, I think, when I was starting to get a bit of a taste in politics in Richmond County, and that was a few years ago. Paul might remember.

MR. MACEWAN: It was 1963.

MR. SAMSON: You must have been in the loop for 20 years by then, were you? (Laughter)

MR. MACEWAN: No, I hadn't been elected yet. (Interruptions)

MR. COTTON: You see, Rodney, that is the advantage of being a little bit older. Michel doesn't remember some things I remember but I remember things that he did when he was younger. (Laughter) And he grew, and look where he is today.

MR. CHAIRMAN: Any other comments?

Mr. Epstein.

MR. EPSTEIN: I was wondering if you have any thoughts about county boundaries and how they ought to be considered, if at all, by an Electoral Boundaries Commission. Of course you have here an example of a constituency that does cross the county boundaries on a street.

MR. COTTON: Well, not in Richmond, but certainly in the situation with Port Hawkesbury, they cross over into Guysborough. I know there are Port Hawkesbury people who are here to speak to that situation, but I certainly would understand some trepidation that people in Port Hawkesbury would have because it is across the Strait and not on this side. But having said that, most certainly I don't think it has to be an absolute fact, but when you take into consideration - and let's talk about Richmond, which I am most familiar with - the Acadian population in the county boundary, it is a natural match as far as I am concerned. There may be other counties where the population is such that you need more than one or two or three seats. At that point in time there may be some juggling that needs to be done, but certainly where there is one member alone for a county, then the county boundaries should be respected also.

MR. EPSTEIN: What about Port Hawkesbury, surely it stands out as a bit of an anomaly to have it tucked in with Guysborough the way it is?

MR. COTTON: That is a situation that I am sure the people from Port Hawkesbury are going to address, and I am sure they can address it much more ably than I.

MR. CHAIRMAN: I think he is ducking. (Laughter)

MR. EPSTEIN: Well, it is fairly clear of course that Mr. Cotton is ducking the issue, and that is fine if he wants to. The trouble is, of course, if you duck the issue, then of course you have nothing to say about it. That is the issue, so I will ask it again.

MR. COTTON: Yes, but I think I have made my case. There are times, you know, when there are two good choices, and unfortunately you can't make both choices so you have to go with the one that carries the weight, and in this case I think the Acadian community would carry the weight on that.

MR. CHAIRMAN: Mr. MacEwan, you had a comment?

MR. MACEWAN: Well I am happy they are interested in Port Hawkesbury, because that is why we are here today, but Port Hawkesbury is not part of Richmond County, it is part of Inverness County. I just made that point for what it is worth. Now I want to say this, Mr. Chairman, before we conclude with this particular witness. Mr. Cotton is one of the most knowledgeable and attentive people to the provincial political system that I know of. I remember a couple of years ago, in the summer, we had a meeting down at the creamery one night on the waterfront - I think it was the Community Services Committee - we had one witness who showed up that night to testify, and it was Warden Cotton. That is who it was. All the members travelled from all around Nova Scotia to go there to hear him and I think it was an effort well made. I do.

Now I just wonder, perhaps as a question - I am supposed to conclude these remarks with a question - was it the Community Services Committee that you came to attend that night?

MR. COTTON: Exactly, Paul. I had some very strong views on some of the - I guess at that time the government was looking at some changes that I felt weren't in the best interests of some people who were on social services. I wouldn't say I was angry at that meeting, but I was very concerned with some of the proposed changes, because I didn't think it reflected young people within our community who were being cut back through no fault of their own. So I had some problems with that.

MR. MACEWAN: You made a good point then and you are making it again here today.

MR. TAYLOR: Was that creamery an operating creamery? We have one in Musquodoboit. I wanted to visit it, Paul.

MR. CHAIRMAN: Well, the Select Committee on Workers' Compensation went to the creamery too. Mr. Corbett and I had our chance at the creamery. Mr. Samson, were you there that night?

MR. MICHEL SAMSON: No, I wasn't there that night.

MR. CHAIRMAN: No, I didn't think you were.

MR. MACEWAN: You probably saw Warden Cotton there too.

MR. CHAIRMAN: Well thank you very much, warden. Our next presenter is Gerry MacDonald and he is from, it says Chamber of Commerce, but I assume that is Port Hawkesbury or . . .

MR. GERRY MACDONALD: Strait area.

MR. CHAIRMAN: . . . Strait Area Chamber of Commerce. Okay, thank you.

MR. GERRY MACDONALD: I just have a few brief comments. I don't take issue with any of the previous presenters. The terms of reference for the commission from the chamber of commerce perspective is that we are a non-partisan organization and our goal is business development as a primary concept. I think that if the terms of reference for this commission took into account potential community development, and from a narrow perspective, narrower than that, business growth in an area, it would be an important consideration to take into account.

There is a buzzword called "trade corridor," which is in some of the material that comes to our chamber from other chamber organizations. If you look at the map on the wall there, you can see that in terms of eastern Nova Scotia, it is obvious that the Canso Causeway is going to have to be part of a trade corridor that goes from northern Cape Breton through to other parts of the country. If you had the terms of reference for the Electoral Boundaries Commission taking into account the potential business development of a community, it would be an important consideration.

I always thought when I moved here - and it will be 30 years, I think, next year - that the Strait area had a great potential. It has been very kind to me on an individual basis and people are getting along quite nicely here. As a matter of fact, I have a building in town and I was courting a tenant and I had a chance to look up the per capita family income for people in the Port Hawkesbury area and it is about \$52,000 a year for the entire family, versus an average across the province of about \$40,000. But I think we want to build on our strengths and I would like to see that taken into account.

One example of something that this government has done - again not in a partisan way, but just to speak for this community - is they have announced building our new courthouse. I think the potential for the Port Hawkesbury-Strait of Canso immediate region to be a service centre is greatly enhanced by that kind of thing. I think our chances to become a meaningful regional centre would be greatly enhanced by having one government speak with one voice, and that is the motto of the chamber of commerce, "speaking with one voice." If you identify your priorities for development, you can get a lot further. It is no accident that the Halifax region has become one unit in terms of a municipal unit; they can coordinate what they are trying to do.

It was interesting, there is a proposal I think where they are going to get a new overhead crane for container shipping and it is going to cost huge sums of money - \$300 million or something like that - well they can prioritize what they are going to do, speak with one voice towards the various governments and try to accomplish that. If we, in the Strait area, instead of being eight or nine municipal units, are more focused and concentrated as one municipal unit, you could have I think, a more-focused approach to the whole matter, and I, from a chamber of commerce perspective, would like to see that taken into account and ask you to make that a strong recommendation with the other ones, again, which I take no issue with. So that is my pitch.

MR. CHAIRMAN: Thank you very much, sir. Questions from the committee. Mr. Samson and then Mr. Epstein.

MR. MICHEL SAMSON: Gerry, I am just curious, as you know and as you have mentioned, Port Hawkesbury does serve as a trade corridor and in many ways provides service to the surrounding communities. I wonder if you could just highlight to us, as far as the chamber of commerce is concerned, where are the communities which are most aligned with the Town of Port Hawkesbury in trade concerns and other sorts of relationships with the town?

MR. GERRY MACDONALD: I can only speak from our chamber's makeup. We have about 165 members, and there are potentially about 300 businesses that do business activity in our region. If you go in the harbour area of the Strait of Canso, it runs past Stora, past what used to be Statia Terminals - they have recently been sold - and you go over around to the Mulgrave side and you include the Aulds Cove area, that is the catch basin that we are talking about. If that area could be caught up in one municipal type - as opposed to having the many municipal areas represented - if it could have more focus, that would be a much better thing and I think it would be an improvement on the present situation. If you included not only municipal reform but provincial reform, and maybe even if you had a wish list, you could go federal. I would like to see that happen for that area.

MR. CHAIRMAN: Mr. Epstein.

MR. EPSTEIN: I think my question was more or less along the same line. I wanted to know exactly what your catchment area was for the Strait Area Chamber of Commerce.

MR. GERRY MACDONALD: It includes within a few miles, I guess, essentially the harbour area. That is where we are at.

MR. EPSTEIN: Was I following your suggestion correctly, that you think a commission should consider these kinds of economic areas when . . .

MR. GERRY MACDONALD: Developmental potential would be a number one point, along with Acadian, along with ethnic and minority representation.

MR. EPSTEIN: Would it be more effective from the perspective of the chamber of commerce if this were considered when it comes to any redistribution of municipal boundaries, rather than provincial boundaries?

MR. GERRY MACDONALD: Both. I would like to see both.

MR. EPSTEIN: I understand. I am wondering if there is one that is perhaps more important.

MR. GERRY MACDONALD: We have been trying very hard in our chamber. One of our particular goals this past year is to have an oil and gas committee. We are looking at trying to springboard opportunities for local businesses to bid on contracts that may be available for the oil and gas industry. It is coming onshore in Goldboro, Guysborough County, and we would like to see that grow and develop and improve.

It is quite challenging. I know that right now we have had several meetings with municipal representatives. Richie has been very supportive of that and has attended all of the ones we have organized. There are nine municipal units. To try to get nine municipal units to all agree on something is pretty tough. From a provincial MLA perspective, there is Richmond being involved in the heavy industrial area of Point Tupper; there is the Guysborough-Port Hawkesbury area; we touch on Antigonish and then we go to Rodney's area when you get up towards Port Hastings and beyond. I would like to see more focus and fewer people to have to deal with and fewer interests to try to make organizational efforts a little easier.

MR. EPSTEIN: I take it from your perspective it doesn't matter that Port Hawkesbury, as a component of a provincial constituency, crosses the Strait and goes into Guysborough County.

[4:00 p.m.]

MR. GERRY MACDONALD: No, not from a business perspective it doesn't. If anything, we would like to see it become a little bit larger and include part of Antigonish, if possible. Look for the whole area as being one area that has enormous business potential.

MR. CHAIRMAN: Yes, Mr. Taylor.

MR. TAYLOR: Mr. Chairman, I appreciate your presentation, Mr. MacDonald. You certainly do bring the business perspective to the committee's ear. I reside in the Halifax Regional Municipality, as does Mary Ann, and that particular area of the province is very diverse. I guess as a former Halifax County Councillor, I can wear that hat. I felt that when we were part of the county, the diversities were recognized and when we were subsequently amalgamated - not just me but I hear my constituents complain that we don't seem to have that same balance of social, political representation and business balance that we had previously.

I am just wondering, from the chamber's perspective - and I understand you are representing the chamber - do you give consideration to the social, if you will, and the political representation implications to the type of economic development corridor you are talking about. Does the chamber give that type of matter any consideration?

MR. GERRY MACDONALD: Not in any formal way that I can think of to respond to your question. Let's be real straight up and candid here; the province has no money in terms of doing a project on their own initiative in a meaningful way, such as highway, such as expanding a railway, such as putting in meaningful infrastructure. Frankly, I don't think they do; they are having a tough job balancing their budget and from a business perspective, that is a really important goal - I believe it is anyway - and I applaud their efforts in terms of trying to do that.

The only people who have any money are the federal people. From this area, when you go to try to put your hat in hand to seek support for a particular project, you are dealing with ECBC and, in some overlapping areas, with ACOA. If you have a coordinated approach, you speak with one voice, you have a prioritizing of your agendas, what you want to achieve. You are going to go to those folks. I think it is easier to do, from an organizational perspective, and it may be that some of the social diversity gets trampled but life is a series of choices; you take your best shot, if I can answer that way, no offence to anyone.

MR. TAYLOR: No, I appreciate the answer, it is just that as people, we are all different. Some people put more importance on social considerations than maybe business. I guess that is what makes the province go around.

MR. GERRY MACDONALD: Yes, you bet.

MR. TAYLOR: Thank you.

MR. GERRY MACDONALD: I appreciate the opportunity, unless there are other questions.

MR. CHAIRMAN: I think that is it. Thank you very much, sir.

MR. GERRY MACDONALD: Thank you, I appreciate it.

MR. CHAIRMAN: Our next presenter is His Worship, Mayor Billy Joe MacLean, from the Town of Port Hawkesbury.

Mayor MacLean.

MR. WILLIAM JOSEPH MACLEAN: Thank you , Mr. Chairman. First of all I would like to welcome everyone here to Port Hawkesbury, to the best little town in Canada. In saying that, I was down in Sydney today and on the way back I was trying to decide what is the best approach here. I know that today you are here looking for the terms of reference as to what the Electoral Boundaries Commission would really look at.

I think the reason a lot of people from Port Hawkesbury are here today is to say, please don't let happen what happened before, and the injustice that was done - I call it a political injustice. We have a lot of history in Inverness County. We have had a lot of fun politically, in the days of Allan J. and Dr. Jim and John Archie MacKenzie and Clyde Nunn and Billie D.R. MacLean, the times of Urquhart and all the rest of them. It was a lot of fun in the competition of political voting and getting along. Some of that is not there today, the fun is not as much anymore.

In saying that, Port Hawkesbury-Port Hastings was one of the hubs even back in those days of political wherewithal in Inverness County. I am going to convey to you what I have been told happened in the past. What scares me is you have had presentations today and let me make it clear that I respect the minorities and what they are trying to attain and the coverage they want to get and representation and that is fair. In saying that, Port Hawkesbury-Port Hastings was used because of that reason. It was suggested by a member of the commission back in those days that in order for a French Acadian to be given the chance to be elected in Inverness County, they would have to reduce the numbers significantly to make it in balance. So they came down the coast, and when they got to Port Hastings they said, fine, there are 4,000 votes there. Now, if we leave it here, a French Acadian has a chance in the north, and that's understandable.

What do we do with Port Hawkesbury-Port Hastings? Somebody suggested, why not put them in Richmond. Somebody said, well, that's going to upset the apple cart in Richmond because we have French Acadian there too - thank God it wasn't French in Guysborough or we would have wound up in Truro - so as a result we were tossed.

I really truly believe as mayor, and talking to our people here, that there has to be a community of interest, there has to be an economy of scales they call it, or whatever, but just look at it on face value. Our district planning commission takes up Inverness, Richmond, Victoria and Port Hawkesbury. Our regional development board takes up Inverness, hopefully Richmond soon, Port Hawkesbury and we are together in the same development. Mulgrave was here for awhile, but we decided they were better off joining Guysborough. I believe when the president of the chamber of commerce was here, you were asking questions about what's your area. He was meaning, I think, the area of business, because the shopping district goes all the way to Cheticamp, Tracadie and Mulgrave - Isle Madame is a big customer of our business people - so it takes in a broad area, but the community of interest for people historically is Inverness County.

I don't think there would have been that big an objection if they had tossed us to Richmond County, because most people in Port Hawkesbury have a good relationship with Richmond County and know a lot of people there, have a lot of friends there, have a lot of relations there; in fact I have a summer home there. Now, what happened, everybody wants to have minorities on the new commission, and I have no objection as long as they don't use us again as the pawns to create a minority seat. They have taken 4,000 people - more people - 4,000 voters, and said to them because you don't fit in the minority, then we're going to take you and put you somewhere where you don't want to go. Notwithstanding we have a lot of friends in Guysborough, but I don't know a soul in Ecum Secum. I don't know anybody up around Manchester, or St. Mary's, and if you put me over there, I will get lost because it's a vast geographic county with a lot of fine people.

So when I say to the commission, to you, in setting the parameters for discussion have the minorities there, but don't penalize a community for the sake of minority. Don't penalize, particularly Port Hawkesbury-Port Hastings, and I would request that the wrong that was done in the past be rectified in the future by that same commission because, and I quote former Premier Russell MacLellan, who said to me one day: That has to be fixed up. There was an injustice done. The existing Premier told me the same thing and many members of the House. Our citizens here, if you ask them on the street what they would like to do, they would say put us in Inverness, put us in Richmond; there's a lot of political fun too. It's not the same as it used to be.

We used to work the polls in Whycocomagh, River Denys for example, Orangedale, and Marble Mountain. They all attached themselves to this community of Port Hawkesbury for their groceries, for their doctors, for their hockey, and even the minor league hockey system, it's all attached to Richmond and Inverness. So the community of interest has to be

a significant part of the Electoral Boundaries Commission. Population, somebody said to me today, if you want to throw it in there, that Richmond County has 7,600 votes. If you take our 4,000 votes and put it back in Inverness, you could split the county again and still have 7,500 votes north and south, and the minority in the north gets their seat and we have that division where Billy Joe ran. Anyway, in saying that (Interruption)

No, thank you. (Laughter) Really we have a great town here that we're very proud of and we're very proud of the people who represent us. So we have no axe to grind with any of them who are representing us today, other than the fact that we feel we have an historical attachment to Inverness County - and to Richmond County for that matter - so that the parameters for the Electoral Boundaries Commission, it is important that one be set up by the way in order to cure what has happened in the past.

MR. CHAIRMAN: I have a question, Your Worship. The question would be, do you know if there's been any population change by the positive or negative since 1990-91 in the Town of Port Hawkesbury-Port Hastings area?

MR. WILLIAM JOSEPH MACLEAN: We're up about 1,200 people between the Port Hastings and Port Hawkesbury area.

MR. CHAIRMAN: So it's a growing area of the province.

MR. WILLIAM JOSEPH MACLEAN: Yes.

MR. CHAIRMAN: That's what I understood to be the case. Thank you. Questions from the committee? I have one other question. I take it that you see the Richmond County and the Inverness County areas as being the natural links with the Town of Port Hawkesbury and Port Hastings?

MR. WILLIAM JOSEPH MACLEAN: Absolutely, absolutely, and by the way, Mr. Minister, thank you very much for the courthouse announcement, that's . . .

MR. CHAIRMAN: My pleasure.

MR. WILLIAM JOSEPH MACLEAN: And if you can come along with your support on our civic facility . . .

MR. CHAIRMAN: Thank you, Your Worship. Our next presenter is Yvon Samson.

MR. YVON SAMSON: First of all, I would like to thank you for giving me the opportunity to speak to you today. I am speaking as a private citizen although I am also the Chairman of the Conseil Scolaire Acadien Provincial, which can give you a different perspective on how members are elected in such situations and what can happen. In our case,

in the CSAP, entitled parents do elect their representatives other than the normal whole population approach, and I am not contemplating or requesting that you look at that angle, but it's another option that does exist in our Canadian Constitution and one that's being practised today in Nova Scotia.

Of course, I am going to advocate that the boundaries in Nova Scotia remain the same because we feel, and certainly I feel as a representative of Richmond County and as a citizen of Richmond County, that those boundaries should remain and that we continue the way we were. I am very glad that you do have, or you may look at the terms of reference, including the Black, Acadian and Mi'kmaq communities representation. The Mi'kmaq is quite a challenge since they are scattered all over the province. They are part of constituencies, but they do have a whole collectivity, being that if you put them in the whole structure you may not have a Mi'kmaq representative, so it may present a big challenge in order to ensure that the Mi'kmaq are adequately represented in the House.

[4:15 p.m.]

Being that we have three Acadian representatives, or that we can have an occasion to have three Acadian representatives, it gives a sense of security to our children also, that they know they have someone who can represent their interests, children and the population at large. Also they can aspire to have a certain public life in our province, and that's an important point that should be taken into consideration.

The demographics in our communities have been, Richmond County, in 1951, the majority of the population there was Acadian, 9,000 people; today it is around, those who speak French, 3,600, but people from Acadian origin is around 80 per cent of the population, around 8,000. So you have an assimilation rate that's very important in our community, and from that fact we have to always try to, it's a challenge just to keep pace with that reality that we have to face as a community, and having a voice in the Legislature of Nova Scotia can give us at least an opportunity to voice those concerns and what we feel are important issues to us.

Basically that's what I wanted to tell you about the terms of reference. The composition, I am advocating that an Acadian be there because he can give at least their opinion, his or her opinion - or the community's opinion I should say - if anything has changed within what is actually there today. So it would be an important step that he be there, be it the same composition as it was the last time, six representatives to me is sufficient. You don't need a big body to do that type of work. The importance is that you have an overall consensus in the whole community of Nova Scotia as to what boundaries are going to be there. As for a timeline - as soon as possible. I know you're busy. I am busy just at the school board level, I can imagine what it's like being in the Legislative Assembly. So I wish you luck in there and thank you for giving me the time. I am ready to respond to any questions.

MR. CHAIRMAN: Thank you very much, sir. Questions from the committee?

MR. MACEWAN: All right, if you want to start off with me this time, Mr. Epstein can come second. I agree with you, Mr. Samson, I do, as soon as possible. There are some hurdles that have to be cleared to get there. If we're going to base any determination on the number of people, you know, with a plus or minus tolerance, we first of all have to take a census, and I think that census will get underway this coming summer. Am I right or wrong?

MR. CHAIRMAN: The census was held last summer, but the numbers will be available this spring.

MR. MACEWAN: All right, in the spring. So we have to have those numbers first and then we have to also lay down terms of reference for these commissioners. That's the work of this committee; it is not to divide the map up at all. We will be the victims of that, I suppose, but the terms of reference such as, for example, no constituency shall encompass three counties, just as an example - a hypothetical one - we draw those things up. So if we say that, they have to do it, but we give them all the tolerance we possibly can once we've established that we're going to do this and that.

Now we already have the seats that you're talking about, the Acadian seats, and the riding of Preston which was engineered to make it possible for a Black person to get elected which happened not once, but twice, and now there's another one there, a White person, but three different Parties each had a turn at bat in that succession. So I think it can be felt that experiment, or whatever it was, that experience has worked and I don't think it's too likely to want to see a change of heart now. Having done it 10 years ago and it's an established fact, I can't prejudge the determination of the committee, maybe eight of them will think different than I do on this, but I kind of don't think so. I think they will probably want to keep that the way it is.

I don't know what more than that I can say. I like the thrust of your presentation and it's very well-thought-out. I congratulate you and I don't know just what direction which we'll go, but I am sure that advice like yours will help us.

MR. EPSTEIN: I was very interested in your comment about the assimilation rate and to what extent that is a problem. I am sure it must be, and I am wondering if you can help us out or point us where we might gather information about this. Is there information available?

MR. YVON SAMSON: Yes, we do have the Acadian Federation of Nova Scotia that can certainly provide that information more collectively. You can go riding by riding and I am sure in Clare/Argyle there are associations or groups that can respond to that. The school board also has that information if you so desire to have it.

MR. EPSTEIN: What this really leads to is a question of what's effective in countering it.

MR. YVON SAMSON: That's it.

MR. EPSTEIN: What is effective in countering it?

MR. YVON SAMSON: First, we already did it in the educational sector. I think that did a lot of good even though we had some frustrating moments since 1997, but they're ironed out today and I think the thrust is the recruitment and maintaining those children in our schools. Others are more the social fabric of the community, in trying to provide services and provide opportunities for our kids and kids in immersion to work in a bilingual environment anywhere in Canada and elsewhere around the world. I think we can provide that type of knowledge and expertise within our communities in Nova Scotia, but there's the educational portion, you need to have a good grasp of your language before you learn other languages. That's an important point. The other point is that the community at large must be favourable towards the enhancement of that language and that takes different partnerships within their communities to make that happen.

MR. EPSTEIN: Do you judge the position of the Acadian community in Nova Scotia as being one that's threatened by assimilation at the moment?

MR. YVON SAMSON: Oh my God, we've been threatened since the 1940's. It is the change of the beast; I mean society changes. We had television and radio in English for many years, now we have to reverse that a little bit. I'm not saying we are all assimilated, there are people who do speak French quite well, but there's work to, you don't have to change the society's situation; in other words you have to evolve with it and give the tools to the Acadian communities so that they, while maintaining that language, are able to do the same as anybody else in society. That's basically it.

MR. EPSTEIN: Is there any sign that the situation is stabilizing, or is it still an advance against the preservation of an Acadian culture?

MR. YVON SAMSON: The different tools that the different governments gave us throughout the years, be it the Collège de l'Acadie, the school boards, the court services in French, different things like that are, in fact, helping to make people understand that it's a language that they can use, whereas before it was seen as a language that nobody sees it as being important. The Official Languages Act in the Parliament of Canada did change the situation and, hopefully, one day Nova Scotia will look at that, having a language policy in the province for at least providing services in the Acadian regions and that's an important point.

MR. CHAIRMAN: I believe those are all our questions. Thank you very much for your presentation, sir.

We have, I believe, one further presenter who's scheduled for this afternoon and that would be Mr. Joe Janega who is a councillor with the Town of Port Hawkesbury. Mr. Janega.

MR. JOSEPH JANEGA: Thank you, ladies and gentlemen, for this opportunity. I am going to be brief. I would just like to echo some of the remarks that were made earlier and maybe clarify a few more. As well as being a councillor in the Town of Port Hawkesbury, I am also a business person, and I don't mean to take words out of anybody's mouth, but Gerry spoke earlier and he spoke basically for the chamber of commerce. I don't want anybody to be misled in the sense that he was speaking as a business venture for the total area as far as the electoral boundaries, what he meant to direct, and I mean to clean that up because his wife is going to kill him when he gets home, but anyway I, like Mayor MacLean said, would just like to echo some of those remarks.

An example is to look at that map and see what Guysborough-Port Hawkesbury is. It is a huge, vast area. We represent a small area this side of Cape Breton Island and the remainder is on the other side. We have an elected official - if you look at your first sheet that you passed out today, there are five meetings in the Province of Nova Scotia to review this situation - our elected official is not here; I doubt if there's anybody else from Guysborough County. We've always felt like we were left out in the cold on a lot of things that took place in provincial politics, and I firmly believe that Port Hawkesbury and Port Hastings would be much better served - nothing against the people of Guysborough, I've met some very fine people - but I believe we should belong to Inverness County. (Applause)

MR. CHAIRMAN: I take it then that you're associating yourself with all of His Worship the Mayor's comments, as far as the political history of this particular area of Nova Scotia.

MR. JANEGA: That's correct.

MR. CHAIRMAN: Thank you. Any questions from other committee members?

MR. MICHEL SAMSON: Thank you, Joe, for that, I figured someone was going to clear up some of Gerry's comments. I know that the mayor gave us a few numbers, but what is the population of Guysborough-Port Hawkesbury? How does it break down between the town and the Municipality of Guysborough?

MR. JANEGA: Guysborough, I don't know the exact figures, that probably changes as we're speaking, they represent probably 65 per cent of the total constituency. (Interruption)

MR. MICHEL SAMSON: It's 10,687? That's from the Municipality of Guysborough?  
(Interruption) That's total? Okay, so they're about 65 per cent and 35 per cent.

MR. EPSTEIN: Mr. Janega, you suggested that the town properly belongs electorally with Inverness County. His Worship had suggested Inverness County and he offered Richmond County as a second possibility. If you look at the population numbers, Inverness County is already around the average of the number of voters that prevails throughout the province, but it is Richmond County that is substantially below the average. Is that a factor that ought to be considered?

MR. JANECA: You guys basically make the decisions, but if you're looking for a comment from me, this small rural community, we have Richmond County and Inverness County and we serve basically as a service area for those counties. I personally would like to see constituencies lie within county boundary lines. So, if you're asking for my comment that's one of the reasons why. Business-wise, 60 per cent of my business is in Richmond County. However, I think this is an example we have had - and again I want to qualify, I don't have any hard feelings against the people of Guysborough County - it makes it very difficult with the crossing of the county boundaries to begin with.

MR. EPSTEIN: I understand your point perfectly about Guysborough County, but the question really has to do with contemplating how Port Hawkesbury might tuck into either Inverness or Richmond, if that's the appropriate way to go about it.

MR. JANECA: For example, municipal politics versus provincial politics. The Town of Port Hawkesbury falls within the confines of Inverness County. A lot of the decisions that are made, for example, especially Port Hastings, which is outside the Town of Port Hawkesbury but within the county lines and serviced by the Municipality of the County of Inverness. Therefore, to say Port Hawkesbury-Port Hastings be put in Richmond County, you would have almost an overlap of municipal politics and county lines. We're not talking just Port Hawkesbury, we're talking Port Hastings and Port Hawkesbury.

MR. TAYLOR: Thank you, councillor, for your presentation. I would like to point out that the member for Guysborough-Port Hawkesbury, unless something unforeseen happened, had planned on being here today. As you know, the committee was appointed and MLA Chisholm was not appointed to the select committee, but did ask if he could substitute for the Honourable Jane Purves, Minister of Education. That's the last I heard; unless honourable members heard differently, Ron planned on being at this meeting today and I think it's only fair that should be pointed out.

I was just wondering, the area you represent as a municipal councillor, just for curiosity's sake, how big is it and is it a diverse district?

MR. JANEGA: We don't have wards in the Town of Port Hawkesbury anymore; we do the total town. There are actually two other fellow councillors here with me today, and the mayor.

MR. CHAIRMAN: Thank you very much, sir, for your presentation. I believe those are all our scheduled presenters for this afternoon, unless anyone else has passed their name in in the meantime. We are scheduled to resume at 7:00 p.m. this evening and we encourage any members of the public who wish to take in our proceedings this evening to make themselves available at 7:00 p.m.

With that, we stand adjourned.

[4:30 p.m. The select committee recessed.]

[7:06 p.m. The select committee reconvened.]

MR. CHAIRMAN: Good evening. We are happy for you to be with us here this evening for this meeting of the Select Committee on Establishing an Electoral Boundaries Commission. For the benefit of those people who may not have been here this afternoon, our proceedings are being recorded, and will be transcribed for the benefit of the committee. I have also asked members to introduce themselves and their riding, so people would know who they are and where they are from. I will ask Mr. Epstein to start.

[The members of the select committee introduced themselves.]

MR. CHAIRMAN: Thank you very much. Unless we have any other business we have a member of the public who wants to present this evening. Our first presenter is Mr. Colin Purcell, who is a private citizen from the Port Hawkesbury area. Mr. Purcell, have a seat at either one of the microphones and whenever you are ready, you can start.

MR. COLIN PURCELL: I thank you for giving me the opportunity to speak here tonight. I thought there would be two or three people from Municipal Affairs, but I have come to find out I have some big, heavyweight members here from three Parties and it was certainly a surprise to me.

I would just like to say I live over in Mulgrave, across the Strait, and a big surprise to us - back, I don't know how many years ago, eight to 10 years ago, the last boundary change - I don't know if we went in with Port Hawkesbury or if Port Hawkesbury came in with us. I don't know just how it happened but it ended up we are with Port Hawkesbury now. I was at an open, political gathering here, an open meeting one time down at the wharf, a lot of the members were there and there was a committee there from Port Hawkesbury who told a fellow who was running for Premier at that time that they didn't want to have anything to do with Mulgrave. He said, I don't mind you hearing this, I am going to tell you we are

here to see whoever to say this. I said look, we were quite pleased the way the thing was before they changed it. We didn't ask to go in with Port Hawkesbury and we were quite pleased.

My hope would be that they put Guysborough and Antigonish together. Antigonish has been closer to us over the years and other people have told me this, this is not just my idea, other people who I have talked to about it said the same thing. They thought it would be more convenient for us - if we have to go in with somebody - to go in with Antigonish.

Other than that, there is one other thing I will tell you members, especially the fellows who have been in the House for some years, you can walk from the Causeway down to Sand Point or from the Causeway down to Bear Island, that is the entrance to the Strait, or you can fly down or drive down. For some unknown reason to me, all the industry is on the Cape Breton side of the Strait. I think maybe the Cape Breton Development Corporation may have had a lot to do with it. But anyway, we are trying to get people to see both sides of the Strait.

We have been trying for 40 years, since 1961 - and we haven't gotten anybody to look over there yet. But it may come through circumstances.

We have Sable over in Goldsboro but there are two Guysborough Counties; there is a St. Marys and a Guysborough end of it. We have some industry in the St. Marys area there, now if we can get a little bit down this end of the province we will have it made. But that is not boundaries.

I would appreciate it if you people would - and I have talked to about 10 people regarding this and they told me that Antigonish would be the logical place for us to go in with, if there is someplace for us to go in. So, I thank you very much, that is all I have to say.

MR. CHAIRMAN: Thank you. There may be some questions, if that would be okay, Mr. Purcell. Sometimes members have questions.

MR. PURCELL: Oh yes, go ahead.

MR. CHAIRMAN: Any questions?

MR. PAUL MACEWAN: Now, do you want a question? I recall when I was going to college, I knew a professor by the name of Dr. John Stewart, he is now a Senator, I believe, or is he retired?

SOME HON. MEMBERS: He is retired.

MR. MACEWAN: He is retired, well anyway, he taught at St. F.X. Shortly afterwards he ran and was elected to Parliament and the name of the riding he represented was Antigonish-Guysborough, that was the constituency. So you are absolutely right, there

is a long-standing, historical connection between those two counties and they have been jointly represented by one Member of Parliament, until the recent redistribution that changed everything.

MR. PURCELL: Dr. John Stewart was well-liked and well-respected, that is for sure. He was a good MP.

MR. RUSSELL MACKINNON: Mr. Chairman, if I may, I think Dr. Stewart stepped down so Allan J. MacEachen could run back in the 1960's.

MR. CHAIRMAN: Is that right?

MR. MACKINNON: That was when Cape Breton Highlands - Canso was created, yes.

MR. CHAIRMAN: Mr. Taylor.

MR. BROOKE TAYLOR: Thank you, Mr. Chairman. Thank you for your presentation, Mr. Purcell. One of the factors that the previous Boundaries Commission looked at was the community of interest. Part of our mandate is to develop terms of reference for the Commission, which will be made up - as Michel said earlier today - of people who are not politicians and we trust will be fully independent of the political system.

Community interest - in my mind, at least and it may not be shared by all my colleagues but I think - is extremely important. Community interest, community history is recognized in ridings and I think to a pretty good degree today, we have ridings where communities of interest are recognized.

MR. PURCELL: I certainly appreciate that. I should have said that I have a hearing problem and I am only hearing about half of what you say. I was going to say, Ronnie Chisholm is well up to date on all the problems with the boundaries. I know Ronnie well enough to say that anything he would recommend would also be good for our area. Ronnie represents everybody. I had asked Ronnie one time to do some little thing and he didn't seem too promising at the time, but good Lord, afterward he not only looked into everything I said, he made it happen. I think Ronnie is well up to date on all the Mulgrave doings regarding boundaries.

Do you have a population you have to make, do you have to have a certain amount of population to reach each constituency?

MR. CHAIRMAN: I think there is an average population per constituency but then one of the issues our committee will have to deal with is, if we are going to specify, for example, a variation you are allowed. So those are the kinds of issues this committee is going to look at in determining the terms of reference.

MR. PURCELL: I see. They put our federal riding in with Pictou County - put Pictou County in with Guysborough and Antigonish, as you fellows know. I think we should go that way provincially too, towards Antigonish for the time being, put Antigonish in with Guysborough. Other than shopping, the people of Mulgrave come to Port Hawkesbury to shop but it seems that for everything else Antigonish is the main place to go. Thank you very much.

[7:15 p.m.]

MR. CHAIRMAN: Thank you very much, Mr. Purcell. I am not sure, I don't believe we have any other members of the public who . . .

MR. MACEWAN: Here's one. Here she comes.

MR. CHAIRMAN: Yes, good. Come forward, madam, have a seat. If you could just identify yourself.

MS. ANN HUGHES: My name is Anne Hughes. I am Past President of the Guysborough-Port Hawkesbury Liberal Association. I have been involved, pretty well since the boundaries have changed, in the Liberal Association for the Guysborough-Port Hawkesbury area and it has been a total and absolute disaster. Other than human beings, as far as being a constituency, it's too diverse an area economically and in every other way, the tradition of the people, the culture, the interest politically, which has been the heart and soul in the Guysborough area as well as the Port Hawkesbury area, but when you put them together, it just does not blend.

I have been driving the politicians crazy for the last number of years, trying to get them to see the error of their ways, and at one point in time I met one of the gentlemen who sat on the last Electoral Boundaries Commission. He politely told me that Port Hawkesbury had been obviously left out, but no one had noticed that it was left out and they had to answer to the commission at the very end of their mandate and they put Port Hawkesbury with Guysborough County for no other reason than we were forgotten.

I was quite disturbed by that and I believe it because Guysborough always wanted to be, and has so many more traditions with the people of Antigonish County and Pictou County, and Port Hawkesbury has strong traditions with Inverness County and with Richmond County in the idea that the industries on the Port Hawkesbury side were all in Richmond County.

I feel that we, as constituents and as constituencies across the province, have lost a lot because we've lost our traditional interest in politics. We have lost our people, not just Liberals, not just Progressive Conservatives, not just NDPers, or not just individual people, they have lost their desire to be involved and I think it's because of the boundaries. I think that we've lost a lot and I think that people are discouraged. I think that they are being misdirected in such a way as that they cannot seem to get their message across.

I think that it has to be seriously looked at both federally and provincially and I feel that if you don't really take places like Port Hawkesbury, places like the Sydney area, I mean when you look at Guysborough-Port Hawkesbury, and when you honestly tell somebody that our boundary is the Halifax County line - I mean seriously, the Halifax County line. It takes us three hours to drive there. How do you expect your MLAs to have some knowledge of what's going on in Sheet Harbour and what's going on in Port Hastings? It's not possible. It's not possible to get to know your constituents; it's not possible to visit the areas; and it's not possible to lobby properly for funding.

It's unbelievable that we can have just a bottom line of numbers, because there's industry to take into consideration, there's culture to take into consideration, and there are your constituents to take into consideration. There has to be a better way to do it than the way it is right now. I think that when you're looking at people to go on your commission, I think that you have to seriously look at knowledgeable people who have been involved, not necessarily politically, but at least have been touched by the errors of the ways of the last commission when they changed this around. Go for people with a knowledge of their province and of the constituents and of the culture of the area, and the economic culture, economic society.

MR. CHAIRMAN: On which side of the Strait do you live on?

MS. HUGHES: I keep telling people I am on the red line in the middle of the Strait because I've had to walk that line now for the last 10 years. I am from Port Hawkesbury. I am originally from Port Hawkesbury. I've lived away from here for a number of years, but I've walked that line in the middle of the Strait for 10 years and it's not easy. I know Mr. Chisholm would probably be able to say it's not easy. It's not easy because you have to know your areas and it's impossible in areas like that.

MR. CHAIRMAN: Questions? Mr. Samson.

MR. MICHEL SAMSON: Yes. Anne, thank you for your presentation, and I think it's important. I was asked by the media earlier, and I think it's important to point out that the concerns we've heard today about the riding of Guysborough-Port Hawkesbury are in no way reflective of the current member, or any previous member, and I think that's important to point out.

MS. HUGHES: Absolutely, it's the boundaries.

MR. MICHEL SAMSON: Exactly and I know, Anne, that you had these same concerns when Ray White was serving as the MLA, even as a Liberal MLA, and I know that the residents in the town here have expressed those concerns for the last 10 years since the decision was made on this. Just a question and I certainly know, and I am aware of some of the problems that, you know Port Hawkesbury was always very active in politics, both provincial and federal, and I guess you've taken a double hit because you've taken a hit in your provincial boundary and you've taken a hit in your federal boundary in that, along with Richmond, we're in a new riding of Bras d'Or and we've lost Cape Breton Highlands-Canso, which we were all under at that time.

I am curious if you could just highlight that, the loss from the political participation, but I am also curious if anyone has been keeping notes of even voter participation because, if I am not mistaken, I seem to remember that in the last election for some reason the town itself, here, had a low voter turnout also.

MS. HUGHES: Had a low voter turnout, absolutely, and that has been consistent across the federal and provincial constituency. You're only cutting off your nose to spite your face if you don't take it as serious, as constituencies. We really see it because we're at ground zero, we're here, we know, we see it. We're dealing with the people and the MLAs are dealing with the people. It's not possible, with the diversities, to ever possibly get it all together in a constituency like the Bras d'Or riding and also Guysborough-Port Hawkesbury. It's just not possible and, please, take it seriously, get good people who know what's going on and, for God's sake, get them to know where their towns are and their villages before they get on this commission.

MR. MICHEL SAMSON: I guess just to add to your argument, and I certainly know your history and your involvement, Anne, but I guess just for the rest of the committee members to appreciate your presentation - and I don't want you to get mad at me for in any way indicating your age or anything - how long have you been involved, yourself directly, in the political system here in Port Hawkesbury?

MS. HUGHES: Well, since I've come back in the last 20 years, and my family before that, so we've always been involved politically in both federal and provincial, and it's something, especially after living away from here and coming back, that I can take a step back and look at it in a different light and I really feel very strongly that what I am seeing now is something that - and I've talked at every occasion with people from other constituencies across this province, right from Yarmouth all the way along, and I've heard so many people say the same thing. You think you're alone; you should be in our constituency, and that's it. I know we are not sitting here as Guysborough - Port Hawkesbury, hey look at us, we are the only ones with this problem. I understand that it's across the whole province, we do have to take note of it and we have to be very serious about our federal and

provincial. If you want your people involved - and everybody must notice that the young people are not as involved. If you don't get your traditional Parties back together as far as interest in your constituencies, you are going to lose more than you are going to gain.

MR. CHAIRMAN: You said you lived in another part of Nova Scotia, or did you move back?

MS. HUGHES: I lived in Prince Edward Island, I lived in Quebec, so I've really seen politics in the 1970's in Quebec.

MR. CHAIRMAN: That's great. Yes, you sure have. I guess I have one final question. With respect to Port Hawkesbury, and you would obviously know the Port Hawkesbury situation best, you have got the Counties of Richmond and Inverness, and of course Port Hawkesbury is technically part of the County of Inverness. Which community of interest do you feel is the greatest or is it the same for both? Do you have any feelings on that?

MS. HUGHES: Well, that is kind of a hard question now in comparison, if you had asked me that seven years ago, I would have said absolutely it's Inverness County. If you asked the old-time people who are involved they'll say traditionally and every other way that it's Inverness County. This is my personal opinion here that Richmond County is traditionally Acadian and they have to be recognized for that. It's not all Acadian but they have a traditional Acadian population.

Of course today, Port Hawkesbury is more diverse than what it used to be and I mean now we are pretty well all in the same boat when it comes down to the economic end of it and the industrial end of it there. So you would say mostly that it would be more traditional for it to be back as Inverness but I think that is something that would have to be strongly worked out between the people of Richmond Country and what their honest in-their-heart feelings are about what they would prefer to be. There is a lot of diversity out there and it's the same for the people in Guysborough County and I had to recognize that very early when I was involved that they are more fishing and farming and lumber and we're not.

It's very hard when you get a meeting together and you get all these people together and they are pushing because they need their summer employment and they need their seasonal work and we're here with quadruple salaries from industry and it's very hard to sit at the same table and argue over what's important to go to your MLA with and what to demand from government. It's very, very difficult. You would get a little more of that with Inverness County and Richmond because a lot of them work at the industries or have something to do with companies that are related to industry. Like I say, that's a hard question, it truly is, to be honest.

[7:30 p.m.]

MR. CHAIRMAN: Any further questions? Thank you very much for taking the time to be here this evening. I don't believe we have any other presentations this evening - yes? (Interruption)

Mr. MacKay would you like to come forward?

MR. EDWARD MACKAY: I am Eddie MacKay. I would suggest that the new committee be made up of twelve people, six MLAs who know the geography and voting pattern very well and possibly people from outside the Halifax area who are more familiar with the concerns about politics. We are very happy with Ronnie in Port Hawkesbury. He is doing a top-notch job (Interruption) and I am 100 per cent confident that Michel doesn't have to shun Port Hawkesbury to get elected, he can stand up there with the rest of them and get elected. I'm sure it doesn't matter if you are French or English, whoever is the best guy is going to get elected and will represent them very well whatever they do. If they are French or English, there shouldn't be any worries about the background. Whoever is the best representative is going to win the job. Usually when you go making up ridings, one year it might be good like when Dr. Chuck MacNeil was here. He lost his seat the next time - Port Hawkesbury primarily went Tory for him - went bad and so it didn't last.

MR. CHAIRMAN: Thanks for taking the time. Are there any further questions from the committee? Well, thank you very much, Mr. MacKay, for your suggestion about the numbers. I believe those are all our presenters this evening. I'd like to thank the members.

MS. ALLENA MACDONALD: I don't have a presentation. I just wonder if you would mind telling us when the committee will come out with . . .

MR. CHAIRMAN: Sure, for the benefit of the members of the public, the committee has three more public meetings scheduled. They are scheduled for this coming Monday evening in Yarmouth, the same hours as here, 3:00 p.m. to 5:00 p.m. and 7:00 p.m. to completion. Then Tuesday in Truro and then following that, at the Legislature building in Halifax on next Thursday evening and again the same hours at all three meetings. After that, the committee will be writing our report and the Legislature has set a deadline for our report by the end of November of this year. So you can expect our report to be, God willing, ready by the end of this month.

MS. KIRSTEN MULLER: I hadn't announced any intention of speaking. I wasn't planning to, if you have a few minutes . . .

MR. CHAIRMAN: Sure, yes ma'am, you're welcome to . . .

MS. MULLER: Yes, my name is Kirsten Muller and I thought I would come here as someone who is active in the NDP, since we heard from Mrs. Hughes and other members who are known Conservatives. I would like to emphasize what Mrs. Hughes says. The difficulty of organizing, politically, this constituency, I have experienced it since the amalgamation and I have been in various positions since the 1978 election when Sarah Vincent ran for the NDP in Guysborough and in federal elections also.

If you take political involvement as good in itself, something we should engage in, it is counterproductive to have a community like Port Hawkesbury forced into a relationship that they don't want because it has obviously led to an alienation amongst people here in town. It has been extremely difficult for people in Guysborough to get any kind of response out of the people in Port Hawkesbury. So it is really difficult and hopefully the commission looking into the boundaries will take public sentiments into consideration so you don't have this alienation and ill will that actually has existed from the Port Hawkesbury side, toward Guysborough. Let me tell you, it has not been fun on either side.

As far as the purpose of your committee to discuss the boundaries commission members, I would like to emphasize that I would like to see people on it who are not apart from the political process, but rather have actually worked in it, on the grassroots, and know what it is all about, to try to get people together, to try to get people to sit in the poll, which is what keeps the political process going in this province. You need to know that, you need to have done it, otherwise I don't think you can be all that useful on that particular committee.

I would also think that there needs to be representation from rural areas, as much as metro areas. There are definitely two different political cultures in the province; the rural and the metro, and you all know that too well.

What you heard earlier today was a little bit of resentment of old political ties being broken and shaken up, and that's not a bad thing. There is too much of that going on in this province already, the old political ties where you wash each other's hands. If you have to build up a different network, maybe it's not all that bad after all.

The boundaries committee is supposed to present a report eventually. I would like for us to get better notification of it than we were notified of this committee meeting. There was something in the paper a couple of days ago. There was no indication where you would get any background information so you could present a reasonable and reasoned kind of presentation. Mainly we have been talking about things that are not on the table right now because we just didn't know. At least your ad could have contained the line where on the Internet you could get the information you needed. So, anyway, a bit better public information next time, please, when we actually get down to discussing whatever suggestion the boundaries commission comes up with.

MR. CHAIRMAN: Sure. Don't go away, there may be questions for you. Thank you for taking your time to come forward, by the way. Do you live in Port Hawkesbury or Guysborough?

MS. MULLER: No, I live in Mulgrave. I was not born there, contrary to Mr. Purcell, whose family has been here for a couple of hundred years, I came in 1975. From my accent you can hear that I am not Canadian born, so I can look at it maybe a little more objectively than some people who have lived there for a long time. I do have some historical background, and I remember why Port Hawkesbury was lumped in with Guysborough; that dirty, old history we won't repeat again.

MR. CHAIRMAN: Any questions from members?

MS. MULLER: I can tell you I have worked and was in charge of these Eastern Counties' Regional Library, which covered three counties and the Town of Port Hawkesbury. It actually has worked since 1969, it has worked very well, that tri-county co-operation, because there was goodwill and people wanted to work together. Nobody, with a few exceptions, wanted to have the goodies for themselves, it was really nice to share. So you can co-operate on a regional basis, even here, it has worked.

MR. CHAIRMAN: Thank you, very much. I believe that is our last presenter. Again, I would like to thank the members of the public who took the time to come and make presentations or just to sit through our proceedings today. We appreciate, in particular, that it is not a very nice evening. I believe that is all of our business, and we stand adjourned until our next meeting in Yarmouth. Thank you.

[The select committee adjourned at 7:38 p.m.]

**YARMOUTH, MONDAY, NOVEMBER 19, 2001**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:00 P.M.**  
**CHAIRMAN**

Hon. Michael Baker

HON. NEIL LEBLANC (Chairman): Being that it's 3:00 p.m. and that politicians are always on time, I will call the meeting to order. My name is Neil LeBlanc. I am the Acting Chairman of this Select Committee on Establishing an Electoral Boundaries Commission. We have with us members from across Nova Scotia representing the three political Parties. The last member who just joined us - I heard he was busy at a funeral, so he had a reason for being late, Don, thank you very much. Maybe we can go around and, for the benefit of the audience, go through an introduction of who everybody is, starting on my left.

[The members of the select committee introduced themselves.]

MR. CHAIRMAN: We had three scheduled presenters. We give quite a bit of latitude in these presentations. We want to have an open and frank discussion going forward, so we're not trying to put restrictions on our presenters. We have three scheduled for this afternoon. If more would like to make - I see some additional people in the audience, if they would like to make - some comments, we would be more than willing to listen to them. Our first presenter is the Warden of the Municipality of Argyle, Aldrich d'Entremont. Mr. d'Entremont, you're welcome to approach the mike and make a presentation.

MR. ALDRICH d'ENTREMONT: Thank you, Mr. Chairman. Members of the select committee, I am here representing, like the chairman said, the Municipality of Argyle. Ladies and gentlemen, I thank you for allowing me a few moments to express my views on the composition, terms of reference and timeline for the completed report from the provincial Electoral Boundaries Commission. My presentation will be very brief.

The establishment of any commission is to improve the efficiency of government operations. It is well known that this commission will be looking at the possibility of reducing the overall representation in the House of Assembly. A change in any provincial boundary would dramatically affect citizen representation.

An Electoral Boundaries Commission must recognize our role within the region and the need for Acadian representation. The composition of the commission should consist of members at large to reflect the diverse linguistic and cultural issues of the province. Membership must include representation from Acadian, Black and Mi'kmaq communities.

The terms of reference for the commission must include a meeting in every county in Nova Scotia. The Municipality of Argyle not only includes a majority of French Acadians but also covers a significant distance. It would be difficult to represent Argyle as part of the county meetings.

The number of meetings to represent all counties and interest groups will determine the timeline for this commission. Public access and participation in these discussions will determine the time frame for the commission to complete its report. Therefore, I ask that my views be taken into consideration, and once again I thank you for this opportunity to allow me and others the chance to openly express our views. Good afternoon.

MR. CHAIRMAN: Thank you very much, Warden. I will open it up as to whether or not any of the members on the select committee would like to ask some questions, or vice versa. Mr. Epstein.

MR. HOWARD EPSTEIN: Mr. d'Entremont, thank you very much. Perhaps I could just start with one point. It's actually not part of the mandate of this commission to think about reducing the number of MLAs in total. We were actually told by the Legislature in a resolution that we should stick to the 52. The possibility was raised by one member of the Legislature, but it's not part of the official mandate of what we're looking at. So that question is almost completely off the table, I would say.

That was really just for information, but I actually do have a question. I am not sure if I heard one of your points entirely correctly. I think I heard you talk about members at large. That's a phrase that sometimes means that people might be voted on by a group throughout the whole province. Did I misunderstand you? Was that something you were thinking of?

MR. d'ENTREMONT: I guess, and probably this would be your idea also, I think the commission should be made up of not only elected officials.

MR. EPSTEIN: I see. You weren't talking about the MLAs. You're talking about the commission that's going to be set up?

MR. d'ENTREMONT: Yes.

MR. EPSTEIN: I see. In fact, probably no MLAs will go on that commission at all.

MR. d'ENTREMONT: Yes.

MR. EPSTEIN: I think the idea is that it be separate from the MLAs.

MR. CHAIRMAN: Any other questions? I wish Question Period was like this. Thank you very much, Warden. (Interruptions) Now now, the decorum is required. We're going to try to have an open spirit of cooperation here, in frankness. The next presenter is, of course, Harold Huskilson as a private citizen. Harold, I invite you to take the podium. I have served time in the House with him. I have a lot of respect for him and, obviously, you propose some very strong views on these issues. So, Harold, the floor is yours.

MR. HAROLD HUSKILSON: Mr. Chairman and gentlemen, I am doing a little pinch-hitting for Clifford this afternoon. He's busy. Our concern in Shelburne County in regard to a boundary change, we feel there shouldn't be any change to Shelburne County. I mean to say that we have approximately 17,000 people there and the people are quite happy with the boundaries. There have been rumors - but you hear lots of rumors - that part of Shelburne County may go with Argyle or Queens, but I think in this case you should let sleeping dogs lie. I think Shelburne County shouldn't be changed. Perhaps there are other areas, in the cities and in larger populations, where there may be some change, but the people in Shelburne County are very much against any change.

There are a few things; it may not come under this committee, but some of the polls that were changed in the last provincial election, or even before that - I will just give you a couple of examples. Now, in East Green Harbour, they always voted in one place, but what they did is they put the people on the right-hand side of the road going to one poll, maybe into Lockeport, and the other going to Allendale. It made it very confusing for a lot of the people. It wasn't necessary. I mean to say, we always had a poll in East Green Harbour. In fact, nine of the polls were in the East Green Harbour area. The other one was down in Lockeport, in the beach area, and the other one was over in Osborne, but we always had a poll at East Green Harbour. In another case, at East Jordan, the people in East Jordan always voted in Jordan Falls, ever since Confederation. (Interruption) Pardon?

MR. CHAIRMAN: You say Confederation. That's when you first ran, wasn't it, Harold?  
(Laughter)

MR. HUSKILSON: They had moved the people from East Jordan down to West Green Harbour, and some people say, I am not going to vote. I am not going to vote because we've always gone to Jordan Falls. Of course, this has gone on for an election or two, but I think these things should be rectified. Those are two points that I have.

As far as the western part of the constituency, it seems to be all right, but in Clyde River, the poll in Clyde River is in the farthest end of the constituency. It's way down at the end. People living in Upper Clyde - it would be 22 miles from Upper Clyde to where they have to drive to vote. I would think that the poll should be right in Clyde River, up near where the church is, in that area. It would be more central; the people would come in from those areas instead of driving from one end to the further end. Those are only a few remarks that I want to make. They're not seriously - other than we don't want any changes in Shelburne County as far as the boundaries are concerned.

MR. CHAIRMAN: I would ask the committee members if there are any questions?

MR. FRANK CORBETT: Thank you, Mr. Huskilson, for showing up and giving us the ability to take some of your wisdom in. Something we've heard a fair amount is that we shouldn't tamper with the borders of counties - having constituencies run over county border lines. What do you think of that, of mixing counties together?

MR. HUSKILSON: I think they should stay. Different counties should stay within those counties instead of moving beyond. People have become accustomed over the years to voting in those areas and they don't like changes. I think none of us like many changes. But I think Shelburne County is unique. It has the correct population for a poll, but if they went with Queens County or Argyle - but don't take it away from us because we've lost just about everything in Shelburne County that we could. Our hospital is nil, and the Nova Scotia School for Boys - when I was Minister of Social Services, we had over 100 of those boys there and now we're down to 36. Everything seems to go either to the Valley or to Halifax. For God's sake, don't take any more from Shelburne County but what's already been taken.

MR. CORBETT: I know all about things being taken away from you; I am from Cape Breton.

MR. WAYNE GAUDET: Mr. Huskilson, I just want to ask a question with regard to people on election day - people from different polling stations or people from the same communities having to go and vote at different polling stations. It's certainly not the mandate of this committee to address those concerns. I am just curious, I guess, have these concerns been brought up to the Chief Electoral Officer or to the District Returning Officer for Shelburne County, about people from the same community having to go and vote at different polling stations on election day?

MR. HUSKILSON: They prefer to vote on the old, original set-up that we had a few years ago.

MR. GAUDET: No, my question was, have these concerns been brought forward to the attention of the District Returning Officer for Shelburne County?

MR. HUSKILSON: I don't know whether they have been or not. I don't know. I am not aware of it, no.

MR. CECIL O'DONNELL: I would tend to agree with Mr. Huskilson on this as far as the county boundary lines. I think with the polling station at Clyde River - it used to be in the United Church there, but I think this last time it was moved to the Port Clyde area because it was wheelchair accessible. Now the Clyde River church is wheelchair accessible, so there is that possibility of moving it back, which would be more central.

MR. EPSTEIN: Mr. Huskilson, one of the things about Shelburne County is it probably does have about the average size population of the average constituency and the average size number of voters.

[3:15 p.m.]

MR. HUSKILSON: It's 17,000. There might be 17,200. So many younger people are staying home now instead of going away, and we even have a number of graduates from university; they've come back and they can make more money lobster fishing rather than go away again. There are several of them that have degrees; they're in the fishing boats and they're staying home.

MR. EPSTEIN: It's very good when there's some stability.

MR. HUSKILSON: They're bringing their families up here instead of moving to Ontario or going to Halifax or some other place looking for work. Shelburne County, especially in the western part of the county, Barrington municipality, has grown considerably over the last few years.

MR. EPSTEIN: I am glad to hear it. What do you say about your neighbouring County of Queens, though? They're a lot smaller than the average.

MR. HUSKILSON: I don't know the exact figure of Queens County, I don't think they'd be much over 12,000 and then Argyle, what are you, about 6,000, Neil?

MR. CHAIRMAN: For voters? Voters were 6,600 last time and it's probably grown since then.

MR. HUSKILSON: Maybe you could put Argyle back with Yarmouth again like they used to be. You probably wouldn't go for that, but that used to be Yarmouth and Argyle.

MR. EPSTEIN: So if it was a question of trying to even up the population numbers, it might be appropriate to cross county lines?

MR. HUSKILSON: I am not going to make any statement one way or the other as far as that goes, but I know when I was first in politics, Argyle and Yarmouth - of course, they did have two members for the area.

MR. EPSTEIN: I guess I was just wondering whether in your view the idea of keeping counties discrete was an absolute or just a very desirable thing?

MR. HUSKILSON: Well, I don't . . .

MR. EPSTEIN: I am not hearing an answer to that, but that's fine with me. Thank you.

MR. CHAIRMAN: Just for the edification of the members, I do have a recapitulation of last election. It was showing Queens with a little over 9,000 in population and Shelburne with 12,000 in population, so Queens is about three-quarters of the size of Shelburne. This is voters, not population. That is the voting population, people who are registered and so forth. I don't know if that's in your documentation, but I took the time to look at it.

MR. HUSKILSON: I think you try to hit a happy medium. Around 17,000 or 18,000 I think it used to be, but I don't know what.

MR. CHAIRMAN: I want to thank you very much, Harold, it's nice to see you again. Our next scheduled presenter is Peter Boudreau with Le Conseil acadien de Par-en-Bas, which is in my riding. Par-en-Bas, for the information of the committee, is - Clare is called Par-en-Haut and Argyle is called Par-en-Bas. Up and down is what it is referring to. Anyway, we have two presenters today. We have Peter Boudreau on my right and he is assisted by Clyde deViller, who is also involved with the Conseil. Gentlemen, the floor is yours.

MR. PETER BOUDREAU: Monsieur le président, merci, thank you, and members of the select committee. Before I commence, Harold Huskilson has been a good friend for many years, but now, I don't know. We'll talk about that later on. What I want to do first is to express our gratitude to the committee. I think it shows goodwill from the government of today in terms of allowing you people to tour the province and talk about this select committee and the electoral boundaries. It shows a goodwill for democracy, and that in itself is very important to us. Regardless of what you are going to do with our reports, you're still asking us for feedback, and that in itself is very healthy, so thank you again.

This brief is being presented by me, Peter Boudreau, President of the Conseil acadien de Par-en-Bas, which was formerly known as the Acadian Federation of Nova Scotia Committee in Argyle. We just changed the name recently; we have just been incorporated under Conseil acadien de Par-en-Bas. That's very difficult to translate, Acadian Council - Par-en-Bas means lower. When we say lower, we don't want to demean Argyle to Clare, Clare meaning Par-en-Haut, upper. So we have to be careful what we say here.

The Conseil acadien de Par-en-Bas - that's us - wishes to thank the select committee for giving us the opportunity to give our input on the terms of reference for the commission which will review the provincial electoral boundaries. Once again, Mr. Chairman, it was difficult for us to understand fully what this committee's mandate is. It was a bit difficult for us to compose a brief to stay in line with the three references in your ad. We called here and there and it didn't seem that too many people knew exactly the terms of reference of this committee that you are chairing today, so it was a bit difficult for us to write a brief.

What we're saying, though, we mean it. Do you want me to continue?

MR. CHAIRMAN: Certainly.

MR. PETER BOUDREAU: The Conseil acadien de Par-en-Bas, formerly known as the Regional Committee of FANE - Acadian Federation of Nova Scotia in Argyle - consists of about 250 individual members and about 30 associate members. We are the most important voice - and that's Peter Boudreau saying that; a lot of people might say otherwise but we like to believe we are the most important voice - representing the Acadians in the Municipality of the District of Argyle when it comes to culture, when it comes to education and so on. I have been mandated by le Conseil acadien de Par-en-Bas to make the following presentation to you on establishing an Electoral Boundaries Commission.

I have with me other interested people from the Municipality of Argyle, who have shown an interest in this particular presentation, including Clyde deViller, who has been working for the Acadian Federation for 11, 12 years for the Municipality of Argyle, and Cecil d'Entremont and John Doucet, who are associates of the Conseil. Later on if there are questions that I can't answer, I will invite Clyde, John or Cecil to answer.

Then again, Mr. Chairman, we didn't know exactly the mandate, so we took a chance to say the following. Given the fact that we hear talk in the news of creating an Acadian seat in the Nova Scotia Legislature, the Conseil acadien de Par-en-Bas is totally against this notion of creating a provincial Acadian seat. We strongly oppose having an MLA represent the entire Acadian population of Nova Scotia. If there is any criticism right now about doing a lot of legwork in the rural areas, driving here and there and going to all the meetings and the banquets and the weddings and so on, can you imagine having one Acadian representing the entire province? It would be a total disaster for the MLA and the government of the day plus the Acadian population of Nova Scotia.

Our statistics indicate that there are about 40,000 Nova Scotians who have identified themselves as being French, or French as their first language. This figure does not include the many Nova Scotians who have strong Acadian roots but no longer speak the language. It would be impossible for one MLA to effectively represent the needs of the Acadians, including my needs, my interests and my demands. I am always calling Mr. LeBlanc on different things. Sometimes he calls back. (Laughter) Being very busy, you know. If there

were four or five people like me in Clare and Chéticamp and Halifax and Dartmouth, he would just be answering some calls on the needs and interests and demands of Acadians, let alone being the Minister of Finance.

Please note that the Acadie of Nova Scotia extends from the extreme tip of this particular area, Wedgeport, which is south of here, to Chéticamp, as some of you well know. The territory is too vast to have one Acadian representing all of us. Some of us are not easy to manage either, you know, to represent; we want so much it would be almost impossible. I don't know if you agree, but anyway. Le Conseil Acadien de Par-en-Bas does not want to give you, the select committee, or any commission a mandate to impose one Acadian seat for the entire province. As a joke we said get it out of your heads. Don't think about it; don't even talk about it. But seriously, you can talk about it, but it would be a disaster for the Acadian population.

We realize that without a designated Acadian seat, we are not guaranteed an Acadian MLA in the constituency of Argyle, in the House of Assembly; however, we truly believe in the democratic process and do not feel that an Acadian seat could be achieved democratically. It would be too difficult to manage; even the election would be difficult. We have been very pleased, by the way, with the representation in the Argyle constituency since its creation in 1981 and feel that the Acadians' interests, demands and needs have been well represented since we obtained our provincial riding. As you know, or some of you may know, we fought very hard in 1981, with a lot of people making presentations to an electoral commission, and finally we got our own seat for the first time in the history of Nova Scotia. We are very pleased with the seat.

In light of our present-day situation, as well as our role in the history of this province - don't forget we have been here for 400 years, since 1604 - we find it essential that at least one non-elected, French-speaking Acadian be appointed to the Electoral Boundaries Commission. Mr. Epstein, you made a reference to Mr. d'Entremont saying that the commission is at large or basically consisting of non-elected people. We didn't know that. What we were saying is if it's not and it's all MLAs - okay, then, we didn't know - we would want to make a little recommendation to you.

What we would like to recommend to you is that the president of the Fédération acadienne de la Nouvelle-Écosse be appointed to the said commission. In other words, the president of the Acadian Federation of Nova Scotia represents all Acadians and francophones throughout Nova Scotia. He or she is elected on an annual basis by the membership at an annual meeting, so that in itself is a democracy. The person would be the person that my council in Argyle would want you to appoint if you have a mandate to appoint a commission.

With regard to the terms of reference, we recommend that the commission not only consider population when redistributing electoral boundaries but also be given the mandate to consider geography, existing and traditional municipal boundaries, urban versus rural and

communities of interest such as language, culture and history. You probably have read many documents saying that bigger does not necessarily mean better. In other words, you may have

a high population for one riding and you may look at a smaller riding. So throughout the years you may have read, as you well know, I think you have made a reference to some Saskatchewan ruling in the document we saw, saying that rural ridings have to be well taken care of, too, because of the geography of the rural riding. You probably have more calls about a ditch or a culvert than you have about being a Minister of Finance. So that in itself, with a rural riding, may be important whereas in the City of Halifax it may vary as to the interest and demand and needs of that particular constituent.

We also recommend that the commission ensure that every region be given the opportunity to express their views to the commission, I think Mr. d'Entremont said the same thing, and we feel that this could be best accomplished by holding public consultations. This is what you're doing today and I am almost sure that the Electoral Boundaries Commission would also be doing the same. We also recommend that at least one consultation be held in Yarmouth County, I am not finished, and don't forget the constituency of Argyle. We have rooms there, too.

The next one says we also recommend to you that presenters to this commission be given the opportunity to express themselves in either of Canada's two official languages, if it would be possible. Like every time the Acadian Federation of Nova Scotia or le Conseil acadien de Par-en-Bas are in Clare, makes a presentation, we have to do it in your language, in English, and it would be very nice if once in our lifetime we would be invited to make it in French, or the language of your choice. As you well know, you attend a lot of federal meetings, congress, congrès, colloques and they have translation there. It's not out of bounds. So we would appreciate it if you can.

[3:30 p.m.]

We recommend that a preliminary report, and I think here what we mean is a report from the Electoral Boundaries Commission, be circulated to the public or made public prior to its final approval. This in itself would allow the public to ensure that its interests have been respected and allow any possible and/or necessary changes to be made to the final report. In the past, I don't know. I know I appeared in 1981 and made a submission with some 12 other people on dividing this split riding of Yarmouth County into Argyle and Yarmouth Town and the Municipality of Yarmouth, but I never saw a preliminary report. When we got the report, or the result of the report, it was final. So we're recommending that a preliminary report be circulated if it's possible. This preliminary report should be sent to all individuals and groups who are making presentations to you. In other words, we would appreciate receiving a preliminary report.

For a completed report from the commission, we recommend that the report be presented within a time period that allows adequate preparation for the next provincial election. I guess what I mean there is if you finalize your report a couple of months or weeks before the election, you wouldn't give anybody any chance to rebut the report. Le Conseil acadien de Par-en-Bas has a long-standing history in the preservation and promotion of the Acadian culture and language in the Municipality of the District of Argyle. We fought long and hard to obtain and maintain our provincial riding. What that means is in 1981 about 12 people or briefs were presented. Then in 1991, again, we came to you with some other briefs saying don't mess with the provincial riding of Argyle and here we are talking about it again. So it seems like every 10 years we have to come back to you. I thought the Argyle riding was a sure thing. What do you think?

AN HON. MEMBER: It should be.

MR. BOUDREAU: Anyhow, therefore, we wish to advise this select committee as well as the Electoral Boundaries Commission that we oppose any change to the provincial riding of Argyle.

MR. CHAIRMAN: Just to give a little information to our presenters today, there was an Act that was passed in 1990-91 which ensured that every 10 years there would be a review. So this is mandated. Part of the reason is that there are population shifts and there are changes in Nova Scotia's landscape and because of that and I think the fact you could say of that potential for legal challenges to the representation of some of our members, it was enshrined in legislation that every 10 years there would be a review. So this is mandated, just to clarify that.

The other thing is that the select committee will report by November 30th whereupon the committee will be appointed and they will be, as Mr. Epstein has stated, non-elected and they usually represent a diversity of different interests throughout the province. The last time there was a lady from Clare, I can't recall the name, Alphonsine Saulnier, who represented Acadian interests. I am not suggesting what will come from our deliberations. That's just to give you a bit of background. I don't think there was a mandated time for them to do it. However, it is usually within a reasonable amount of time. So this work should be finished well before the next election, just to let you know that for your own information.

There was one point I wanted to bring up before I pass it for questioning, if I could just recall, there was something that you said. You talked about translation services. Is there something that is available locally for that and I am just asking you a question before I pass it off, if you could just clarify that, are there services locally that could be provided for that?

MR. BOUDREAU: I understand that Université Sainte-Anne has the entire service.

MR. CHAIRMAN: Anyway, with the indulgence of the committee, we'll pass it on for questions. Are there any questions for our presenter today? Mr. Epstein.

MR. EPSTEIN: I have a few questions actually. I would start by looking back at the Electoral Boundaries Commission of a decade ago and the name Alphonsine Saulnier, as Mr. LeBlanc said just a moment ago, she was a member of that commission at the time. I have to say I don't know her and I wonder if you do and if you can explain perhaps how it is that she was chosen to be on the Electoral Boundaries Commission at the time. Did she hold an official position inside the federation?

MR. BOUDREAU: Was that in 1991?

MR. EPSTEIN: Yes, 1991-92.

MR. BOUDREAU: She may have worked for the Canadian federation at the provincial level at the time because in 1992 she was hired for the Collège de l'Acadie in Clare. You see, 10 years later, you don't remember all those facts.

MR. EPSTEIN: That's fine, it was just if you happened to know.

MR. BOUDREAU: So it is an apology on our part, too, not to know that.

MR. EPSTEIN: That's okay, no, it was just if you happened to know.

MR. CLYDE DE VILLER: At the time she worked for the institut de développement communautaire at the Université Sainte-Anne which was a provincial association dedicated to informing adults in all kinds of different aspects in French. She does have and did have at that time, and still does, a long-standing history of working for Acadian associations throughout the province.

MR. EPSTEIN: If for some reason your suggestion of the president of the federation didn't go forward, either because the person wasn't available or wasn't interested, or had some kind of clear identified political affiliation which might disqualify them, is there some other position or function, or several of them, that you might suggest we think about?

MR. BOUDREAU: Right today it wouldn't be fair to mention any names without talking to them, but thank you very much for the invitation. We thought that the president of the Fédération acadienne de la Nouvelle-Écosse at a provincial level would be a person representing all interests and demands of all Acadians throughout Nova Scotia, as the position is at all times. It would be a natural person to have there. That's why we're suggesting that particular position.

MR. EPSTEIN: Perhaps there is a vice-president, perhaps there is something else.

MR. BOUDREAU: Perhaps, yes.

MR. EPSTEIN: Okay. The other thing I wondered about was the whole question of constituencies that are significantly smaller in terms of numbers of population but which clearly were created with the idea of trying to bring members of the Acadian community into political life, and I am wondering if you can help me think about this. You were very strong in what you said about the desire to keep Argyle. There are several things I wonder. One is I wonder about how many of these constituencies you think ought to exist in the province and I wonder if you can tell us where they ought to be located for preference. Could we start with that?

MR. BOUDREAU: Then, again, would it be fair for me to start saying that Clare should have its own riding, and I am sure Clare wants its own riding, Argyle wants its own riding, but to look at the other regions of Nova Scotia, it wouldn't be fair for me to even try to express their views because I haven't talked to them, I don't know what their feelings are. I know, I have talked to people from Clare all the time, almost on a daily basis, if you stripped Clare of its own riding, you might be stripped of something else. They wouldn't allow that at all, it would be political suicide.

We have come to like our riding, too, in Argyle and to strip us of that particular right would be a disaster. Since the formation of Nova Scotia, Argyle only received its constituency in 1981. As you probably know, the constituency prior to that was a dual riding. We had difficulty in the Municipality of Argyle to run a candidate who was of Acadian descent, because at the time, see, the Yarmouth Municipality and the Town of Yarmouth probably wanted to vote for an anglophone from those particular two areas. It doesn't mean that an anglophone or a non-Acadian can't run within the Municipality of Argyle. If you look at the history, the first election we had in 1981 or 1982, an anglophone ran and he won. It was opposite the Party Neil is representing but it was still an anglophone who ran and he successfully won. But then, again, it gives us a better chance to support an Acadian person, the way it is set up now.

MR. EPSTEIN: I certainly understand that it gives a better chance, absolutely. I should also say that I am not aware that anyone is proposing to strip away Argyle; let's be clear about that. But I want to understand the process. You have mentioned Clare and Argyle, sometimes a third constituency is mentioned and it is often Richmond. I wonder about the Cheticamp area, would that not also be the other main concentration of the Acadian population?

MR. DE VILLER: In terms of population by region, Cheticamp or the Cheticamp region would actually be larger in Acadian population than Richmond County. However, Richmond County does have a lot of English communities and it is not during every election that an Acadian is necessarily elected in Richmond County. In fact, I think if you look at the history books, more often than not it is a non-Acadian who has been elected in Richmond

County. However, Cheticamp, whereas their population is probably a couple of thousand, it makes it difficult to know where to put them in order to increase their chances, if you will, of electing an Acadian. In Argyle we do have the advantage of having approximately 60 per cent Acadian population, and ever since the 1982 election we have always elected an Acadian to the Legislature. So that sort of answers that question as far as population.

MR. EPSTEIN: Is there any particular reason this has been more of an issue in Clare and Argyle than it has been in Cheticamp because I have to say I haven't heard anyone arguing for a separate Cheticamp area constituency.

MR. DE VILLER : My guess would purely be based on numbers. They don't have as large a population, they don't have their own municipality as we do, so they haven't had the political infrastructure in the past to get themselves on their feet as far as making demands for a provincial riding.

MR. EPSTEIN: Let me also ask this. I wonder how long you believe this ought to go on for, or whether you believe it ought to go on forever? Let me explain why I ask it that way. When there are deviations from the basic principle of equality of representation by numbers, it should be for a good reason. If we accept that a good reason will be to try to make sure that the Acadian population gets an adequacy of opportunity to participate in political life, we have to wonder whether it is necessary for that to go on forever. When I look at some of the people who have been elected in the constituencies that are identified as primarily Acadian, I find it hard to think that they would not have risen to political prominence regardless of the composition of the constituencies. So the chairman of our committee, obviously a talented person, someone who would be well-respected in any community that he happened to live in, are you telling us that Neil LeBlanc couldn't get elected if it was a question of Argyle-Yarmouth again?

MR. BOUDREAU: When you look at the past here - and I don't where it was, probably through your document here - about the number of Acadians who have been elected within the Yarmouth County lines, very, very few have been elected over the years. I saw that today, I don't know where I saw it, but very, very few Acadians got elected within the boundaries of Yarmouth County, let alone within the boundaries of Argyle. I don't know what I should say here, but I think the last person of a certain Party who won the constituency of Argyle or the boundaries, was in 1897 or so, and then I can go to Gerald Comeau - you know who I am talking about? - who ran as a Conservative member and won within Argyle. I think he was the first one.

Now, how the Acadians were elected years ago was by a contradiction to what I said, mostly by the Yarmouth vote and the municipality. So to look at the number of Acadians who have been elected within the Municipality of Argyle, even when they ran in the dual riding, they didn't have too many chances of being elected, maybe they had been a Conservative, or an NDP or a Liberal by the way. The Yarmouth stronghold, the population

of the Town of Yarmouth and the Municipality of Yarmouth was stronger than Argyle for many, many reasons. Commercial, public life? I don't know.

MR. EPSTEIN: I raise it because this is of course a difficult problem.

MR. BOUDREAU: It is a very important question though.

MR. DE VILLER: I see your point. We have had some very - Neil included -influential politicians in the Municipality of Argyle since the creation of our provincial riding. But as Peter said, history shows that this has only happened since we have had our own riding; previous to that, Acadians were not getting elected in the dual riding of Yarmouth.

MR. CHAIRMAN: If I could pass the baton. I will make a comment, just one, Howard. I would not have received the nomination in 1984 if I wasn't from Argyle. So I will just make the comment for what it's worth.

MR. EPSTEIN: Why do you say that?

MR. CHAIRMAN: Why, I guess, and I am speaking from history - and it is not for me to make presentations - but for me, the fact of the matter is that many times people would look to the town, where the power base is. The town is the most influential area of the county, with the Municipality of Argyle and Yarmouth sort of being the second because it surrounds the town. People look at these centres. Because of that, it's probably one of the reasons that people look there to draw from, and so because of that it has had a lessening of opportunities for Acadians to present themselves for nomination and to win. It's not for me to hold up the time of the committee, but I just want to make that one statement. I know that I wouldn't have received it, I wouldn't have been approached. And I was approached to run at that time, but I wouldn't have been approached.

[3:45 p.m.]

Do I have some other questions from the committee here?

MR. BOUDREAU: The list is here, if you want to see a list, but it's probably irrelevant. I found a document as to who has been elected within the boundaries of Argyle.

MR. EPSTEIN: Oh, great.

MR. BOUDREAU: Very few.

MR. CHAIRMAN: I would like to thank you very much for coming forward and making a presentation. If there are no other questions, thank you very much.

MR. BOUDREAU: Once again, we appreciate the fact that you gave us the opportunity to express a few points.

MR. CHAIRMAN: Can I ask one question? A previous presenter was saying that - and I think it was Mr. D'Entremont or the Warden - every county should have a hearing. Well, there are 18 counties in Nova Scotia, and it begs the question as to what is your opinion as to whether or not we should hold some of these regionally rather than repeating them in every single county? I guess I am asking for the time and expense of the committee. What is your opinion on whether or not we should hold some regionally? Was that reasonable or not? If I could just ask your opinion in that regard, if you could share your opinion.

MR. BOUDREAU: On the second paragraph on the second page, what we're recommending is that one be held, at least, in Yarmouth County.

MR. CHAIRMAN: You feel there should be one in every county?

MR. BOUDREAU: No comments.

MR. CHAIRMAN: Thank you very much.

MR. BOUDREAU: Thank you once again.

MR. CHAIRMAN: Pleasure. That is the last of our scheduled presenters. We have some other people in the hall; they may want to express their opinions. We're offering quite considerable latitude. If people would like to come forward and make any comments, the floor is here. If not, then we can have some discussions subsequent to the meeting.

I know this lady very well. This is Pauline d'Entremont, she's from the Village of West Pubnico. Pauline.

MS. PAULINE D'ENTREMONT: I am going to do a presentation. I will do it in the mail because I didn't have the chance to do it on paper before coming here this afternoon. I would just like to second Mr. d'Entremont, the Warden and also the federation that we fought hard prior to 1981 to have our own riding where we were served as a dual riding, and so we would not want for it to be changed over or even considered. I guess this is all I will say today and the rest will come in the mail.

MR. CHAIRMAN: I would like to thank all the presenters for coming here this afternoon. We are still having hearings tonight from 7:00 p.m. to 10:00 p.m. I am not sure how many we have scheduled; I am not sure if we have anything, but we will convene at 7:00 p.m. to see if someone wants to come forward and share their opinions.

I should point out that there is a little bit of cloudiness as to what our role is. It is to establish the terms of reference, and those terms of reference will guide the people who are the non-elected members who go forward. This is a very important committee because those terms of reference, to a great extent, will - not so much limit, I re-emphasize again - guide their work. The previous committee that came forward, the terms of reference, if I recall - I don't have it in front of me - talked about the fact that Argyle and Clare and some other ridings - Preston, some representation for Blacks should be provided. So your input has been very much appreciated. I am sure that members of the committee will give due consideration to it.

If there are no further presenters today, I would like to thank you all for coming forward and taking the time to serve your roles as concerned citizens of this province. Merci beaucoup pour tout le monde de venir. Bonjour. The committee stands adjourned.

[3:50 p.m. The select committee recessed.]

[7:01 p.m. The select committee reconvened.]

MR. CHAIRMAN: We're right on time, 7:00 o'clock. All our members are here. We have one presenter who is going to be talking to us this evening. Hopefully we will have some others joining us. I don't know if everyone was introduced to you this afternoon. It's Gordon Reid, perhaps Gordon if you want to come forward. I should remind you that these are public hearings, they are being recorded, and that is for your information. We didn't tell the group earlier on today, so we're trying to rectify that for you. Are you aware of everyone who is here, or do you want us to introduce ourselves?

MR. GORDON REID: I was here this morning when you introduced everybody.

MR. CHAIRMAN: Anyway, if that is the case, basically I will pass the floor over to you so you can make your presentation.

MR. REID: It's not necessarily a presentation . . .

MR. CHAIRMAN: Perhaps, just for the information of the committee, could you say where you are from and so forth.

MR. REID: Mr. Chairman, my name is Gordon Reid, I live in Weymouth, which is not too far from here. I looked over Mr. Russell's resolution this afternoon, and I really haven't prepared very much, I've just gone over a few things in my mind here. I think what bothers me - and here is number 7 of the resolution.

I'm a Canadian, I'm a Nova Scotian, I'm a refugee from Ontario but I am still a Nova Scotian. I count among my friends, Acadians. I count people of mixed races, of different religions. Weymouth is as diverse as the rest of Canada. Weymouth has all sorts of different people in it. We have a Black community; we have an Acadian community; we even have an English community. I think what bothers me here is that one of the things you're looking at is putting in an ethnic MLA, am I correct?

The thought that comes across to me is affirmative action. I personally am opposed to affirmative action and I think that anybody with the right qualifications can do the job whether they are Acadian, whether they are Mi'kmaq, whether they are English. My constituency is well represented by Mr. Balsler, who is not any sort of ethnic group or religion, but he represents us all. He represents my Acadian friends, my Black friends, my Mi'kmaq friends, and I just don't see a need for an ethnic group being represented in the Legislature. That's all I have to say.

MR. CHAIRMAN: All right. Are there any questions from the members of the committee? Mr. Epstein.

MR. EPSTEIN: Mr. Reid, when I was asking some questions this afternoon of some of the presenters, the line of my questioning might have suggested to you that the point you just put forward might perhaps be one that I shared. I didn't continue with my questioning, so I think I want to make it clear for the record that, in fact, I think there is quite an appropriate place for what you called affirmative action, in the political life of our province. On the other hand, I think it's always an appropriate question to ask how long it's necessary to carry on with that. That was really, I think, the only place I was going with the questioning I had this afternoon. I think that's a perfectly legitimate question to ask.

The hope would be that, in time, society would change and making amends for historical inequities, or particularly any that continue to be a problem, might no longer be necessary. It's always a difficult question to judge whether we've actually arrived at a stage where that's the case. I regard it more as a mixed matter of practicality and of principle, where we have to strike a balance.

In any event, I take your point. We have not yet, as a committee, had the opportunity to discuss this or any of the other issues, but we will before setting the terms of reference for the Electoral Boundaries Commission itself. Thank you.

MR. CHAIRMAN: Are there any other questions? Thank you for your time, for taking the time to come to both our hearings, Gordon, I appreciate it very much.

To our new guests in the audience, this is a hearing to establish the terms of reference for a commission. We are open to any submissions coming forward. If you would like to make one, that would be fine. If you just want to listen to our proceedings, that's fine also.

However, we are giving people an opportunity to express their opinions on that. We have, to my understanding, no more presenters this evening. We had some this afternoon. If there are no further submissions then basically we will be standing adjourned until tomorrow where the hearings will take place in the Town of Truro - tomorrow afternoon from 3:00 p.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m. tomorrow evening.

We stand adjourned.

[The select committee adjourned at 7:08 p.m.]

**BIBLE HILL, TUESDAY, NOVEMBER 20, 2001**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:16 P.M.**  
**CHAIRMAN**

Hon. Michael Baker

HON. NEIL LEBLANC (Chairman): We will commence the meeting. Mr. MacEwan will be joining us in a second.

For the edification of the people present, I just want to mention that this select committee is holding public hearings throughout Nova Scotia. Our role is to determine the terms of reference for a commission, appointed from non-elected members, that will also hold hearings throughout the province to decide whether or not the political landscape throughout our province will change. We have now had two hearings in Cape Breton, in Sydney and in Port Hawkesbury; there was one held yesterday in Yarmouth; this one is being held today; and the last one is being held on Thursday. Subsequent to that, the committee will convene and work on determining the terms of reference.

My name is Neil LeBlanc. I am the acting chairman. Hon. Michael Baker is the chairman of the committee. He was required to stay in Halifax today, so I have this gracious task of coming to your beautiful Town of Truro, although I had a bit of trouble finding this location. I got here after awhile through the wondrous invention of telecommunications. Mr. DeWolfe led me through the streets.

MR. WILLIAM LANGILLE: This is Bible Hill.

MR. CHAIRMAN: Bible Hill, that's right. There is a difference between Bible Hill and Truro.

Just so that everyone is aware of everyone who is at the table, I will let the members introduce themselves.

[The members of the select committee introduced themselves.]

MR. CHAIRMAN: We do have an individual who is prepared to make a statement at this time, Mr. Keith Baas, as a private citizen. Mr. Baas, would you be so kind as to come forward and make your presentation. I will point out that this is a relatively informal process - please take a chair - and usually the procedure is for someone to make their comments and some of the committee members may ask some questions, or you might ask some questions yourself. We are also being joined by Mr. Paul MacEwan, the member for Cape Breton Nova. He is a long-standing member of our House. I want to point out that these sessions are being taped. They are a matter of public record and you should be aware of that.

MR. KEITH BAAS: Gentlemen, I am Keith Baas. I am presenting as a private citizen. I am also a county councillor, but I am not speaking for the county; I want to make that clear. I believe that there are 11 MLAs in HRM and seven MLAs in CBRM and three in Colchester. There are other municipalities with overlapping MLAs. My point is this: the provincial government can cut MLAs. For example, Mayor Kelly and Mayor Morgan have more votes in their municipalities than any MLA in their municipal ridings.

You hear at times from the provincial government about amalgamating some municipalities, but you never hear when the province is going to do some amalgamations. You have Premier Hamm and 11 MLAs in Cabinet and 40 in the backbenches. I believe the provincial government can cut some MLAs from their benches. That's my presentation.

MR. CHAIRMAN: I'll open the floor to members of the committee who may want to ask some questions of you, Mr. Baas. Are there any questions or comments from the members? Mr. Corbett.

MR. FRANK CORBETT: Mr. Baas, when you talk about downsizing, do you have a number and, if so, how did you arrive at it?

MR. BAAS: No, I don't have a number, because I feel that the committee that is formed would know that better than I do. I cannot say you should cut here or there but, like I said, Halifax and Cape Breton for example, Mayor Morgan and Mayor Kelly have more votes than any of the MLAs in the area, so there definitely could be a cut.

MR. CHAIRMAN: Mr. Epstein.

MR. HOWARD EPSTEIN: Can I ask for what purpose you think it would be advantageous to reduce the number of MLAs?

MR. BAAS: Cost.

MR. EPSTEIN: Is that the only . . .

MR. BAAS: That's the main, the main reason is cost. We all have to tighten our belts. We in the municipality have to tighten our belts, the province is taking more and more money away and we have to find it somewhere. I feel that the province should be doing the same.

MR. EPSTEIN: You gave as statistics the number of MLAs in HRM and then in the CBRM area and Colchester, I have to say I'm not sure that those stats you gave were accurate, but what was the point about giving the numbers of MLAs?

MR. BAAS: I'm probably off one, or something like that, but that's roughly what I figured out, that there's 11 in HRM and 7 in Cape Breton.

MR. EPSTEIN: But what was the point? I must have missed your point.

MR. BAAS: The point is this: that the province could go to Mayor Kelly or Mayor Morgan, because they have more votes than any of the MLAs. They are a lot more powerful, because they run in the whole area, the MLAs run only in the certain ridings.

MR. EPSTEIN: I see, I think I understand that. Thank you.

MR. CHAIRMAN: Mr. DeWolfe, you have a question?

MR. JAMES DEWOLFE: Mr. Baas, thank you for appearing here this afternoon. I didn't catch what constituency you're from, are you from the Truro area?

MR. BAAS: Colchester County.

MR. DEWOLFE: You're in Colchester County. When you made your determination did you take into consideration the territory and the vastness of some of the territories that are represented by rural MLAs?

MR. BAAS: Does the province do that when they want to amalgamate?

MR. DEWOLFE: I guess the question is do you feel that you're over-represented. Personally, do you feel that you're over-represented?

MR. BAAS: Yes.

MR. CHAIRMAN: Mr. Taylor, do you have a question?

MR. BROOKE TAYLOR: Keith, thanks for your presentation. I wish you had come in with some numbers you had in mind. I think one of the other members asked you about that. Keith, in the riding I represent we're dealing with 14 municipal politicians in that

provincial riding, and that includes some of your colleagues on county council, Mr. Masters and Richard Elliott of course, and the mayor of the county, plus the Town of Stewiacke's Council and the HRM's two councillors. For the most part I have found, over the years, that the relationship has been pretty good, pretty darn good. I recall not too, too long ago that MLA Bill Langille and I made a trip into your council . . .

MR. BAAS: Yes, that's correct.

MR. TAYLOR: . . . over a particular issue, which really isn't relevant now - it may be sometime down the road - and at that time some of the people around the table, around your table, if you could wear that councillor hat, complained, essentially about the difficulty of getting the ear, sometimes, of provincial government. I don't know if you were specifically pointing out to area MLAs as much as the government. I am just looking at it and thinking in that context, that that concern probably would only escalate. That's my view.

MR. BAAS: Like I said before, I'm not speaking for the county.

MR. TAYLOR: Yes, you said that.

MR. BAAS: I want to make that clear. I'm speaking for myself. Anyway, that's all.

MR. CHAIRMAN: I should point out, for your information, that the resolution that created this select committee is to come up with terms of reference for 52 members to continue, and also for one Aboriginal seat if they so choose. I should point out that in 1991 when that seat was offered to the Aboriginal community that they chose not to and early indications are they are saying the same thing. However, I am in no position obviously to speak on behalf of that community. But I want to point out that the legislation, when it was created, was to deal with the movements of population throughout Nova Scotia and to re-examine ridings so that some fairness was in it. I don't profess to have the answers, but I just want to clarify that the recommendation is that this committee will not make recommendations to increase or to decrease the numbers working within that. But, at the same time, your points are a matter of public record and I very much appreciate you coming forward and giving of your time as a private citizen to express them.

Any further questions for Mr. Baas? Thank you very much for taking the time.

The next presenter that we have is Mike Henderson as a private citizen. I see he's in the audience, Mr. Henderson, would you please come forth. Just for your information, we try to keep these hearings as informal as possible. The usual process is for you to make a presentation and usually members of the committee may ask questions and it's a good chance to exchange views and information. So I give the floor over to you.

MR. MIKE HENDERSON: Thank you Mr. Chairman, honourable members. I am glad to be here. I am appearing before you today of my own free will and as a private citizen, but in addition to some of the things I just heard Mr. LeBlanc say to Mr. Baas, I am speaking specifically about my concerns about my own constituency of Colchester-Musquodoboit Valley. I am firmly of the belief that the number of seats in the Legislature does allow for proper and effective representation of Nova Scotians. It is sometimes popular in times of restraint to consider reducing said number in a largely cosmetic effort, in my belief, to appear to be saving money. However, the taxpayer in the long run will lose effective representation if the number of MLAs are decreased as larger ridings come about.

Having said that, I am a lifelong resident of Brookfield, one of the principal communities in the Colchester-Musquodoboit Valley. I have been disturbed somewhat by some readings that there may be a suggestion that a redistribution of seats along county lines may be in the offing. In the case of Colchester-Musquodoboit Valley, this would be counter-productive. Firstly, the riding's population is slightly above the median, but not so much that chopping territory is a good idea. Secondly, I would suggest that it does not take a lot of study to realize that the upper two-thirds of the Musquodoboit Valley and the other portions of Halifax County currently in the riding have a lot more in common with south Colchester than they do with the Halifax Regional Municipality, so much so that it wasn't very many months ago there was some support for the suggestion that this part of Halifax County might be better served by seceding from HRM and joining Colchester due to a commonality of interests.

The principal components of the riding's economic base are lumbering, agriculture and mining. These are both major factors on both sides of the Colchester and Halifax County line. The only significant agricultural base in the HRM occurs in the Musquodoboit Valley and, of course, south Colchester thrives on the agricultural business.

In the lumbering area there are eight sawmills in the constituency, including major forest product companies such as Ledwidge Lumber and MacTara Limited in Halifax County, Brookfield Lumber, Marwood and the Irving mill in Riversdale in Colchester, to say nothing of large pulp harvesting operations on both sides of the line.

[3:30 p.m.]

The geology is shared irrespective of the boundary between counties. The Windsor formation finds gypsum in Dutch Settlement with the National Gypsum plant, limestone in Upper Musquodoboit at Mosher's and in Brookfield with the Lafarge cement quarry, as well as Barytes in Brookfield and the Tuskent mining operation in Murchyville.

The non-resource based part of the economy sees many people from the 63 communities in the Colchester-Musquodoboit Valley riding travelling, if not to the centres such as Brookfield, Stewiacke and Middle Musquodoboit then to Truro or the metro areas,

both easily accessed by Highway No. 102 and providing yet another commonality for the residents of the area. If the Musquodoboit Valley portion of this riding were to be relegated entirely within the HRM, it would likely be joined with either the Eastern Shore - whose interests are more related towards fishing and tourism, certainly not agriculture and mining - or with suburban areas such as Fall River, Bedford, Waverley as it has been in the past. Again, an area that shares very little in common with the Musquodoboit Valley. I would strongly suggest that the riding as currently constituted, while large in geographical terms, has a multitude of common areas that make sense.

An MLA can effectively and efficiently serve this riding in a way that would only be diminished if the constituency were reconfigured. Apart from the benefit to an MLA, the citizens of the riding have and continue to expect to receive effective representation due to the inherent similarities in the constituency. I thank you for your consideration in these matters.

MR. CHAIRMAN: Thank you very much, Mr. Henderson. I open the floor to questions from the members of the committee. I wish I had this many questions in Question Period.

MR. LANGILLE: What I am hearing then is that part of the riding in Halifax County which is represented by my colleague, Mr. Taylor, is more compatible with Colchester County than Halifax County, is that right?

MR. HENDERSON: That's certainly my belief and I think the industry certainly shows that.

MR. LANGILLE: And due to the five lumber mills in that area and the workforce and the geographical location, I believe what you described, that you would like to see the status quo stay or maybe secede from that area to Colchester County.

MR. HENDERSON: No, I am not going so far as to put my nose in other people's business, but I cite it as something that has certainly been talked about around the HRM table. Yes, I do believe the people of the Musquodoboit Valley, of which I am not one, can be better served linked with south Colchester than they can with Waverley, Bedford or Sheet Harbour, for instance. I raise that point only because - and the reports may be erroneous - I have heard that there is a will to structure the boundaries along county lines first and foremost. I appreciate that makes good sense in many cases, but I don't think it's one here. I am not worried about - like I said, I believe, if my figures are right, that we have more than the median number of voters. Ordinarily, that might worry me about the dilution of my vote, but I think there are enough similarities and commonalities. I know your committee will have enough other challenges to draw the lines in the right places that I am not worried about us being 1,000 people over represented, if that's what the number is.

MR. LANGILLE: The reason I brought that up is just for clarity on your part, because when you were stating your presentation, I was a bit confused there.

MR. HENDERSON: Okay. Exactly, no, it is my understanding that any secession thoughts have probably been quashed in that area, but the fact that it did come about showed there was some foundation for the argument. I wasn't here on behalf of Colchester, lobbying those people to jump the line as it were or redraw.

MR. CHAIRMAN: It turned out to be an interesting session.

MR. TAYLOR: I would like to thank Mike for the presentation. I have tried to replicate or repeat some of those statistics that you have. I may have to get a copy of that presentation because it always comes in handy for resolutions down at the Legislature. (Interruption) What made you think that?

But, anyway, no, I know - I think you referenced it, Mike, in your presentation that the Musquodoboit Valley at one time I think was part of the Sackville riding and then subsequently we were called Bedford-Musquodoboit Valley and then after the Electoral Boundaries Commission reported in 1991 or 1992, the last time it reported . . .

MR. CHAIRMAN: It was 1991.

MR. TAYLOR: . . . we were subsequently moved over to Colchester County and I guess I have sort of a vested interest. I will keep my comments specifically to myself, but generally I would say that in those 63 communities, there certainly is a lot of common interest and a lot of common history.

MR. HENDERSON: If I may say so, Mr. Chairman, I am a lifelong resident of Brookfield. Certainly I wouldn't pretend to speak for the residents of Halifax County in our riding, but I do know from working with them, from playing sports and being educated with many of them, that there is very much a common thread. I think they think of themselves more as, no pejorative intended here, rural people than urban people. I think it's the logical way to go. But like I say, it's not for me to tell them their business.

In my voting lifetime, I've voted in Colchester when it had two members from the entire county to the Legislature, when there was a South Colchester-only riding and Colchester-Musquodoboit Valley. Just in my voting lifetime, I've voted in three different constituencies without ever changing my address.

MR. CHAIRMAN: I'll just make a comment. It's a new perspective. Most of the presentations have been to maintain county lines. We have an existing example of one that's not bound by county lines, and I just wanted to make that comment, for what it's worth.

Any questions from members? If not, then I would like to thank you very much for taking time out of your busy day to come forward and make your presentation as a private citizen.

We'll do some business now. If there are no further presentations, then we will do some committee business, if that's agreeable with the members. For the edification of our listening audience here, there are hearings from 3:00 p.m. to 5:00 p.m. If there are no presentations, the committee will adjourn and then we will reconvene this evening from 7:00 p.m. to 9:00 p.m. to allow people who perhaps can't make it during the afternoon to come forward and make presentations.

Just to bring things to a head, I have been informed by the chairman that there is intent to hold meetings the week following. I would like to have some discussions as to whether or not the members would be agreeable. The intent is to have a meeting on the evening of Monday, November 26th from the hours of 5:00 p.m. to 8:00 p.m. That is to commence deliberations of the committee whereby we can formulate the terms of reference and so forth. The intent for the second meeting is to have it on Wednesday, November 28th from the hours of 2:00 p.m. to 4:30 p.m.; on Thursday, November 29th from 2:30 p.m. to 4:30 p.m.; and on Friday, November 30th from 9:00 a.m. to 11:30 a.m. Of course, these are tentative times that we have. Maybe the committee's work will be done before Friday. We should make some provisions whereby we can have that. Mr. Epstein, did you want to get those hours again?

MR. EPSTEIN: That's exactly what I'd like to hear again.

MR. CHAIRMAN: Monday, November 26th . . .

MR. PAUL MACEWAN: This week, we're holding one day or two days of hearings in Halifax?

MR. CHAIRMAN: We have one day.

MR. MACEWAN: One day in Halifax. Which is?

MR. CHAIRMAN: Thursday.

MR. MACEWAN: Thursday, 3:00 p.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m.?

MR. CHAIRMAN: Yes, they are all the same times.

MR. MACEWAN: That's this week. Next week, Monday?

MR. CHAIRMAN: Monday, November 26th, from the hours of 5:00 p.m. until 8:00 p.m.

MR. MACEWAN: Where?

MR. CHAIRMAN: Paul, you've asked me a good question.

MR. MACEWAN: To be announced?

MR. CHAIRMAN: To be announced. TBA

MR. MACEWAN: Then Wednesday?

MR. CHAIRMAN: Wednesday, November 28th, from the hours of 2:00 p.m. to 4:30 p.m. And then we're going Thursday, November 29th. . .

MR. MACEWAN: What times on November 29th?

MR. CHAIRMAN: From 2:30 p.m. to 4:30 p.m., and Friday, we're making provisions, that's November 30th . . .

MR. MACEWAN: Friday, if needed.

MR. CHAIRMAN: . . . 9:00 a.m. to 11:30 a.m. I should point out to the members that the resolution that was passed in the House was that this committee - and I am referring to point number 5 in the resolution - complete its report to the House by November 30th. That is why we're making provisions right to November 30th. We won't be holding a lot of meetings next week, and if need be we'll meet further to ensure that we comply with the resolution of the House. This isn't unexpected.

I've been told that it will be in Committee Room 1, Dennis Building. The gentleman at the back of the room told me that. I'm pretty sure that's what he told me. It will be in the Dennis Building. There are only two rooms; if it isn't one it will be the other one. So at least we know the times and the place.

Are there any further questions from the committee members? Mr. Epstein.

MR. EPSTEIN: The business of the House seems to be moving along fairly expeditiously.

MR. MACEWAN: It's because we're not there.

MR. CHAIRMAN: It's moving much further because we're not there.

MR. EPSTEIN: I think the honourable member was speaking for himself on that occasion only.

MR. CHAIRMAN: I've been known to give long answers; I'm trying to change, but I am not sure I can change overnight.

MR. EPSTEIN: Should the House rise before we complete our report, what would be the status of the report at that point?

MR. CHAIRMAN: The report will be filed with the Clerk and as such is reported to the House. That is the same provision whereby many reports of the House are to be submitted to the House. In essence, you would give it to the Clerk and it's the same thing. If the House were to rise before that time, that is how we would proceed. The intent of this committee is to comply with the wishes of the resolution and to have it in place.

MR. EPSTEIN: I certainly wasn't questioning the timeline. What I wondered was does it not require a resolution of the House to establish the commission and give it its terms of reference, or is it automatic that the commission be appointed after this committee agrees?

MR. CHAIRMAN: It says, I am reading from the House of Assembly Act, under Section 5(3), "No later than the thirty-first day of March, 2002, and, thereafter, within ten years after the last change in electoral districts made pursuant to this Section, and at least once in every ten years from the thirty-first day of March, 2002, an independent electoral boundaries commission shall be appointed and issued terms of reference by a select committee of the House constituted to appoint the members of the commission."

MR. EPSTEIN: So, it's within our powers . . .

MR. CHAIRMAN: You're the legal mind here, but this seems very clear that the select committee will be determining the terms of reference and they shall be appointing it, which brings up a good point. If the members could, at least, put their minds to, perhaps, some suggestions for membership. We had some suggestions yesterday in Yarmouth. There was a suggestion, for the edification of the members, that the Acadian community - there was a suggestion that if there is to be one, perhaps the president of the Acadian federation may be a good selection. I would just say that if the members were to put their minds to it, it may be there.

MR. MACEWAN: Mr. Chairman, if I could say something to that. I've been through this exercise once before, 10 years ago. We found at that time that just because one was nominated, didn't necessarily mean that they would agree to serve. I might think that Mr. Corbett over there is the best man in the world to be on that commission, but he has other plans for Christmas; he wants to spend it with his family. We could go through that several

times before coming down to those who would consent to serve. I just throw that out as a caution.

MR. CHAIRMAN: Mr. MacEwan, I agree, and I'm saying that the members should at least lend their minds to people they feel would be qualified to do it so that when we get later on in our deliberations, if we approach people, then at least if they do turn down the opportunity due to other commitments, at least we would, perhaps, have some other alternatives. I'm just doing that to try to make sure that our work next week moves along rapidly. I don't think this will be a contentious issue, however. I think it's just trying to move the work along.

MR. MACEWAN: How many commissioners do we want, five, 10?

MR. CHAIRMAN: If I recall, I'm trying to look at what we had . . .

MR. MACEWAN: We had six last time. That was an even number.

MR. CHAIRMAN: Yes, there were.

MR. MACEWAN: Three and three. That's a split decision.

MR. TAYLOR: The chairman got two votes.

MR. CHAIRMAN: Well, if I got to vote more than once, I'm not sure what would happen. I'll say for the committee that's probably part of the deliberations that we'll have at the end of these hearings.

MR. MACEWAN: All right.

MR. CHAIRMAN: And that's something else you should put your mind to. Is there anything anyone would like to add? If not . . .

MR. TAYLOR: At 7:00 o'clock tonight?

MR. CHAIRMAN: Yes, we have some of our presenters today; maybe some of the members would like to have some discussions with them after.

The meeting stands adjourned until 7:00 p.m. tonight.

[3:43 p.m. The select committee recessed.]

[7:05 p.m. The select committee reconvened.]

MR. CHAIRMAN: Ladies and gentlemen, if I could call the meeting to order. We held deliberations this afternoon. We had some presenters. We've offered an opportunity this evening for more people to come forward. As of now, we have no one scheduled. It is now some time after 7:00 p.m. Barring anyone wishing to come forward and offer some suggestions, I say that we stand adjourned until Thursday from 3:00 p.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m., when the hearings will take place in Halifax. I was going to say in Truro. This is Bible Hill, by the way. I made a mistake and I want to apologize for that. However, we've given the people of this area an opportunity to express their views and, at least, I believe they have done so.

MR. EPSTEIN: Could we extend an invitation to those who are present? Do we know they don't want to speak?

MR. CHAIRMAN: I have talked to two of the people who didn't, and the other individual is a reporter. And the other person is Paul's wife. You may want to make a presentation. You might want to have Paul stay at home; I am not sure whether or not you make a presentation and take away the seat. If there is anyone who wants to make any statements, that's fine; if not, we stand adjourned.

[The select committee adjourned at 7:07 p.m.]

## SELECT COMMITTEE ON ELECTORAL BOUNDARIES

3:37 P.M.  
CHAIRMAN

Hon. Michael Baker

MR. CHAIRMAN: Good afternoon, we'll bring the Select Committee on Establishing an Electoral Boundaries Commission to order. First of all I would like to take a moment to apologize, to those members of the public who are present, for the delay. Obviously, there is business going on at the House at the same time and that has delayed us. I would also indicate that it may be necessary to literally break at a moment's notice to go back to the House for a vote or votes with respect to bills that are presently being debated. So if people from the public would bear with us today, because we are concluding certain business in the House.

There is just a matter of a few pieces of business. The first one would be for the benefit of people who have not been at the earlier committee meetings, the proceedings here are being recorded today and will be transcribed for the benefit of the committee members in doing their deliberations. Also for the benefit of the members of the public, these proceedings are obviously public meetings and are open to any member of the public, and comments are public comments.

Unless there are any further comments, I would ask our first presenter to come forward. Our first presenter by my list is Ms. Yvonne Atwell, listed as a private citizen but Ms. Atwell, of course, is a former member for Preston. Ms. Atwell.

MS. YVONNE ATWELL: Thank you, Mr. Chairman, members. First let me say that the position that I'm taking today and the information that I'm providing is my own personal information, that I have not consulted members of my community around this position in any kind of a formal way. While I have not consulted people formally, I have had many informal discussions with some members within the community who think as I do. I just want it to be clear that I'm not representing anyone other than myself.

I also want to make it clear that the Prestons, the Black community in the Prestons is a rural community. It is not a suburban community of the Halifax Regional Municipality, even though it's classified as such. It is my understanding that suburban communities have services such as regular transportation, sidewalks, services, a number of small businesses, good roads, and a number of other things which the communities of Preston do not have. So it is a rural community.

I'm not going to go into the history of those communities, because by now everybody should have a fairly good idea of how those communities came into being and what their status is today. In terms of politics, I think Black representation, as county councillors, went back as far as the 1950's and continued on into the 1990's. Basically they represented the areas of Preston in the early days of the 1950's. At that time as well, you have to understand that a significant number of people who were living in the community of Preston, the Preston township, the majority of the population was Black. The Preston township ran from Porters Lake to what we now know as Tacoma Drive, at one point in history. There were land grants to those communities, and in the last 30 years we have seen our land deteriorate, we have seen it taken away, we have seen areas protected by the watershed, we have seen highways that have run through the community, and a number of other things.

So we can look at how urbanization over the last 50 years, in terms of development, has affected the Black communities of Preston, with a growing number of subdivisions in Lake Echo, Porters Lake and Westphal. The boundaries of the community were really important when there was a decision made in 1991 to establish the new boundaries presently known as Preston. In 1991, the boundaries were changed to "encourage" local participation. I use the word "encourage" very loosely, because I am not sure what was meant by the word encourage, but that's what it was about. This meant that for the Prestons, the fact is that two-thirds of that riding was middle/upper-class white people and one-third of that riding was mostly Black people who lived in poverty.

Those communities, also the political lines ran along partisan politics, mainly Liberal and Conservative. Even though the communities were consulted in terms of two issues, one was around the fact that people needed to know what was meant by local participation and how that would be encouraged in terms of the whole picture. Then there was discussion concerning a designated seat for those Black communities, and there was a lot of debate around that. Finally the notion of a Black provincial seat was thoroughly rejected, and the notion of the Black Preston seat was rejected as well.

The answer was no from the Electoral Boundaries Commission, because it was felt that the local people who lived in the Prestons had a good opportunity to win those seats. In 1993, of course, during that first election where there was much excitement in the community around the opportunity for those who were interested in running for that seat in Preston, and at that time we had four people who ran - three who were Black by the way, and one independent. It looked as if that would be a reality for some time to come. However,

during the election of 1993, and then when I came in as MLA for 16, 17 months, and the election was called and that seat is now no longer in the hands of the Preston communities.

When I look at what that means in terms of representation, it's difficult for me to understand what was meant when the notion was made that this was to encourage Black representation. How do you do that? How do political Parties encourage small numbers of people, by which the boundaries were changed to encourage representation, maintain that? It is felt by many in the community that the seat is lost to the Prestons now, and that in the next election the possibility of having three White males running in each Party is very possible.

Therefore, in my opinion the boundaries changed as they were to encourage Black representation has failed, because the community itself did not take the time to analyze what that meant for them, they did not bring an analysis to the table, the political Parties did not have a thorough understanding as to what that meant in terms of politics in this place. As we can see, it is very difficult for people of colour to be able to run for political office in Nova Scotia and win; it is very difficult.

When we talk about an in-depth analysis from the electoral democracy - and this is from people in the community as well as from the Black communities themselves - nothing has been done. The process around candidate selection and all of those things have never been looked at. There is an assumption that because the opportunity was there that that would last forever. Based on my own experience, I know and understand how difficult it was to be able to do your work as a politician in that riding. Being a Black woman, I was constantly bombarded by individuals who did not think that I had the qualifications or the strength, and was actually told that two of you had a chance, it's time to go.

[3:45 p.m.]

My position here is that there has already been a precedent set for looking at designated seats in the Province of Nova Scotia. The Aboriginal community, I believe, has been offered a designated seat, it has been on the books for some time, even though I don't believe they have accepted the offer. My position today is I am coming as somebody who, I feel, has a fair bit of understanding of how the political system works to say that if there is no consideration for designated seats for Black people in this province, we will continue in the state that we're in, with our concerns not being addressed.

But I want to be clear, I am not talking about individual concerns who go to their MLA and ask for assistance. I believe that every member of the Legislative Assembly has a duty to do their job and I believe they do them to the best of their abilities. However, when we look at issues that are unique to the Black communities of Nova Scotia, those communities have been around for almost 400 years, and we look at some of the conditions in terms of justice, education and health, we have to ask ourselves, what is this about? Do

I not have the right to see myself reflected in all levels of society? Do I see myself reflected in this House? Do I have an opportunity to see myself reflected in this House in a real way?

I was here and I experienced racism in this House at the same time. Do I not have the right to encourage my children and my grandchildren, to help them understand that they have opportunities within Nova Scotia that are built on fairness, justice and equality? Do I not have the right to see reflected in all levels of society, including the bureaucracy of government, to see deputy ministers, assistant deputy ministers, directors, senior policy people - I don't see them. If they're there, I don't see them.

I think I have the right to be represented in this place because we live in a democracy, and because I don't see that I have to ask the question, why? Why did the opportunity that was set up to encourage representation within the Black community of Nova Scotia - how did it fall apart?

I personally believe that people forgot about us. There was a lot of hoopla. The purpose and the reason why the seat was designated in the first place was a selfish one, as far as I was concerned. It was developed and designed for an individual who some people thought would be there forever. Given the political climate, none of us are there forever. They're all temporary, part-time jobs.

I guess that because many people in the community did feel that when we ran for partisan politics, when we're in elections, the representation would always be from the community and that the political system itself would help grow and develop and nourish that. That didn't happen.

So I am asking this committee, I am suggesting or recommending a couple of things. Number one, we need people to be able to be part of the composition of the commission when it's set up, and I am suggesting three people. I am also suggesting that that group look at designated seats around the province, which could be three. I did hear some talk about less seats, and that's okay because maybe those less seats can be filled with some of these other seats.

We need to revisit - and I think this should be in the terms - to seriously revisit the need for designated seats within the Black communities of Preston and other communities around the province, southwestern Nova Scotia or whatever. The timelines must be some time before the next election.

It is difficult for people to understand when I promote the fact that the African-Nova Scotian people of this province need to be represented. Their issues need to come to the forefront and they're the ones who can do it because they understand those issues. It is difficult for people to understand what that means to me and my community and many others in terms of what happens in this place: how policy is made, who gets to set it, who is at the

table, who has the time and the energy to deal with those issues. Those are very important to us.

Racism is still alive and well in Nova Scotia, as we all know. Our history shows that and indicates that. We still live in denial about those issues, but they are here. We need to address that and I would seriously like to see those recommendations go forward.

I just want to finish with a quote. I usually use this quote. I was in South Africa at the World Conference Against Racism and Racial Discrimination for a couple of weeks in August and September. The President of South Africa, President Mbeki, gave a very powerful speech. I am going to read a little bit from that because I think it's really important for us to understand where we are in our communities and what the political landscape is willing to commit to. This paragraph reads, ". . . no professional qualification is required to understand that the divide between the North and the South, between the developed and the developing worlds also coincides with the divide between white and black, broadly defined. These are obvious facts that, in truth, should require no debate. In today's world, in which both the left and the right in politics loudly proclaim their commitment to social justice there should also be no debate about the urgent need for each and all countries consciously to focus on the elimination of the racial disparities that are so evident everywhere." Thank you.

MR. CHAIRMAN: Thank you very much for your presentation. Interventions from members of the committee?

MR. HOWARD EPSTEIN: Yvonne, thank you very much. Can I just ask, because it wasn't clear to me, what you're meaning here by a designated seat? It wasn't clear to me whether you were talking about adjusting the boundaries of the existing Preston seat or whether you're talking about some kind of arrangement as now exists in Section 6 of the House of Assembly Act for the Mi'kmaq people? Or was there some other model?

MS. ATWELL: Well, there are several models. The model that was used in Maine, where I think there are several individuals who are non-voting members in the Legislature, that model has been quite successful, I think, in terms of them being able to bring the issues to the table or being in the room and being able to speak on some things. I think they're non-voting members.

I haven't ironed out all the details, but I believe personally that the Preston area, the East Preston, North Preston, Cherry Brook area, needs its own representative in whatever capacity. I haven't worked out the details because I am not sure what they are right now, but I am sure they can be worked out. There are other communities around the province that need the same kind of representation. Southwestern Nova Scotia, for example, which does not have that kind of political representation where its issues and concerns in a political forum - I am not talking about the individuals - in a real political way are being addressed. No one addresses the global picture in our communities about the roads that have never been paved.

It's been patched and yet you can see the disparity when you go one mile into Lake Echo and you see perfect roads, not a hole, and every year there's work done. How do you address that with your MLA who has so many other issues as well in terms of the whole? What does that mean?

The community says, well, it's because we're a group of Black people living in this community. Maybe, maybe not. I don't know. But who do you have the discussion with in which people, your MLA truly understands what that is about? What is that experience of seeing that year after year, of seeing your community shrink year after year, and not being able to have the dialogue and seeing people affected by that? Seeing people who constantly can't get promoted on jobs and all of that stuff - who really understands that other than people who are embedded in that stuff?

I don't know what model to use. I am sure that wouldn't be too difficult because I am sure there are all kinds of models that we could think of. I, personally, would like to see it.

If the boundaries want to be changed, give the Preston people an opportunity to see themselves reflected in this society.

MR. EPSTEIN: This committee which you are dealing with today, in fact, won't be drawing boundaries. That's not part of what we're doing.

MS. ATWELL: No, I understand.

MR. EPSTEIN: If I may suggest, I think that probably at least part of what you're saying today should be repeated to the Electoral Boundaries Commission when it's set up. I hope you do that.

Can I ask as well about your comments about the composition of the commission? Again, it wasn't clear to me whether I followed what you were saying. Were you about to suggest three names of people that we might consider?

MS. ATWELL: I don't have any names at this point, but I think it should be a consideration that we don't just look at people in metro. The concerns of people in other rural parts of Nova Scotia, particularly in those small Black communities that constantly live on the fringe, have something to say. I just don't want that to be overlooked when you're developing the composition of the committee. And I have no idea what the committee looks like. I don't know how many people; I don't know any of that stuff. I am just throwing that out for consideration.

MR. EPSTEIN: Okay, got it. Thanks very much.

MR. CHAIRMAN: Thank you very much. Other interventions?

DR. JAMES SMITH: If I may, Yvonne, thank you very much for your presentation. You made the statement, and I think it ties in probably with more recent questions here from Mr. Epstein, that it's not in the hands of the Preston community. The seat has evolved now that it's not in the hands of the Preston community. How would you ensure that? How is the easiest way? Is it strictly boundaries or are there other ways that you would want to see that done? We've talked a bit about a designated seat, and so you feel personally, and you qualified your comments earlier that these were your personal feelings, that the community has lost representation currently. What other means, other than boundaries, would you see that addressed?

MS. ATWELL: Actually, I don't. Right now, I don't see any other way. When I say lost representation, I am not talking personally about me or Mr. Adams or any of that. I am talking about the fact that the idea around the seat in the first place was to encourage Black representation in that community. So it was assumed that you would always have at least three members from the community who were Black to represent that community. So then people vote the way they want to vote. That's the way you work it.

That hasn't happened. I doubt if it will ever happen again based on what's there right now. It's about the concept of what the seat was supposed to be. Now it's just like any other seat. You can go anywhere in the province and the same thing can happen. There is, you know, talk and conversation around the fact "that they had their chance." So this is why the word "encourage" bothers me because I don't know what was meant by that word, other than the fact that the constituency was made smaller. I think there are some 8,000 or 10,000 people there who voted. It's a small, very workable riding.

[4:00 p.m.]

However, county councillors, it's not reflected anymore and that used to be as well. As the community gets larger, as more people move toward Lake Echo, Porters Lake, and Westphal, and those communities shrink, we have less opportunities.

I am just suggesting that perhaps it is time to look at something different and something that is concrete and real to the people of Preston and other parts of the province.

MR. CHAIRMAN: Mr. Taylor

MR. BROOKE TAYLOR: Yvonne, thank you for your presentation and welcome to the Red Room. When the seat was originally created in 1991, I understand the primary rationale was to give Black community members the opportunity and you have articulated that. I know that Mr. Adams won originally and you won provincial elections in the Preston riding. I am just wondering, did any one thing in your mind - as a private citizen, as you are listed as on the presenter's itinerary here - happen in the Preston community to somehow make the electorate look at things perhaps a little differently?

MS. ATWELL: Well, I don't know if you want to hear it but racism is a word there and we can't deny that. When the seat was established, where Mr. Adams won that seat - but not by much - there were four of us running. There was a Conservative, I ran as an NDP, there was a Liberal - who was Mr. Adams - and then there was an Independent candidate who couldn't get on a ballot, other than as an Independent and he came in second. So I am saying, what is that about, and that was in 1993. In 1997 - when I won - it was very difficult for the Conservative Party to find a credible candidate.

Sometimes I think my winning that seat was not so much a win for Yvonne Atwell, as it was to defeat Wayne Adams. He was part of government, he was a minister, blah, blah, blah. In the 1997 election, there were other kinds of dynamics happening, but the basic dynamics around that, the way that was co-opted in my world - and I was told by people that you had your chance, we had a Liberal, an NDP, we have had two Black people and now it is time to do something different. So that is the only word I can give it because the support, basically, in those communities was not there. My experience in those communities was horrible but I continued to do my job.

This is not about me, or sour grapes, which I know people will want to say. This is about what is right, what is just, what is fair and what is correct. You get tired of not seeing yourself in the places they say represent you. How do they do that? How many of you know where Preston is - do you know? How many of you drove through the community, went to the church, went to a community supper at the hall, simply because you wanted to, without being invited, without even being asked. How can you represent it? How can you have a Premier who won't even show up except during elections? It is those kinds of things that make you think, well, you can't tolerate anymore because you know and understand what they are. I am saying this because I believe - and I say this because I also talk about the fact that - the community thought, in their naive way, that this was a way to maintain that seat. So at the beginning, in 1991, people did not want a designated seat because they figured well, we are going to end up with somebody from our community anyway, it doesn't matter which Party because that person is always going to be someone. And that didn't happen.

MR. TAYLOR: Yvonne, are you advocating then that in some new type of designation that only Black candidates would offer in the seat?

MS. ATWELL: Yes.

MR. TAYLOR: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any further questions? Thank you. I believe our presence is still not required at the House, so we will continue. The next presenter is Peter McCreath who is also a former elected member, a former member for the South Shore, federally. Welcome, Mr. McCreath.

MR. PETER MCCREATH: Mr. Chairman, thank you and members of the committee. I appreciate the opportunity to address you. I would like to address four issues that are, I think, germane to the concept of representation. I recognize you are in a preliminary stage here and I want to make it clear that I don't represent anybody but myself, though I am sure there are literally thousands of Nova Scotians who would agree with everything I say, as they always do.

First of all I want to talk about the basis for representation. I guess, in a sense, I want to strike a similar note to the previous speaker in the sense that we traditionally think of representation as being on the basis of geography, geographic distribution, and on the basis of representation by population. I think there is a long-standing tradition and one that needs to be explored by the commission when it comes together and begins its deliberation. That is the concept of community of interest in defining representation. It is certainly germane to my own district and I will speak to that a little later.

I think we need to ensure there is reasonable balance among these various factors and that they all be taken into consideration. I know that, for example, on the subject of population, there is a range that quite often takes place and I think we need to balance, in particular, the differences between urban and rural representation. Obviously in urban areas there tends to be a greater turnover of population and that has its challenges for elected representatives and for candidates seeking election. At the same time there are challenges of representing large rural ridings - I know the Minister of Tourism and Culture would be able to speak to the challenges of a large, rural area - so that we have to balance the implication of those in providing representation.

In rural areas you may have several centres, town and villages. Canada Day is a very different experience for a rural member than it is for an urban member, who might have one Canada Day celebration to attend, whereas a rural member may have to drive a couple of hundred miles and sing O Canada at least 10 or 15 times during the course of the day. I guess what I am saying is that those factors ought all to be taken into consideration and given some reasonable balance including, in particular, this concept of community of interest, which I will come to.

The second issue I want to mention is an issue that has been in the press. It is one of the issues that really caused me to come here today and that is the size of the Legislature. It would be my position that the present size of the Legislature - 52 seats, give or take one or two - is a reasonable size. I would not agree with the suggestion to significantly reduce the size of the Legislature.

If you look at provincial Legislatures across the country - some would point to the example of Ontario, where they have matched their provincial Legislature with the federal Parliament and I believe they have 103 seats. Well, in Nova Scotia that would mean that we

have a Legislature of 11. Heavens, that is not even enough for the Cabinet, so you would all be Cabinet Ministers - maybe that would be a good thing, I don't know.

On the other hand you have Prince Edward Island, which has 28 members in their Legislature. What is really significant is the number of people that is reasonable to represent when you come to this place. Ontario - the new provincial members in that situation - represents an average of 87,000 people. It is virtually the same as the federal Members of Parliament represent, except in Prince Edward Island. One wonders what staffing benefits are available to support the efforts that they make. Prince Edward Island on the other hand, each member represents roughly 5,000 people, so you have the two extremes there.

If you look at the provinces that most closely approximate Nova Scotia, it is interesting to note that Manitoba, with a population of 1.1 million people, that their MLAs represent on average 20,175 people. That is followed by Saskatchewan, which has a population of just over 1 million. Their members represent roughly 17,500. In New Brunswick, the average member represents 13,765 people. In Newfoundland, the average member represents 11,128 people. So, if you look at where Nova Scotia is today - with 52 members and a population of about 942,000 - the average member represents 18,000, a hundred and a few people. I would suggest to you that actually, it is really quite well in the median range and an argument can be made that the number is appropriate.

The average federal member represents about 100,000 people and I had the privilege of serving - all too briefly - as a federal Member of Parliament and I had five Nova Scotia provincial ridings in my district. I can tell you the challenge of representing a large riding is something. But I should tell you also, that I had a full-time staff of five people working for me, providing services to those people I represented. So the issue that needs to be looked at as well is not just the issue of how many members are there, but what is the level of support available to support what they do?

You can look at another extreme, representation in the HRM City Council - Mr. Epstein could perhaps speak to this better than I - but the size of those seats and the lack of support completely to elected members, and it is supposed to be a part-time job, it is positively ridiculous. I take my hat off to those who have the courage, the temerity, or the tomfoolery to undertake the task.

I think the proposal to reduce the number of members of the Legislature does not make sense. If you reduce the number of members, does anybody seriously think that the people who have pushed for the reduction in the size of the House are then going to support increasing the financial commitment that is made, to provide support to members to handle these larger districts? I somehow doubt that that would be the case.

My third point has to do with the level of support to members and it is my view - having observed this - and I have to, of course, exempt my own member, who does an absolutely outstanding job. But I have to say, in my opinion, the level of support which you as MLAs receive, is totally inadequate. What you have is a resource that enables you to have a part-time staff and a part-time office. I would suggest that from all the resources of the government, that it would be a very good investment in democracy to ensure that every member of the Legislature has the resources to provide a full-time office with a full-time staff person. You would probably like and could use more, but the fact of the matter is, during business hours, Monday to Friday, constituents should be able to make contact with the MLA's office and have their concerns attended to.

I would also suggest - and correct me if I am wrong in believing this does not exist but - MLAs should have toll-free service where their constituents can call them, whether they are here in Halifax, or whether they are in the riding and that should be a service that is available. I think this is important when the House is in session, and particularly for those from further away who don't have the opportunity to be home as much. I think it's important for those with additional responsibilities, be they Leaders of their Party or the Speaker or Whips or ministers who are forced to be away from their districts a lot more; it's particularly important there.

Finally, in concluding, Mr. Chairman, lest you should run away to vote and I don't get to finish, I want to say a word about my own district, and I want to speak to this community of interest. I have been in Hubbards for a long time. For those of you who don't know where Hubbards is - you all know where Hubbards is because you've all been to a lobster dinner at the Shore Club, I'm sure - we are right on the county line between Lunenburg and Halifax Counties.

We have been passed back and forth in federal districts and in provincial districts, we have been passed back and forth from one riding to this riding to that riding to this riding. Somebody in their wisdom, a few years ago - I believe it was the redistribution of 1991 - created the Chester-St. Margaret's seat. The old Lunenburg East seat was no longer able to justify having its own seat by virtue of population, that is the Municipality of Chester, so they lumped the rest of St. Margarets Bay in with it.

There is a marvelous community of interest. We are always lumped in with the tail end of the urban section of Halifax, Armdale, Fairview. Nothing against those areas, but they would overwhelm by virtue of population, such that the rural area tagged on in the west, which had far more community of interest with the Municipality of Chester, we simply would get lost in the shuffle.

I guess I'm here to tell you that I believe it has worked very well for the people in my area, in the St. Margarets Bay area, in my own community of Hubbards, being aligned with the Municipality of Chester in a seat called Chester-St. Margaret's, which runs from Peggy's

Cove all the way around both sides of St. Margarets Bay, one of which is in Lunenburg County and one of which is in Halifax County. It has worked very well, and I would urge you, and whoever takes on this task of doing the actual commission, to think seriously about this community of interest, which is what we are.

We're not urban. We're more rural than urban; we're sort of rural-suburban, but at the end of the piece what we are, both halves of our district, is we're a lot alike. We're in the zone of the average in terms of population; we're a growth area. On both sides of our area it's growing, so it has the potential to be a district that could be the same for some period of time. That's a privilege that has been enjoyed by many parts of this province, not so much in the urban areas, but it's a privilege that they have had. You can have some consistency in representation, unless, of course, you keep voting different Parties in, and then you have some change - and that happens - but it's worked for our community, and I would urge the committee and indeed the commission to maintain that Chester-St. Margaret's seat; it has served us well.

Thank you, Mr. Chairman, for the opportunity to be here.

MR. CHAIRMAN: Interventions from members of the committee? One question I had arising out of that, Mr. McCreath. You made the observation about the Chester-St. Margaret's riding, I was wondering what your views would be, generally, about the degree of change that might be desirable. Do you believe that in general terms the existing ridings represent 'community of interest' in Nova Scotia?

MR. MCCREATH: That, Mr. Chairman, is somewhat of a loaded question. I can't, obviously, speak definitively about all areas. I think we're going to see an increasing focus of population in the metro area. We have created this monster called the HRM. We have horrendous transportation problems with respect to that, and I am not sure we are far-thinking enough as to how we solve them.

I think we are probably going to see an increasing pressure from the representation-by-population principle on increasing representation there. I think that what needs to take place is to move cautiously in modifying these boundaries in different areas. I suspect the challenge, on the other hand, in the rural areas is going to be the risk as populations relatively become smaller in rural areas, even though it's probably still growing in most areas, there's the risk of creating ridings that are simply too large, so you then get back to the issue of what's the total number that you play with. It seems to me that any dramatic change, more than two or three seats one way or the other, would probably not be wise.

MR. CHAIRMAN: Mr. Estabrooks.

MR. WILLIAM ESTABROOKS: Good afternoon, Mr. McCreath.

MR. MCCREATH: I understand I owe you a debt of gratitude, Mr. Estabrooks.

MR. ESTABROOKS: I also heard your lectures on George Brown and rep-by-pop many times. This is sort of revisited. I want to thank you for being here. I don't want to get into particulars of boundaries when Mr. Chataway and I share a boundary, but I am going to ask the permission of the chairman to present to you a resolution that I introduced in the Legislature congratulating you on the publication. I hear it's out of print already, the Life and Times of Alexander Keith.

[4:15 p.m.]

MR. MCCREATH: Many people are interested in my words, Mr. Estabrooks. (Laughter)

MR. ESTABROOKS: Actually, most of the time you did make some sense. Anyway, Peter, thank you so much. I would like to present this to you, if I could.

MR. MCCREATH: Promise me a Senate seat and I'll come back again. (Laughter) Thank you very much, Mr. Chairman and thank you . . .

MR. CHAIRMAN: I think Mr. Epstein has a few comments.

MR. MCCREATH: . . . Mr. Estabrooks, I listen to his speeches more than he listens to mine. For those of you who don't know what we're talking about, we used to teach in classrooms next door to each other in what is now his riding, which he does an excellent job of representing.

MR. CHAIRMAN: It must have been a very interesting school.

MR. EPSTEIN: I actually do have a question for you, if I may. It was a very thoughtful presentation, and it was particularly interesting because you looked at some of the underlying practicalities of being a representative, either at the municipal, provincial, or federal level. That's an important factor. I think you're right in pointing out that if the number of seats were to be reduced that there would instantly be a call for greater resources for the MLAs in order to do their jobs because of the increase in the size of the constituency.

What this leads me to wonder about is this - well let me link it to one of the earlier presentations we had. About a week ago in Sydney we had a political science professor, I think a David Johnson, come and speak very strongly in favour of an overriding principle of trying to get equality of population, as nearly as you can, in the constituencies. When he was met with the issue of the problem of servicing large rural areas he pointed out that on the one hand when you urge, as he was, equality of population you are speaking to a matter of principle. When you talk about the difficulties of servicing large rural ridings, you are dealing

with a matter of practicalities, and there are ways of dealing with practicalities. You can add staff, as you pointed out, or there are modern methods of communication and so on.

I guess it wasn't clear to me where exactly you come down on this. On the one hand you started out saying that you thought equality of numbers, if I followed you, was a very important principle, and then you said on the other hand there is a practical difficulty in having large rural ridings. Do you see these as incompatible?

MR. MCCREATH: I actually added a third. I guess they aren't. If I leave you with one message today, the message I want to leave is that there is no one principle upon which this should be done. I would argue there are at least three, the representation-by-population factor, the geographic distribution factor, and the community-of-interest factor. Ms. Atwell spoke to that issue, I thought, very eloquently in her remarks, a different concept of community, perhaps, than what I was speaking of.

I recall, for example, when they did the redistribution and created the Clare and Argyle seats, the effort was to create a community of interest. In fact, if you will recall in the early 1990's when there was a rejigging of school boards they actually created a school board that was Clare and Argyle with Yarmouth in between, because they were responding to the community-of-interest consideration. As rural ridings get larger, obviously you have a multiplicity of communities within it. I guess what I'm saying is, as much as possible those who are charged with looking at electoral boundaries should consider what is kind of - for lack of another term - a logical piece of geography that fits together cohesively, so that the person who is challenged with representing those people doesn't have to constantly speak with a forked tongue because the interest of one is at conflict with the interest of the other, that you could speak on behalf of your community because there's a certain cohesiveness in it.

You are never going to get perfection, and it seems to me that you have to consider and balance; it's a juggling act between those three criteria, and they all have to be there. Just on the rural issue, people want to talk to their MLA sometimes, and the more constituents you put in the district, the more challenging it is for that MLA to be able to talk to every person that wants to, and every constituent, every elector, every citizen, has a right to talk to their elected member about an issue. There are many problems that can be solved by a good constituency assistant, and often that's all a person wants to get the problem fixed or sorted out, or to know that they have been treated fairly.

Ultimately, people have a right to talk to their elected representatives. When I look at the United States and see congressional members who represent 600,000 people, I ask myself how many of those people - and as you know they have a much greater tendency to re-elect incumbents in Congress than is the case in our country - ever actually meet their congressman. To me that's a sad comment on a representative democratic system.

Just one last point. If you look for another extreme, at the State of New Hampshire they have, I believe, 450 members in their provincial House of Assembly because every community has a member. That's an extreme that I don't think I would advocate.

MR. CHAIRMAN: Well, if I could, on that note of Live Free or Die from New Hampshire, we will move to the next presenter. We have three other presenters and I think that we would, first of all, like to thank Mr. McCreath for coming forward and sharing your views with committee. Thank you.

Our next presenter, if he's present, is Hugh Pullen. If Hugh is here, could you please approach and offer your comments.

MR. HUGH PULLEN: Good afternoon, Mr. Chairman, ladies, gentlemen. I have neither the experience nor the eloquence of the two previous presenters, so I felt compelled to write out what I had to say and I have given the recording secretary a copy of this. You will note that in my presentation I refer to various other works. I regret to say that my secretarial skills do not rise to mastery of footnotes in Microsoft Word, so you are going to have to bear with that although I did give the draft that I got this from to the recording secretary, and presumably what I have to say will appear in Hansard with substantiation.

I am Hugh Pullen of the Peninsula South Community Association, which is essentially the residents' association of Halifax, south of the line, Quinpool Road and Cogswell Street. We've been around in our current configuration since 1996 when the old Ward 1 and Ward 2 Associations combined on the formation of HRM.

The Peninsula South Community Association is pleased to have this opportunity to make a submission to the Select Committee on Establishing an Electoral Boundaries Commission. As this is only the second such commission in Nova Scotia, its work is essential and important to the Nova Scotia community as a whole. We are in general agreement with many of the principles and conclusions of the March 1992 report of the Provincial Electoral Boundaries Commission, Effective Political Representation in Nova Scotia.

Now to turn to the composition of the Provincial Electoral Boundaries Commission. We agree that the commission should be "broadly representative" of the population, non-partisan and made up of Nova Scotians with a wide view, understanding and experience - and I would like to emphasize experience - of what is best for the province as a whole. This would include those with experience of the issues facing all of our differing communities, but most particularly those of the growing urban areas.

We are in agreement with the terms of reference shown as Section (1)(i), (ii), (iii) and (iv) of the 1992 report. As to Section (1)(v), minority representation including in particular Acadian, Black and Mi'kmaq voters, while this is a most laudable goal, it must also be

appreciated that to the extent such representation leads to unusually small constituencies, it means the under-representation of other Nova Scotians, including those minority group members not living in such constituencies.

We feel the implementation of Section (iv) or (vi), the population rate of growth projections can be improved, starting with the use of the recognized census prepared by Statistics Canada. In 1991 the Provincial Electoral Boundaries Commission used the 1986 census supplemented by an entitlement system they developed in-house. The Statistics Canada 1991 census had been taken that year but no data was available when the commission began work. Consequently, it is difficult to follow the impartiality of population representation in their document.

The following extract, from Page 20 of the 1992 Report of the Provincial Electoral Boundaries Commission is an example, "The most current population figures for Nova Scotia are the June 1, 1991 county estimates released by Statistics Canada on December 10, 1991. These figures . . . are projections derived from the 1986 census and should not be confused with the 1991 census. However, such projections by Statistics Canada have proven to be quite accurate in the past and provide the most up-to-date figures available. These numbers give Nova Scotia a population of 899,900, with an average of 17,300 for 52 electoral districts. In comparison with the 1986 census, the population of the province went up 6,100 outside of Halifax County (+1.1%) and grew by 20,600 inside Halifax County (+6.7%). Unfortunately, separate estimates are not available for municipalities or smaller areas."

It appears the commission was intent on reporting before the end of 1991-92 fiscal year, as their initial report was filed on March 6, 1992. To me such haste seems unnecessary. Section 5(3) of the House of Assembly Act states, "No later than the thirty-first day of March, 2002, and, thereafter, within ten years after the last change in electoral districts made pursuant to this Section, and at least once in every ten years from the thirty-first day of March, 2002, an independent electoral boundaries commission shall be appointed and issued terms of reference by a select committee of the House . . ."

There is no date by which the boundaries commission is required to report other than that from the limits of common sense. In order to ensure that the latest information is available to this commission, it is imperative that the data of the 2001 Statistics Canada census is used, not only because it will be the base for the next 10 years but because it is neutral information, uninterpreted and clear for all to see. Statistics Canada will issue the results of the 2001 census in eight releases beginning in March 2002. The relevant information releases, as far as I can see, are March 2002, population and dwelling counts, occupied private dwellings and collectives; in December 2002, language, mobility and migration; January 2003, citizenship, immigration, birthplace and birthplace of parents, ethnic origin, visible minorities and aboriginals.

[4:30 p.m.]

In a province where six counties are increasing in population and 12 are declining, according to the 1998 Nova Scotia Government figures, it is essential that the most accurate and current information is available, even if the process is extended, and we recommend you make this clear to the new boundaries commission. We agree with the 1992 report that all contacts with the commission be part of the public record, including transcripts of the public hearings, letters and submissions, and that individual or private submissions or meetings with the commission not be allowed. Further, that Party standings and partisan implications are not to be part of the deliberations of the commission.

These important principles were adopted by the commission in 1992, and they should be set out in the terms of reference. The commission should be directed to decrease the number of seats in the House and to achieve, as nearly as possible, allowing for minority seats, equity in representation. It was recently stated that while Nova Scotia MLAs represent an average of 18,126 people, the average Canadian province has one MLA for every 34,916 people.

In order to achieve fairness, the commission should be given clear direction on the population deviation to be considered. While a plus or minus of 25 per cent would be an improvement over the present deviation, we would recommend that the commission strive for a plus or minus of 18 per cent variation. A recent commentary noted that "Australia, a country with similar geography, limits riding variations to plus or minus 10 per cent" and the population of the U.S. electoral districts rarely varies by more than plus or minus 5 per cent.

MR. PAUL MACEWAN: Is that in the Senate?

MR. PULLEN: I think that's the representatives.

MR. MACEWAN: I think it is too.

MR. CHAIRMAN: It's a trick question.

MR. PULLEN: As in the House of Representatives.

MR. MACEWAN: I know.

MR. PULLEN: The Nova Scotia electors list for the 1999 election records that the smallest non-minority constituency had 6,310 voters, while the largest had 17,739 voters. This is clearly unfair. While wholesale disruption of county boundaries is not desirable, the commission should not be bound by them.

Finally, Donald E. Blake in a recent study, Electoral Democracy in the Provinces, sponsored by the Institute for Research on Public Policy in Montreal used several measures to show that the population of constituencies in this province varies more than in any other. While recognizing the large area of some constituencies and the differing role of rural and urban MLAs, we would point out that in an era when Nova Scotians have significantly increased access to all modes of communication, including 1-800 numbers, and grandparents e-mail their families regularly, geography is becoming a diminishing factor in successful communication.

We agree with the 1992 report that "The commission was of the view that the point of political representation is to represent people, not land." The present discrimination against the urban voter must be addressed. There are many ways to serve constituents, but only if each constituency's voice is equally heard in the Legislature will the province come close to having the policy direction, dialogue and discussion needed to address the concerns of our growing urban areas. The present government proposal to use the regressive property taxes of senior citizens, people on fixed incomes and others in growing urban areas to subsidize other property owners in other areas would never have seen the light of day in a representative House of Assembly.

The Peninsula South Community Association encourages the committee to provide the commission with terms of reference which will enable the province to begin to move ahead with electoral reform so that it can no longer be said that "On average, Nova Scotia appears to be the least democratic province with the lowest score on most indicators." Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Pullen. I would open up to questions from the committee. If there are none, actually I have a couple of questions. I will wait my turn as Chairman to impose. Mr. Epstein has one first.

MR. EPSTEIN: Very good presentation, nice and clear. I wondered if you had a particular number in mind when you were thinking about the possibility of reducing the number of MLAs?

MR. PULLEN: I would have to say no. What I do have in mind, my sense - and I am by no means as experienced as most of the other people in this room - is that there is too much government in this province. They stumble over each other. We have three levels and they compete.

MR. CHAIRMAN: I've noticed that.

MR. PULLEN: Is that really necessary?

MR. EPSTEIN: I have to point out to you that although this committee exists to give instructions to the Electoral Boundaries Commission, in some ways, the Legislature has already chosen not to put into play the question of the total number of seats. The instructions that we as a committee were given by the Legislature as a whole were really to maintain the 52 seats.

MR. PULLEN: I understand that. I sit here as a breath of fresh air. (Laughter)

MR. EPSTEIN: This is true, perhaps, on the other points that you've made.

MR. CHAIRMAN: I would like to ask a question, if I could. There was a statement you made, you said that with communications today - and you used many different advantages, 1-800 numbers, e-mails and so forth - that geography is a diminishing factor. I would just point out that I represent a riding that is three and a half hours away. I think that I waste one day a week just travelling to Halifax and going back. Obviously, there are many events that I can't make in my riding that I have to do on weekends. I am just making the point to sort of put it in perspective. On my weekends I have to do a lot of work and the bigger the riding is the more unable I am to basically serve it properly, though you talked about telecommunications as being communications, there is also other communication, and that is the personal meetings with people, many community meetings and so forth. That is the balance on the other side.

Since you had made the comment, I felt I should also comment and make my views somewhat known. I think there is a balance between the two. I don't know what the numbers are and so forth, but I just want to point out, as someone who lives in Halifax and for someone who lives in HRM, you are in a situation where you are coming to and going home at night, you can attend those meetings. For us, it's virtually impossible, it's a seven hour drive just to go home and come back. I have done that before, but I try to avoid it as much as possible.

The other point is that you used averages, people representing Nova Scotia, and you said 18,126 versus the Canadian average. I think if you look at the Atlantic Provinces, our average is probably very much in line or better than some of the other Atlantic Provinces. If you take out some of the more populous provinces, Alberta, B.C. and even Ontario, then Nova Scotia is probably more on average. Although I appreciate you did your research, and you are saying that Nova Scotia is disproportionate, I can't comment on that without doing some review. Those are two of the points I wanted to make.

Are there any other questions? Dr. Smith.

DR. SMITH: Mr. Pullen, you were here for Yvonne Atwell's presentation, and you quote in your statistics the 6,310 voters. You heard her presentation relative to the Black community that she feels is suffering not from systemic racism but other factors that would

in some way inhibit representation. Do you have any thoughts on that matter? The small number you mentioned, 6,310, on Page 4, would be the Preston community, I would think, or is it another community?

MR. PULLEN: The 6,310 voters is the County of Victoria.

DR. SMITH: Would you favour the communities of special interest? Do you see this average of being equal even across the country as important? How would you weigh that as a balance?

MR. PULLEN: This is going to sound as if I'm ducking, but if you look at the definitions of the current constituencies, you will see that each one shows the number of Aboriginal reserves in that constituency. I suspect this may be one of the Mi'kmaq's problems, how do you do this? How do you recognize the minorities without giving individual members a second vote? What you have here are people who, in fact, are living in a community with their neighbours, but they do have an extra axe. So, either you vote with your neighbours or your vote is collected from all the members of your self-proclaimed community and they all vote separately. It would be an administrative nightmare on election night. I have to say I don't have an instant answer to this. I wish I did.

DR. SMITH: One final and this may be a little unfair, but we met earlier this week with the Advisory Council on the Status of Women, and their concerns were about the lack of female representation. They mentioned some communities that had addressed this, in Scotland particularly, that looked at the job of MLA as a workplace environmental issue, and that the current workplace environment would be negative for a younger woman, particularly one with family, with dependant children.

How do you feel about the composition, of all the males that we see? Do you have any suggestions about that? Do you see that as important?

MR. PULLEN: Do you really think the males dominate the world?

DR. SMITH: I didn't say the world.

MR. PULLEN: When you go home are you dominated or not? (Laughter) The problem is, sir, after you have sliced the cake every which way, we live in a people society. Surely that's what we're striving to get. In my lifetime, in this city, there have been some considerable advances since I was a small boy. I sincerely hope they continue, but really, at the end of the day, what you contribute is what counts. We all try to contribute the best abilities God gave us. It wasn't all equal at the start and it's not all equal at the finish, but in the meantime, we all try to do our best. What I've found in my lifetime is to try to be polite to your neighbour, and that's it.

[4:45 p.m.]

DR. SMITH: It's a very polite answer, Mr. Pullen. I was looking for maybe some suggestion as to how we address the gender inequality in representation. In 52 members, we have two females, I think, no . . .

MR. CHAIRMAN: We have three in our caucus and there is one . . .

DR. SMITH: Yes, four. We have zero.

MR. CHAIRMAN: Mr. Pullen, I would just remind you, you did make a comment as to why there was such haste in 1991 and 1992 for the redistribution. I vaguely remember the discussions at that time, there was considerable demand for redistribution. Before the subsequent election, the government of the day moved to have the re-examination. You made mention that they should have waited for the census. The point of the matter was that at that time they wanted to have these changes in advance of the election to follow. These changes are very difficult to make literally a month before an election. It was done in a manner that would allow for the changes to be, first of all, understood by the voting population and to have them in place for the next election.

That is just to clarify. I remember, and I am sure Mr. MacEwan was there at the time and so was Dr. Smith. I am not saying anything about your recommendation about waiting for the census, but that is just to clarify why it happened at that time. Mr. Taylor.

MR. TAYLOR: Thank you for the presentation, very broad-ranging. I am a little bit concerned. First of all, I would like to say I agree with you. If possible, I think it's very important that the Electoral Boundaries Commission have the most relevant census information. I think that's an extremely good point. You speak of the present discrimination against the urban voter, and that it must be addressed. Then a little bit, conversely, you speak of reducing the number of MLAs and yet still providing for minority representation. That formula would be very magic if you could come up with it. It seems like on one hand you are requesting that the commission look at the fact that the urban ridings are, for the most part, population wise, larger, not giving any consideration to territorial. In fact you made the comment in there about land and people. That's an old comment that's been around for a long time.

I think it's important that the constituency's voice is heard. Anything we can do as a committee to improve that would be appreciated by everybody, but it's a difficult mix, I would suggest, or a difficult request to somehow continue providing for the minority representation, reduce the number of MLAs and somehow eliminate what you perceive to be discrimination against urban ridings.

MR. CHAIRMAN: Mr. MacEwan.

MR. MACEWAN: The House itself has already solved this question of how many seats there will be in the new Legislature, because they have passed a motion unanimously calling for 52. That's the pie we have, not for us to carve up but for the commission to carve up into 52 seats. It's pretty difficult to get absolute equality and absolute parity in this type of matter. I know that people like to refer to the United States House of Representatives, as your group did. They completely failed to look at the parallel United States Senate. We have all followed the campaign, say, of Hillary Clinton to get into the Senate. She is now one of two senators representing the State of New York, population 22 million. She sits in the Senate alongside two senators from the State of Vermont, population 800,000, if that; two senators from the State of Rhode Island, population less than 1 million; two senators from every state in the union, whether it's Alaska or California. That is certainly not representation by population.

MR. PULLEN: Should we have an Upper House in Nova Scotia, sir?

MR. MACEWAN: It used to sit right here in this room, but I am not proposing that and we are not going to do that at this time. No, I am just saying it's hard to achieve absolute equality in these things. If we did get ridings that were absolutely equal, there would probably be a dozen representations that would come forward right away saying this isn't right; that isn't right, this isn't fair, that isn't fair. I know that; so do you. We'll do the best we can. You make good points.

MR. PULLEN: I would just make the point that the character of this province is indeed changing. Every 10 years the change becomes apparent. I guess I have one request, can we please use the 2001 census?

MR. CHAIRMAN: Thank you very much for making your meaningful comments. Our next presenter is no stranger to this facility, Dr. Ed Kinley.

DR. EDWIN KINLEY: Mr. Chairman, I appreciate the patience of the committee. This must be like school ending, when you're anxious to get out. I appreciate the opportunity, and I will be brief. I would like to pay respects to Wayne Adams and to Yvonne Atwell, being Black representatives, having been elected. I appreciate her comments and so on, but I do want to pay respect to them. I have a great respect for anyone who puts their name forward to run for office and, having got in there, to go through it. It's not easy, and I think the salary scale should be raised a lot. This issue has been brought up, and I certainly support that. I think that's an important part.

What we're here for, really, the boundaries review process, is important. I think it should be considered as part of an ongoing process of, perhaps, parliamentary reform in Nova Scotia. It's an important part of it. The representative part of this legislative function is important, and I have read the material from the last commission report and so on. I know

a lot of thought has gone into it. The question of starting with one person, one vote I think should be the starting point, but once that's there I do recognize the questions of geography and communities of interest and so on which have to be dealt with. I think that in Nova Scotia we have made an effort to do that.

In terms of your striking the commission, I would ask that one of the members of the commission be from metro so that the interests of the metropolitan area are well represented in the commission's deliberations. I think, in terms of the mandate to the commission, we have to recognize the process of urbanization. We do recognize the communities of interest and the geography factors and so on; they have been well described and debated. But I think increasingly in Canada, and certainly in Nova Scotia, we are becoming the most urbanized country on Earth. It's interesting because we are becoming so urbanized. We do have this huge country, and we are going to be faced, increasingly, with this problem of balancing off the question of the proportional representation by population versus the communities of interest and the geography and so on.

I do think that it should be in the mandate specifically. I think the mandate to the committee, in addition to recognizing these other things, should be that assessment and consideration of the urbanization problem should be part of the committee's mandate. This is going to continue to grow. It's going to go across the province and it's going to go across Canada. If we consider this part of the process of parliamentary reform, we want to attract voters. Voter turnout has gone down, and I think it's so important for all of us that the democratic system does prevail. It's more important than ever as time goes on that our democratic institutions do reflect the people who put them in there, that they are relevant, and that people have faith in them.

This question of boundary redistribution is complicated, but it's part of that whole system. I think we owe it to everyone to make it as worthwhile and as effective as possible so that our institutions are as representative as can be. I would just say my recommendations would be that a member of the commission be from the metro area and, secondly, that in their mandate we include the principle of urbanization, which, as I say, is growing continuously and going to become more important every year.

I just have two other comments. First, the question of the Senate comes up. I think the Senate issue is so different from what we're getting at here. I would certainly support an American-style Senate which is elected and representative of something and has some authority. I think Senate reform is another part of this parliamentary reform process that we're not concerned with here. I think it's not quite relevant to put it on the table when we're talking about seat representation here in Nova Scotia.

The other comment, perhaps, would be in terms of effective representation for rural areas, and it applies, of course, to urban areas as well. I think effective representation and effective decision making at the municipal level, perhaps, are things that could be addressed

to look after some of those issues. If the municipalities were to have different taxing powers, if they weren't just relying on the property tax, if somehow the taxing powers and the other authorities of the municipalities were added to, then the people would be more - municipal government is much closer to the people than the provincial government. That is some way of addressing the concerns of government representation. Those issues are very close to the people, and if we could make that more effective, and if they had a better tax base, then that may address some of these concerns.

MR. CHAIRMAN: Thank you very much, Dr. Kinley. Any questions? Perhaps I should, at this point, remind honourable members that the Lieutenant Governor is coming here at 5:05 p.m.

MR. MACEWAN: The House is finished and the Lieutenant Governor is on her way to give Royal Assent to the bills.

MR. CHAIRMAN: Are there any questions for Dr. Kinley? Mr. Epstein.

MR. EPSTEIN: That was very interesting. I just wanted to make sure I understood your words correctly. When you talked about recognizing urbanization and the fact that it's likely to grow, I take it that you are directing our minds to the desirability of relatively equal constituencies not only at the beginning but at the end of the coming 10 year period. Is that part of what you're saying?

DR. KINLEY: Well, I think that's relevant. We have to pay attention. I don't think we should have any fewer seats. I think there are lots of things for people to do. I wouldn't recommend cutting the number of people down at all. I think it becomes a more important factor all the time; the urbanization thing has to be part of the equation here. At the same time, we can't ignore the other things we've been dealing with over the years. I think it's very relevant here now because it's just going to increase, I am sure, in the next 10 years, and it is a 10 year cycle, which is a long time.

MR. EPSTEIN: What will increase is the movement of population . . .

DR. KINLEY: The urbanization, right across the country.

MR. CHAIRMAN: Thank you very much, Dr. Kinley; we appreciate it. We have five minutes. There is a presenter, Duncan Dauphinee, if he's present. If you would like to do it, if we have enough time, we'll get it down now rather than making you wait. Mr. Dauphinee, if you want to make your presentation, if we have to come back . . .

MR. DUNCAN DAUPHINEE: I have a very brief one.

MR. CHAIRMAN: Please approach and make your presentation.

MR. DAUPHINEE: First of all, I want to say thank you for permitting me to squeeze into your busy schedule, and I promise not to be too long.

MR. CHAIRMAN: Mr. Dauphinee, we appreciate your coming. Don't worry about the time.

MR. DAUPHINEE: However, my purpose is I want to particularly focus on the Chester-St. Margaret's riding down there. We have our boundaries that begin at Peggy's Cove and run through down into New Ross, Lunenburg County. If you were to measure that we have 100 kilometers or 60 miles from one end to the other. That is one part of the problem. The other side of the coin is that we, in St. Margarets Bay, are becoming another bedroom to Halifax, as a matter of fact our population in St. Margarets Bay is growing by two to two and a half families per day, 365 days a year. We have something like 14 subdivisions. The population is just exploding there.

[5:00 p.m.]

More than that, in District 23 we have another, greater problem which I would like this commission to take into consideration, and that is the fact that the Village of Hubbards, where the dividing line is for Lunenburg and Halifax Counties is causing a lot of concern to many of the residents down there. The concern is, one, the assessments being placed on ordinary properties, households and business, and the other is the taxation on those properties.

I also feel that the rate at which St. Margarets Bay is growing, perhaps this commission would take into consideration maybe realigning the overall district itself and putting it back as it was, I believe, in 1991. That would, perhaps, eliminate a lot of the problems. It would also give us an opportunity to have representation in an expanding area of which the utilities themselves are rapidly disappearing in a sense that they are trying to keep up with road conditions, utilities, and so on and so forth.

We have a varied mixture of businesses involved, from fishing on one end to Christmas tree cutting on the other end. I am concerned about that because our representatives, our MLAs, can't always address these problems. Yes, they can solicit help from other departments, including the federal government, but being somewhat involved myself I know some of these problems, and I have worked with some of the fishermen and been involved when the Swissair incident took place.

We have varied concerns there. What I would like to see is, perhaps, the district being given consideration. I would like to see the overhauling of and the review - perhaps a better word - of the area itself. The situation is that it is a necessity at this particular time. I am glad, and I appreciate the opportunity of this commission reviewing some of these concerns. I would like to recommend that, perhaps, the study be given more in-depth, because I have just

touched on some of the items. In view of the time, I just want to leave it on that basis, but I would be happy to meet with any of the representatives on the committee or commission at a later date.

MR. CHAIRMAN: I should point out again that it has been well said, particularly by some of our members, that the commission will be holding hearings, and they will be considering specific ridings. I think, Mr. Dauphinee, it would be good for you to repeat those submissions to the commission once it comes forward. We are here to develop the terms of reference.

Mr. Epstein had a question.

MR. EPSTEIN: I have two points, I don't know if they are questions really. One was to just put on the record that the phrase that Mr. Dauphinee used about District 23 refers, I think, to a municipal district, the HRM district that covers most of the same area that is Chester-St. Margaret's - for anyone reading the transcript. The second point is just to express a hope that when we do appoint an Electoral Boundaries Commission perhaps it will read the transcripts of what we've done here, since several of the presentations we've had address quite clearly things that are going to be within their mandate, like the actual boundaries of districts rather than something that we, ourselves, are going to make recommendations on. I guess some of Mr. Dauphinee's comments would fall into that category.

MR. CHAIRMAN: Your comments are a matter of the record. We appreciate, very much, your coming forward. We apologize for the shortness of the time here, but I think you got your points across very well. Thank you very much.

With that, members, we will stand adjourned as we have to go into the House for the closing of it. The committee will reconvene at 7:00 p.m. I am not sure if we have presenters, but we shall endeavour to see at that time and make a decision.

We stand adjourned.

[5:05 p.m. The select committee recessed.]

[7:05 p.m. The select committee reconvened.]

MR. CHAIRMAN: Thank you very much. I would like to call this meeting of the select committee to order. My understanding is that there is no one from the public this evening who wishes to make a presentation, I believe that to be the case. (Interruptions) No, Mr. Hendsbee is not a member of the public. (Interruptions) I think those folks - you folks are not here to make presentations to the committee? No. You may if you wish, yes. We will wait a couple of minutes. I just wanted to talk about our meetings for next week in anticipation that if there is somebody who wanders in a couple of minutes late, we'll be here.

HON. RODNEY MACDONALD: Mr. Chairman, there is a letter, from Sheila . . .

MR. CHAIRMAN: Yes, that should be in the file folder. From one of the councillors, you mean?

MR. RODNEY MACDONALD: Yes, Sheila K. Fougere, Councillor for District 14, Connaught-Quinpool, HRM.

MR. CHAIRMAN: Yes, it will be provided to staff and it will be copied for the members of the committee for the meeting.

The dates that I have here are potential dates, subject to confirmation here this evening. I had suggested Monday evening from 5:00 p.m. to 8:00 p.m., on the theory that that would allow members who are from out of town to use their Monday as a constituency day or part of Monday at least and still allow us to have our deliberations. Then, depending on what happens on Monday, I think we maybe should give ourselves a day's time before we come back again, because I think on Monday evening, I am hoping, we can start to flesh out what some of the questions are, at least, and begin to, even if we don't have our respective Party's answers to those questions, start knowing what the questions are. Some of the questions are going to be trying to process and all those kinds of things, but I think Monday evening's meeting, in my view, should focus at least partly on what are the questions, so that we can get down towards Wednesday, Thursday, in particular, in answering the questions.

Again, on Wednesday and Thursday, I was going to suggest from 2:00 p.m. to 4:30 p.m. on Wednesday and 2:30 p.m. to 4:30 p.m. on Thursday. Then on Friday I have 9:00 a.m. to 11:00 a.m., in case there are last-minute items that we need to deal with. It may be that we only spend an hour signing a report, if we have an agreed-to report, or whatever on that morning, but we need to meet that morning, I think, to put the finishing touches, hopefully, on the document. (Interruptions)

My experience with one other select committee was the actual preparation of the document and then getting it signed at some point the next day. Do those seem to sound like reasonable times? Okay. That's fine, we have confirmation. As I said, as the notes indicated, we will have a light supper there for people on Monday evening in case they don't get a meal on the way into town. (Interruptions) It means something to eat but it's not necessarily as much as you want to eat for the whole evening. (Interruptions) That's right. That's fine.

We are five minutes over time, and there don't seem to be any takers. Unless anyone has any other business, I think we are adjourned until Monday at 5:00 p.m. The location is going to be the Dennis Building, across the way. (Interruptions)

We stand adjourned.

[The select committee adjourned at 7:09 p.m.]

**HALIFAX, MONDAY, NOVEMBER 26, 2001**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**5:00 P.M.**  
**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: Good evening. We will call this meeting to order. In front of everyone this evening is - I had asked staff to provide us with - a copy of the breakdown, by county, of the number of electors in the last provincial election of 1999. I have also provided the number of electors who actually voted as opposed to those who were eligible to vote. I thought that might be useful information because it gives a census of the people who really are, the processes' vote, which is electors, and tends to give an idea of the . . .

MR. PAUL MACEWAN: It's the most recent census that we have.

MR. CHAIRMAN: It's the most recent census of adults 18 and over because that is effectively what it is, a census of adults 18 and over. At least it helps people compare information based on the most current information we have available. I guess there are a number of things - and there is no strict agenda of items this evening - I felt that we should meet this evening and at the very least pose or some of the questions that would need to be answered at our Wednesday meeting.

I was hoping that rather than vote and make an actual decision on a particular item tonight, at least we would know the kind of questions that each particular caucus might be seeking to have answered. In answering those questions, we will pretty much be writing the report, in effect. Obviously the first question that I came to - and this is in no particular order - was the number of members on the Electoral Boundaries Commission itself. My recollection - and I certainly stand to be corrected - is that we've heard numbers from 6 to 12, I believe, in the presentations. Is that correct? My recollection is that the largest number we heard was 12 and the smallest was 6. Mr. Taylor.

MR. BROOKE TAYLOR: I believe one gentleman suggested three, Mr. Chairman.

MR. CHAIRMAN: Three, oh, that's right. Okay, fair enough, you're right. That was in Port Hawkesbury, wasn't it?

MR. TAYLOR: No, I believe it was over in the Red Room.

MR. CHAIRMAN: Was it? Okay, there we are. We have our range then, three to 12. Mr. MacEwan.

MR. PAUL MACEWAN: I would like to speak on this question, if I could, Mr. Chairman, because in terms of what kind of commissioners we're going to be able to get, a heck of a lot depends on what we're prepared to pay them. I know the best labour is free, but you as a lawyer know that most lawyers don't work that way.

MR. CHAIRMAN: I've heard rumours about that.

MR. MACEWAN: If we're going to get three commissioners, 10 commissioners or 100 commissioners, it depends on the quality of the individual that we're going to be able to recruit, much more than the number I should think. I don't know what the mechanics are for doing this. I know our committee has the power to appoint commissioners . . .

MR. CHAIRMAN: Yes, that's right.

MR. MACEWAN: . . . do we have the power to set salaries or to negotiate them? Let me just pull a name out of the air and recommend former Premier Russell MacLellan. Now I think the answer I'm going to get from him is going to depend on that question, what does it pay? Is it worth my time to go hammer and tongs at it for four or five months, the best four or five months of my life, if it doesn't pay anything?

HON. NEIL LEBLANC: It's a lot better than when he was in office. (Interruptions)

MR. CHAIRMAN: I was going to say, I've seen him since he left office and he seemed to say that was the best four or five months of his life. (Laughter)

MR. MACEWAN: I think I've said enough to make my point, because if you can't address this matter I don't really know how we can proceed.

MR. CHAIRMAN: Mr. LeBlanc.

MR. LEBLANC: Actually, I agree with Paul. What I would like to know is what we paid last time. The last time there were six. What are the expectations for a time frame? I think the level of the time frame of when we expect them to report, which will be another question I am sure the chairman will put forward, will make a difference. If you keep it open-ended, people believe democracy can be carried on to the nth degree, more and more

hearings, more and more debate but, eventually, a lot of times if you set a timeline this will probably get done reasonably, no matter what, especially if we pick people who are competent and who are able to serve.

Do we have, within our resources of the committee, what those remuneration levels were, so at least we would have an idea? I guess I am making the point to staff that we should get that so that we understand the parameters. I think committee members would at least like to know that information.

MR. CHAIRMAN: That's a good question.

MR. MACEWAN: I remember signing a requisition when I was Speaker authorizing the payment of, I believe it was \$25,000 to a Mr. White from Truro. This was the fee he charged for acting as a commissioner to set members' salaries and benefits. I was never told in advance that this man was going to look for \$25,000; my deputy brought it in to me for my signature. I said, what if I don't sign it? He says I guess we'll find out what will happen next. There was no negotiation at all. I got a bill, I had to pay it. I don't know if that's the way we want to proceed, but that's a precedent that could be drawn on. Also he had an assistant who billed around the same amount, and we've had more recent bills for a commissioner who actually brought in a report saying, do nothing - that was his report.

MR. CHAIRMAN: The Internal Economy Board, as I understand it, has the ability to set the resources for the committee. I think, technically speaking, the actual setting of salaries for the commissioners would be within our purview as part of the terms of reference for the commission. Certainly the resolution talks about the Internal Economy Board providing funding for this committee as a committee of the House, but the Internal Economy Board would therefore fund this committee, the staff and all the costs involved in the committee, but I believe this committee actually sets the terms of reference for the commissioners. Clearly the amount to be paid to the commissioners would be part of those terms of reference.

MR. MACEWAN: Some of you honourable gentlemen here are on the Internal Economy Board. What would your opinions be - and counsel to the board - what would you consider an appropriate course of action?

MR. LEBLANC: This type of conundrum here, as to . . .

MR. CHAIRMAN: Can I just interrupt you, Mr. LeBlanc. I don't want to interrupt free flow but, I think for the sake of Hansard, if I could identify members before they speak, not because it's really necessary for our purposes but because I think it drives the people at Hansard completely right round the bend. So, Mr. LeBlanc.

MR. LEBLANC: This is a technical question that Paul brings up; it's a fair question. I was looking at the resolution - Jane had it right there, I am trying to put my hand on it. I don't have it. Can you show that to me again, please? - it goes at the end, it says under Paragraph (10) "That the Legislature Internal Economy Board be authorized to provide the Select Committee, its members and staff with such facilities and funds as are required to carry out their duties and as are provided for by and pursuant to Section 80 of the Public Service Act."

I also sit on the Internal Economy Board, and when requests come forward we look at them and we will make a judgement on them. It doesn't mean its carte blanche, it doesn't mean that whatever gets brought forward would get done. This committee is a select committee, a little different than most committees that come forward. They may want to travel in their capacity to perform their duties, and we would either authorize that expenditure or not. This is a little more of a technical one, and I think it's important that we understand exactly what we are going to recommend. Do we have the authority to set wage levels here or is that for someone else to do? Do we ask someone to serve without knowing what they shall be paid?

Those are all questions that maybe the legal counsel could get some clarification on for the members so when we have a subsequent meeting we would know. Today, I think we could debate this until the cows come home, and I don't think it's going to serve any purpose.

MR. CHAIRMAN: I think the question of whose authority it is to determine those levels is a very good question, but I think that maybe we can't answer this one today and we will have to deal with that on Wednesday.

MR. MACEWAN: I just wanted to raise it.

MR. CHAIRMAN: It's a very good question.

HON. JANE PURVES: Because it would affect the number of commissioners.

MR. CHAIRMAN: It would affect the number, yes.

MR. MACEWAN: Not for the quality and the work they do.

MR. LEBLANC: Mr. Chairman, another point. How many meetings are they going to hold? We had different recommendations, every county - I had all kinds of them coming forward. That will affect how many meetings they have, what duties are expected, whether people will take the job. Those are other things. Anyway, I'm getting off the topic. Please continue.

MR. CHAIRMAN: No, no. That is not off the topic. Ironically, that is exactly the topic because the number of commissioners and, of course, our mandate, both electorally and through the resolution of the House, said that it is to be broadly representative of the population of the province. I'm challenged to think how you can pick three people who would be broadly representative of the population of the province. It seems to be a challenge to me that I am sure others can think of, but that gets to the problem, a single commissioner, for example. I mean, theoretically, that's within our mandate; you could pick a single commissioner and authorize that person, but it's pretty hard to see how one person could be broadly representative of the population of the province. That's the other balance on which we have to deal; the number has to be sufficient to represent diverse interests.

MR. MACEWAN: Michael, the precedent is six. We have only done this one time before and that was the number, six. If we want to deviate from that, either up or down, we should have good and solid reasons for doing so.

MR. LEBLANC: That's good reason.

MR. CHAIRMAN: Anyway, for the moment, I guess the other issue deals with the issue of appointment. We have a very narrow timeline. I am open to suggestions, but my suggestion is that we have as an upper limit, as suggested by somebody in the public, 12 people. That was the upper limit; I am not suggesting that we are going with 12 people. Go ahead, Brooke.

MR. TAYLOR: Mr. Chairman, I know everything will predicate on the remuneration, or a good deal of it will, but I think it's important that as a committee we reach a consensus on a number that we have in mind, irrespective of the way - I don't think six is workable, quite frankly. It's an even number. I don't know whether you are looking for a motion or anything; I think we should possibly look at nine.

MR. CHAIRMAN: Mr. Epstein, then Mr. Corbett.

MR. TAYLOR: I just wondered if I could finish, Mr. Chairman.

MR. CHAIRMAN: I'm sorry, I didn't realize I cut you off.

MR. TAYLOR: When I suggested looking at the previous commission, with all respect to the commission, we find that the urban areas, the metro areas, are certainly represented, as they should be, but they are represented quite well, Mr. Chairman. I find that there is only one representative, if you remove the minority representation consideration, from rural Nova Scotia, or there was, at least on that previous commission. If we are going to be conscious of minority representation, which I understand we probably will be, then I would like to see the commission expanded to at least nine. That's my rationale.

MR. CHAIRMAN: Mr. Epstein, then Mr. Corbett.

[5:30 p.m.]

MR. HOWARD EPSTEIN: We seem to be deep into discussion of the points already. I wondered if we could hear your list of possible questions before we end up . . .

MR. CHAIRMAN: We're trying to answer the questions before I get to them. Okay. Question number one was the number of commissioners. I think we can take from the corollary to that question which has been posed by Mr. MacEwan, the remuneration and number of other obligations of those commissioners. I include in that, meetings and those kinds of things.

Another question which was posed would be, in rough terms, what minority and other interests should be, ideally - whatever group would ever completely encompass a population of 900,000 - what significant interests should be represented in that body, however big it is.

The next question I had, of course, was to some extent connected to the remuneration and other duties, which is the timeline. What is the timeline for reports? The process, as I understand it, involves a preliminary report, a final report and passage of the bill to implement the report by the House. Again, allowing for the fact that, I guess my reason for asking that question is, obviously, I assume we would be trying to get it enforced for the next general election and all political Parties need to do some retooling as a result of redistribution, whatever redistribution should happen, because that is going to dramatically affect their internal organizations. Timelines would be a very important issue that we need to talk about.

Another question, just by way of going through the list of questions, would be - on the number of people on the committee - the process by which we are going to generate names. I guess that was my other question. I had a suggestion there, but I am very much open to anybody's better suggestion, which is that whether it's nine or 12, each caucus would come forward with a list, not assuming necessarily any one individual but with the name of one person for chair and a list of nine or 12 or whatever the number would be of suggested people. We have to winnow this down very quickly. Whether we are winnowing it down to three or one or 12, we need to have some method by which we can move this process along.

MR. MACEWAN: It's going to be a tough job, you know, to come up with nine names, from each caucus, of people we think might serve. We haven't checked out that far yet.

MR. CHAIRMAN: I think that's time for our networks, and I will leave it at that, to do some networking. We have networks, within our contacts of people in different parts of Nova Scotia. There is no other process that you can use within the timelines. To be brutally honest, last time it took five to six months, about six months, to go from the beginning of the

process to the final report. If you allow five to six months, six months is pretty much what would happen. That doesn't allow much time, given that one of those months is December and that a lot of hearings will not be taking place in December.

Even if you hit the ground running in January, a bill would need to be passed in the House in June before it would be readily implementable. If the bill is not passed until November, which would be this year's precedent, it's not going to give political Parties in Nova Scotia much time to readjust themselves. I guess that's why I was suggesting that we need to have a process for coming up with the names.

Then I guess the question I was looking at was issues that would be raised from the terms of reference last time. That's not to say that we have to use the same terms of reference, by any imagination, but the issues that had been raised, and I have no comprehensive list - one issue that is obviously there is the issue of deviation. We might as well talk about deviation.

MR. MACEWAN: Both right and left.

MR. CHAIRMAN: What?

MR. MACEWAN: Right and left. (Laughter)

MR. CHAIRMAN: I took a navigation course, and I think the deviation in Nova Scotia is around 23 degrees, but I don't think that was the kind of deviation they were talking about. The question is whether or not we specify - remember, last time there was no deviation specified. Then the question of if there is a deviation specified, whether that applies to all ridings within the deviation or whether or not deviation applies to ridings which are not subject to some other overriding concern. I am just posing the questions because I think that's clearly a question that has been raised by all the presentations.

MR. MACEWAN: We had a majority report from the Supreme Court of Canada on that issue and I think that their ruling, as I recall it, was 25 per cent plus or minus was all right.

MR. DWIGHT RUDDERHAM: They didn't say what was . . .

MR. MACEWAN: I have it here somewhere . . .

MR. CHAIRMAN: They didn't say what was . . .

MR. MACEWAN: I have it here somewhere.

MR. CHAIRMAN: The ruling is here, the schedule of Provincial Electoral Boundaries.

MR. CHAIRMAN: That was the case. That's right. They said 25 per cent was acceptable - they never said what was unacceptable - I think that counsel perhaps can reflect on that.

MR. RUDDERHAM: They never said any number at all. Basically, what they said was, you can deviate in a substantial way from voter parity, but you have to have a good reason.

MR. MACEWAN: They upheld the Saskatchewan Elections Act. That was the bottom line. The majority did.

MR. CHAIRMAN: As I understand it, counsel correct me if I am wrong, we're talking about electors, not population. Or is that a good question?

MR. RUDDERHAM: I think it's a very good question. I think that's an issue for this committee as well because my reading of the previous commission's report is that they dealt with population. I had some of the staff members provide me with an actual copy of the report. I had been reading the opinions given by the Department of Justice in the past and I just had a few minutes to quickly go through it, but my understanding of what the Supreme Court of Canada said is voter population, not population. They keep referring to voter population. I am going to take a closer look at it and see if they specifically address the issue, but I think an issue . . .

MR. MACEWAN: The whole decision is in this binder.

MR. RUDDERHAM: Yes. Actually I think what's in that binder are opinions from the Department of Justice.

MR. CHAIRMAN: Yes, there were opinions done in the 1990's from the Department of Justice, but we do have the actual case brought here tonight.

MR. RUDDERHAM: I am going to go through that and see if they specifically refer to it, but it seems to me that the Supreme Court dealt with voter population as opposed to actual population numbers.

MR. CHAIRMAN: This is right, I think we need to look at it because one of the issues I have always thought of was that it was equity of voting that you were measuring, not some abstract equity of other people.

MR. MACEWAN: When dealing with the Elections Act, you're dealing with electors - those who vote. People who don't vote are not part of the picture, like British subjects, or whatever.

MR. CHAIRMAN: Well, they are voters today.

MR. MACEWAN: I am just taking it as an example.

MR. CHAIRMAN: They count today.

MR. LEBLANC: There was a timeline on British . . .

MR. CHAIRMAN: Yes, that they would not be voters after a complete cycle of the next election. So, whenever the next House is elected, during the term of that House they would still be electors. So, for example, if there were a by-election during the term of that House, they would continue to be electors. But the following General Assembly - so that when the 58th General Assembly, elections for the 60th General Assembly - the British subjects would not be electors.

MR. MACEWAN: By that time they would not be electors indeed because they would have died off, I would think. They are mostly war brides.

MR. CHAIRMAN: I will leave it to others to ponder that. In any event, deviation and all its myriad facets are, I think, one of the questions; meaning, whether we specify deviation at all. If so, what percentage and does it apply to a group of ridings or a group of categories that are protected categories, whatever those categories would be.

Another issue - I am just trying to go through the - while there is no question the House of Assembly Act provides for the Mi'kmaq seat, is there any mechanism for solicitation of that opinion, if it's to be set out in the terms of reference? Mr. LeBlanc.

MR. LEBLANC: I am just looking at the number of meetings destined for the people who would serve on this commission. My understanding, and correct me if I am wrong, there were a considerable number of meetings that took place last time on this. If we had an understanding of what was expected, whether there was an interest, before you start the whole process, it begs the question - do you have all the meetings or do you see whether or not there was an interest to hold those meetings before you hold them. It's just one thing or another - that would help define how much people would be expected to contribute towards it. I am just saying that for consideration, maybe at the following meeting people at least could be predisposed to speaking about it.

MR. CHAIRMAN: We have 18 counties and in theory you could have as many as 18 meetings on each cycle or you could have, what we did, which was you could pick five or any number fewer than that or more than that. But it does certainly limit the group of people that you're going to be able to attract to serve as commissioners because of the time commitment. Anyone with a real job may have difficulty . . .

MR. MACEWAN: Retired school teachers are very good for this type of work.

MR. LEBLANC: Retired MLAs? (Laughter)

MR. MACEWAN: Well, I am not retired yet.

MR. CHAIRMAN: You're only a pen stroke away. (Interruption) He qualifies on both accounts.

MR. LEBLANC: Mr. Chairman, another point, if I could. We talked about the fact of meetings and I am harping on this because I have listened to what people are saying. My recollection is that they'd had a considerable number of meetings and after the preliminary report, they went all the way around again in those ridings and had their meetings one more time. This is the question that I am asking - do we do them regionally, so at least perhaps - do you go to each county? Those are questions that I think are valid. If you're going to do two sets of them, do you try to have some in some areas and the next time a little over to reduce the number of meetings? I am just asking the questions, I don't know what's the right thing to do here, but I think those are the things that when we do talk about it, if you think about it ahead of time, hopefully, it will speed things up when we talk about it subsequently.

MR. EPSTEIN: My recollection of the House of Assembly Act is that it requires two sets of hearings. I think it requires the Electoral Boundaries Commission to hold public hearings, generate a draft report and then hold a second set of hearings concerning its draft report.

MR. LEBLANC: That's true, but it doesn't say that you should hold it in every constituency or every county and then go back a second time to that county. The process is as such, I am asking the question that the committee consider what is the appropriate number of meetings that they should hold - do you hold 18 twice? Or, do you hold nine and then another nine and maybe a small deviation, so that perhaps the number of meetings would be somewhat reduced? It may mean that people have to drive a little bit, but those are questions that I think we should at least consider and that may speed up some of the work. It may attract some other people who may not want to serve if there are an excessive number of meetings.

MR. EPSTEIN: I agree with that.

MR. CHAIRMAN: Yes. Just by way of observation, in some ways, once the preliminary report has been prepared, it is comment on that preliminary report that is more incisive in some ways than the abstract discussion. That would be just an observation.

Now, if you look at the terms of reference for the last time and of course they have the primary factors to be considered by the boundaries commission, and it goes through a litany of those factors, one to six. I guess the question for next time is, should any of those items be deleted and are there additional items that should be added? I guess that would be the question I would ask.

MR. MACEWAN: Where is this list?

MR. CHAIRMAN: If you have your booklet open, it would be in the terms of reference for the Provincial Boundaries Commission. It's Part II of the Recommendations. It's in your white booklet, Mr. MacEwan.

So I guess what I am saying is, for the next meeting we should look at those six items that are enumerated there to determine whether or not we believe those six items should be included in determining effective representation and the kinds of issues involved. Are there other items that should be added to that list or . . .

MR. LEBLANC: I was reading this, Mr. Chairman. Number (vi), population rate of growth projections. I read this and I was surprised to see that. It's asking the committee to say, how much do you think the population growth is going to be? Well, I thought that this boundary commission was to work at the point in time today. It is supposed to know, this is what the situation is today and in 10 years we will review it. What this is saying is that it's today, plus what you think is going to come. Personally, I have a concern with that because you're asking him to speculate as to how much growth there will be and how much, you know, like we're not going to decide tonight, but I am just pointing out that that was a contentious one that I looked at. I am sure we'll have more debate and we're not going to decide tonight. But I would just point out that if you read through all the minute details, there's quite a bit, and that's why I thought we were reviewing it every 10 years.

MR. CHAIRMAN: Mr. Epstein.

MR. EPSTEIN: We'll probably engage on that issue, I guess, when we get to it. I wonder if we've got the complete list of potential questions at this point?

MR. CHAIRMAN: No.

MR. EPSTEIN: The complete list as you're suggesting it?

MR. CHAIRMAN: No, no. I was simply saying those were questions to be addressed as well the next time, those issues that, you know, they talked about the items to affect representation and I guess the question is whether or not there should be items deleted from that list or other items added to that list.

MR. EPSTEIN: No, I followed where we were. What I was asking was, you started out saying you had a list of questions that you wanted all of us to think about before Wednesday, and I wonder if we're through your list at this point?

MR. CHAIRMAN: No, not quite yet, but we're getting there. And there may be others that I am sure other members will have. Then I guess I will break the rest of the questions down as to look at the issues that were dealt with by the last - for example, they determined in here there were other factors, like the county boundary lines, those kinds of issues. We heard in Port Hawkesbury, particularly, about the importance of the Strait as it pertains to boundaries; I guess the list of other items that are directly raised in the previous set of recommendations.

MR. MACEWAN: Well, we're free to make any recommendation we want on where we vote.

MR. CHAIRMAN: Yes.

MR. MACEWAN: But there are some types of issues that I think might be unduly restrictive to so freeze the hands of the commissioners we appoint that they can't do anything if we made all the decisions for them, or close to that. I know that there's a point to be made about Port Hawkesbury. They tell me that the crossing of the Red Sea isn't particularly popular in that part of the world and I understand, but should we be telling the commissioners, you know, you cannot cross the Red Sea? I don't know.

MR. CHAIRMAN: That's the question.

MR. MACEWAN: If we start that kind of micromanagement, where does it end?

MR. CHAIRMAN: I am not an advocate for or against at this point. I am simply posing the question, really, because that is a question that was clearly posed to us. Mr. Taylor.

MR. TAYLOR: Mr. Chairman, you're still offering possible questions for us to ponder?

MR. CHAIRMAN: Yes, you've got some yourself, Mr. Taylor?

MR. TAYLOR: No, I am just thinking that obviously it's our clear mandate to establish terms of reference. We're having difficulty with numbers and pay, remuneration for the commission, but I really think we should go over these terms of reference, the previous terms of reference, on a one by one, case by case basis. If there are additional ones subsequently, then we'll deal with the additional ones because really, as you indicated earlier, time is drawing.

MR. CHAIRMAN: Yes, and I think that's really what I was trying to say, that we need to go through - basically each one of those items is a question, almost.

MR. TAYLOR: Yes.

MR. CHAIRMAN: Mr. MacEwan.

MR. MACEWAN: I think what we ought to do is look at the terms of reference that were laid down last time and see, one by one, whether we want to support those or bypass them. Because, you know, for example, 10 years ago there was a very strong move afoot led, I believe, by the Reverend Darryl Gray, who had a mastermind of how a new seat was going to be set up for himself, and the Premier was all in favour of that. The result was Preston, which elected Wayne Adams and then Yvonne and now David, but not Reverend Gray.

MR. CHAIRMAN: Yes.

MR. MACEWAN: That was a dream that came true, although not quite the way it had been dreamed.

MR. TAYLOR: So you're not going to try to massage one for the Reverend Darryl, are you?

[6:00 p.m.]

MR. MACEWAN: I am not going to massage one for Reverend Gray this time at all. The point is, do we want to say anything about that? Do we want to say that Preston should stay the way it is? Do we want to put our nose into that? I don't know. I mean, Yvonne didn't seem too impressed with the results of the Preston experiment, but looking at its voting record, in terms of who it elected, it elected two Blacks and one White. It elected one member of each Party. It elected two males and one female. That seems like a pretty good batting average for a constituency, in my view. Now is it a total failure? I don't know. Some might say politics in my riding is a total failure.

MR. CHAIRMAN: Yes, I know some of those people. (Interruptions)

MR. MACEWAN: I am just saying that as an illustration of the point.

MR. TAYLOR: Mr. Chairman, if we go through them one by one, we will get to those types of concerns.

MR. CHAIRMAN: I think that's a good point because I think the item, for example, that says ". . . minority representation, including, in particular, representation of the Acadian, Black and Mi'kmaq peoples of Nova Scotia," is one of the things that was in the terms of reference last time and when we get to that, we can have that discussion.

MR. MACEWAN: I would like to see those Acadian seats protected personally, just to express an opinion there. Vive l'Acadie.

MR. CHAIRMAN: So I think that pretty much went through my list that I can think of at the moment. Maybe things will come to me. Are there other members who have other questions that they believe should be posed? I guess, in no particular order, does anyone have any other suggestion? Mr. Epstein.

MR. EPSTEIN: I don't have immediate questions, but I have some data I would like to share with the committee. I think it would be useful if we started with some data.

MR. CHAIRMAN: Sure.

MR. EPSTEIN: I have two things I would like to hand out. (Interruptions) Frank and I have this already. The first is an extract from an article by political scientist Donald Blake. You may recall that this paper was referred to by one of our presenters, I think it was Mr. Pullen, last week. It turns out, when I checked it in the library, to be a March 2001 article published by the Institute for Research and Public Policy. What I've pulled out of that essay, which is called "Electoral Democracy in the Provinces," is Table No. 2 and you will see what he does is set out what are the actual distribution or redistribution rules that are in place in each of the provinces. It's a fairly current article, so it's useful background information because it addresses one of our key questions, which is the percentage deviation, and it also gives information about the kind of commission that is to be set up in each of the provinces. He also gives information for Canada federally. So this is a starting point that would help us think about what prevails elsewhere. The second thing I want to hand out is this.

MR. MACEWAN: This chart is not entirely accurate, Howard. It has Nova Scotia down as ad hoc.

MR. EPSTEIN: Yes, I see that.

MR. MACEWAN: And we do it every 10 years.

MR. EPSTEIN: Yes. No, no, I see, and it may indeed be that there are some changes to be made. In any event, here's the second item.

MR. CHAIRMAN: He didn't write it so . . .

MR. EPSTEIN: No, but I did generate the second item. So if you find errors, be sure to let me know and we can correct them. The second item gives us this. It looks at the three provincial elections that have been held since the last redistribution. It gives, by each electoral district, the number of eligible voters plus the percentage deviation from the provincial average for each of those three elections. So what you can do is follow any constituency and find changes and you can find the percentage by which there actually is deviation. So if you start at the top with Annapolis, you find that in 1993, it was 12 per cent over the average; in 1998, it was 11 per cent over the average; and in 1999, it was 10 per cent over the average.

This, in fact, seems to be quite typical of a lot of the constituencies in that there seems to be kind of relative stability in terms of how they relate to the average. On the other hand, there are still a fair number of constituencies where there are very striking deviations, and if you just go down to Argyle, which was clearly created for a special purpose, you will see that in 1993, it was 45 per cent below; in 1998, 46 per cent below; and in 1999, 46 per cent below. If you ignore some of the ones that perhaps were created for a special purpose, you can look at something like Halifax Bedford Basin. We see that it started out at 29 per cent above, went to 38 per cent above and then was 41 per cent above. Very striking numbers indeed, and this is not a big surprise. Everyone knows that. If you look at Queens, it started out at 22 per cent below and then for the next two elections remained at 26 per cent below.

So each constituency, you can look at the numbers here and find what the percentage deviation is. This seems to be crucial information and I would ask everyone to think about this before the next time because, although it's not our job, of course, to draw the lines, what we do is give instructions to those who are going out to draw the lines.

The third thing I have is a memo to the committee from Frank and myself that makes suggestions by way of draft terms of reference for the next Electoral Boundaries Commission.

MR. CHAIRMAN: Just say yes and we can be out of here, right?

MR. EPSTEIN: Well, the Chairman, as always, is exhibiting his wisdom. This is quite right. On the other hand, I think it would be a good idea if everyone did read it. That would be fine. You will see what we have done is we have looked at the terms of reference that prevailed a decade ago and have, in making some suggested changes to it, I think addressed most of the questions, apart from the administrative side of the committee. But in terms of the mandate of the committee, I think we have addressed most of the questions that the chairman posed.

So we put this on a table as what we hope will be a focus for discussion and we hope that the other two caucuses will also think about their positions and put them in writing for

preference so that they can form some focus for discussion. I throw this out there for part of the background information that people should have.

MR. CHAIRMAN: Thank you very much, Mr. Epstein. Are there any questions or comments either about this information or other matters? Mr. MacEwan.

MR. MACEWAN: I would just like to say this. I think it is admirable to advance your propositions in formal form, in writing, if you can draw them up and so on and so forth. I am not favourably impressed by these because it deviates from the existing number of minority seats that we have in Nova Scotia. We have three of them anyway for the Acadian - Clare, Argyle and Richmond.

MR. EPSTEIN: It is not clear that Richmond is such a seat.

MR. MACEWAN: Well, that is not what the MLA for that area tells me, but anyway . . .

MR. EPSTEIN: I am not surprised he is of that view, but it is far from clear that it actually is such a seat. I am going to stick to my position.

MR. MACEWAN: If we had those three and we have the riding in Preston, that adds up to four.

MR. CHAIRMAN: Just for the purpose of Hansard, please, one at a time because that will create a problem. I am not trying to cut anybody off.

MR. MACEWAN: This would deviate from four and take it down to only three, meaning that only three seats now would represent the minority communities rather than four, which is a step backward for them. To that extent, I would like to see four, at least the status quo, if possible.

MR. TAYLOR: Mr. Epstein, I am sorry. I went out to get these glasses. Your deviation, is that using population or voters?

MR. EPSTEIN: It is an interesting point and I am not sure that it actually matters which one you choose, because it would depend of course on the age profile of the population in any particular area. There may be big swings in the age profile, depending on what area of the province you are in. If that is the case, if there really are such large variations then I think it is really, well I still don't know if it is all that crucial, and I didn't check to see what the Supreme Court of Canada said and that is not going to determine it.

I don't know that it matters all that much and I will throw into the mix something that occurred to me when Neil was speaking earlier. What happens if the voting age were to be

changed? I mean, if you start doing it by saying well, let's just look at people age 18 and older, what happens if you take it into your heads next year to suddenly say we are going to adopt the NDP policy, which is that people 16 and older should have the vote? Then if you have set your Electoral Boundaries Commission with instructions to think about that and then you change the rules after, you may adjust it. Why does it matter? Are there such huge variations?

MR. TAYLOR: I believe there are. If you look at the demographics across Halifax County for example, there is certainly a larger senior population in eastern Halifax County than there is in western Halifax County, according to the statistics that they have.

MR. EPSTEIN: My recollection is that the provincial average of residents over age 65 is about 13 per cent, and I know that in my constituency it is in fact 19 per cent. So I have a larger number of seniors and presumably a larger number of voters, but I still don't see it as a huge factor. That is all.

MR. TAYLOR: Well, maybe it isn't relevant, I think it is . . .

MR. CHAIRMAN: Mr. LeBlanc.

MR. LEBLANC: We are getting too far into this.

MR. CHAIRMAN: We are getting into the discussion, but . . .

MR. LEBLANC: We will have this debate when we go further, but I tend to think that those are the types of statistics that if the staff could take a look at it, I wouldn't mind knowing. I think that if you look at the decision, I have asked some questions in advance, that it was talking about voters and if it is talking about voters then we should adhere to that. I want to do some research, if that can at least give us some information for everyone's benefit and when we have a debate on this issue, then at least we will be informed.

MR. CHAIRMAN: Can I just throw out one observation, just for your benefit, Mr. Epstein? If you look at the numbers for the Lunenburg riding, one of which I am quite keenly familiar, you will notice that in that riding it was 7 per cent above and then in 1993 and 1999 it was 6 per cent above, and then you have this anomaly of 4 per cent above in 1998. That is a result of the snowbirds all being away in February and March. So that speaks to that seniors' population.

MR. EPSTEIN: In fact, one of the things that is very striking about Halifax Citadel as well is the amazing sudden loss of about 5,000 voters last time, which clearly speaks to enumeration practices; that is students in that case.

MR. MACEWAN: We are going to make a decision about whether we want these commissioners to project future population growth. I don't know that we should do that because we don't know. The loss of jobs you would think might lead to population loss; it doesn't necessarily happen that way at all. I believe that in the Town of New Waterford right now the birthrate there is one of the highest in Canada - the member representing New Waterford can correct me if I am wrong - I think that is the truth. You may lose coal mines, you may lose steel plants (Interruptions)

MR. CHAIRMAN: Mr. Hebb.

MR. HEBB: If I might, I would suggest on your last one on county boundaries that you add, as a corollary, consideration of municipal boundaries, because, for example, in the last redistribution the line runs between the County of Antigonish and the County of Guysborough, but the municipal boundary was subsequently changed. I forget which way it went, but part of one county was moved into the other municipality. We subsequently had an amending Act and changed the electoral boundary to follow the municipal boundary because, in fact, some people had voted in the wrong constituency. Everybody assumed that . . .

MR. LEBLANC: That was the one change that was done in the House, that was the . . .

MR. HEBB: That was the one change that was done, but I believe there are other examples in the province where it doesn't actually follow the county, so it may be that it is not just county boundaries you might want to think about, but municipal boundaries.

MR. CHAIRMAN: Well, there is municipal and I will throw another one that has been raised to me as a question and that is school board boundaries because there is one area in the province, and that is Queens County, Queens County provides all of the services to an area called Maitland Bridge; in fact Maitland Bridge goes to Queens County for everything. The school buses come from Queens. All services effectively are provided by Queens County, even if it is in contract to Annapolis County, simply because they are a long way there. So, of course, you have the issue of not only municipal, but you have other school board kinds of areas which reflect - the community of interest for Maitland Bridge, Annapolis County, in fact is I think arguably Queens County. I am just following on that same point.

MR. TAYLOR: Mr. Chairman, do we know whether or not the recommendations of the commission are binding? Have we received some legal opinion? I am just looking at Page 57. The recommendation of Colchester-Musquodoboit Valley is that Millbrook Reserve and Truro Reserve, blah, blah, blah, be included, but the fact of the matter is they are in Truro-Bible Hill. I am just wondering if that was done before? Okay, Gordon.

[6:15 p.m.]

MR. HEBB: The House of Assembly Act requires a bill to be introduced implementing the recommendations of the commission. It doesn't tell the House what it has to do with it once that bill is introduced. On the previous occasion what happened is when the bill went to the Law Amendments Committee, the Law Amendments Committee held hearings. Rather than the Law Amendments Committee itself dealing with the hearings, transcripts - and I think maybe even the chair of the boundaries commission sat in, sort of as an ad hoc advisory committee to the Law Amendments Committee. The same people were asked to give their recommendation to the Law Amendments Committee as a result of the Law Amendments Committee hearings. Then the Law Amendments Committee, rather than giving its own opinion, accepted those recommendations. That's how the bill was amended for further proceeding through the House. But there was no obligation to do that.

MR. CHAIRMAN: Mr. LeBlanc.

MR. LEBLANC: In essence, picking up what Brooke is saying, it is expected, since all three Parties supported the resolution, that we will support the legislation once it's tabled. In essence, what you are telling me is that we wouldn't have to but it is expected that because we are part of the process we would accept the recommendations.

MR. MACEWAN: But the House could amend it.

MR. LEBLANC: I know. I am not arguing that. The process is that it would be tabled; what we do with it subsequently is, of course . . .

MR. TAYLOR: The process . . .

MR. CHAIRMAN: That's right.

MR. LEBLANC: The last time we still respected the process because, actually, we had the commission involved in making this recommendation to the House, in a sense, through the Law Amendments Committee.

MR. CHAIRMAN: The question I have, and it's a question about the Law Amendments Committee, it's a good question to ask, although we don't have to answer it today. If you are really simply having another Law Amendments Committee hearing to give people an opportunity to - if there is no meaningful consideration going on because the only people making a decision are the people on the commission who have already made their final report and have already had - why have a final, final - it seems to me to be a rather redundant process. I believe that the Law Amendments Committee process should be a real process with the potential for actually hearing from people, but I say that is for another day.

I will say that there does come a point when - why would you hold another hearing and then only take advice from the people who made the decision that the public was coming in to speak against, criticize?

MR. HEBB: I think one difference - I'm not positive about this, but - is I don't believe that the commission held two stages of hearings the last time around. In fact, there were still only two sets of hearings, the commission's hearings and the Law Amendments Committee's hearings. You now have the commission holding two sets of hearings. So . . .

MR. CHAIRMAN: No, no. That's wrong. (Interruptions)

MR. LEBLANC: I think they held two sets . . .

MR. HEBB: Did they hold? I am not sure about that, but . . .

MR. CHAIRMAN: Yes. I would be very reluctant to hold hearings and have people come in, and basically - without telling them what you are really doing is wasting your breath. If you are just simply appealing to the same people who have already made the decision, you are in fact appealing to yourself. It seems to be kind of a . . .

MR. CORBETT: Workers' compensation all over again.

MR. CHAIRMAN: Yes, it does. Déjà vu all over again, isn't it, Mr. Corbett? Anyway, are there any other questions?

I guess one of the other questions is - and it's a moot question this evening, but my understanding is that the last time the committee went in camera to deal with its deliberations. My suggestion would be that for the purposes of our next meeting it would be in camera, simply because at some point we need to have some frank discussions. I think that was the form that was followed last time with respect to the committee's deliberations. Any people . . .

MR. MACEWAN: Now what do you mean by in camera? Do you mean that the legal counsel . . .

MR. CHAIRMAN: No, I think we mean the public is excluded. That's my understanding of what in camera is.

MR. MACEWAN: This, then, is in camera.

MR. CHAIRMAN: The meeting is not in camera.

MR. MACEWAN: The door is open.

MR. CHAIRMAN: That's right; door open or door closed is the basic difference.

MR. MACEWAN: It's being recorded.

MR. CHAIRMAN: I think both are recorded for the benefit of the members, but the in camera one is not open to the public. That's my understanding of the difference.

Are there any further items before we adjourn? We will resume on Wednesday at 2:00 p.m., I believe. If not, I guess we should be prepared to advance our respective positions with respect to those items and any other items.

MR. MACEWAN: It may be rather difficult on Wednesday for me to come in here with a list of nine names who have said that they will serve no matter whether it pays or not and no matter how much time it takes.

MR. CHAIRMAN: Any suggestions would be kindly appreciated, if we are going to advance this process. Mr. Epstein.

MR. EPSTEIN: If staff discover some of the information that was requested about what it cost the last time, what people were paid, what the total bill was, how many meetings were actually held (Interruptions) that could be circulated in advance . . .

MR. CHAIRMAN: My suggestion is, and I'm going to put staff to the gun, that time is of the essence, and I would suggest that that material be prepared and provided to the respective caucuses by the end of the working day tomorrow, at 4:30 p.m. (Interruptions) And any other information that staff feels would be useful. I think we are all under a time pressure. Mr. Taylor.

MR. TAYLOR: I'm sorry, Mr. Chairman, I'm not clear, the next meeting is Wednesday. Are we then going to finalize - we obviously have to have a number in mind, and we do have. Are you telling me that we're going to decide on the number based on the remuneration? I think we should have a consensus tonight on a number. Obviously - I know the Minister of Finance is here - we have to be conscious of what they're paid, but I really think it's important. We have a mandate as a committee. I think we should reach a consensus on the numbers for the commission.

MR. CHAIRMAN: Mr. LeBlanc.

MR. LEBLANC: Can I make a suggestion? We don't have that information, but you brought up some good points, Brooke, about the fact that maybe nine would give a little better representation. I remember the last time some people were saying that maybe certain areas of the province weren't weighed properly, their representation. You are suggesting nine; why don't we plan on nine? When we have the information next time, at least we will be

planning for that. I am picking that number because I don't know the information, but it seems to be reasonable, listening to what you're saying. If there is something that we would change, at least we could go back, but at least we could do some planning along those lines. (Interruptions)

MR. TAYLOR: Could we have some debate on it maybe, Mr. Chairman, just before we adjourn? Is it okay to do that?

MR. CHAIRMAN: Fine with me.

MR. EPSTEIN: I think we are going to have a tough time finding nine respected and non-partisan people to serve on a commission, but we could all work with that number and see where we get.

MR. CHAIRMAN: Yes. So we are going to work with nine for the purposes of discussion. If you could just try to attempt to identify a potential chairman and eight other members. Does that seem reasonable? We can work up or down, but it gives us a number.

MR. LEBLANC: It's easier to work down than work up.

MR. TAYLOR: We are going to try to work with nine.

MR. LEBLANC: Suggestions.

MR. MACEWAN: If that's the consensus, I have no objection to it.

MR. CHAIRMAN: Okay. Great.

MR. MACEWAN: I'm not against nine. I am against the loss of an Acadian seat, against nine commissioners (Interruptions)

MR. CHAIRMAN: You're against the loss of an Acadian seat on the mainland, Paul. (Laughter)

MR. TAYLOR: Do you want Millbrook Reserve, Paul? (Laughter) (Interruption)

MR. CHAIRMAN: Cape Breton Nova and Millbrook. (Interruptions)

MR. MACEWAN: That would enlarge your riding. (Interruptions)

MR. CHAIRMAN: Dr. Smith.

DR. SMITH: Mr. Chairman, just on Mr. Epstein's draft here, which is very informative and very useful. Before it has wide distribution or further, it is obviously the voters; we're clear on that?

MR. CHAIRMAN: That's one of the questions (Interruptions) We will get an answer, further opinion by 4:30 tomorrow. (Interruptions)

MR. EPSTEIN: This table that I've distributed is based on registered electors and the data was taken out of the report of the Chief Electoral Officer. (Interruptions) For all three years.

DR. SMITH: It's a very useful document, but it is something that we can verify that it is what it is; it says what we think it says.

MR. EPSTEIN: You're welcome to check the data, Jim. Have fun. (Interruptions)

DR. SMITH: I'm not questioning Howard (Interruptions)

MR. CORBETT: Same thing as one of your patients used to say: can I have a second opinion?

DR. SMITH: No, but is it something that could become a working document of the committee? I guess that's what I'm saying. (Interruptions)

MR. CHAIRMAN: Yes.

DR. SMITH: And can we accept it as that. (Interruptions)

MR. MACEWAN: . . . overlaps that or this overlaps that. (Interruptions)

MR. CHAIRMAN: Just for example, and the sheet that was prepared by staff on a county basis was simply because one of the numbers that didn't readily break - without going to the poll boundaries, you couldn't break out the numbers for counties. That's why that number was broken up.

MR. EPSTEIN: Anyone can make a mistake in inputting data. If anyone finds errors, I would be happy to see corrections. That's fine with me. (Interruptions)

DR. SMITH: Brooke's question was what is it, or what is it representing? I think that's what it was. As long as we clarify that and have it as a working document for the committee, I think it's great.

MR. CHAIRMAN: Okay, with that, I think we stand adjourned. (Interruptions)

[The committee adjourned at 6:25 p.m.]

**HALIFAX, TUESDAY, APRIL 30, 2002**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:00 P.M.**

**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: I call the meeting of the Select Committee on establishing the Electoral Boundaries Commission to order. Thank you very much for coming. We really have one order of business. The reason the meeting was called is because, as everyone would be aware, we received a letter from the Electoral Boundaries Commission requesting an extension of their terms of reference to the end of June.

We have checked the calendar and the date they picked is a Sunday. We figured they probably wouldn't be filing their report on a Sunday, so I have selected - although it's certainly subject to discussion - a resolution which has been circulated which would suggest that the date of May 30<sup>th</sup> be substituted, or that that date be eliminated and substitute June 28<sup>th</sup> which is the last business day in June and it seems to be in keeping with the spirit of their letter. Just for the sake of form, if someone would like to move that, then we can have it open for discussion.

Moved by Mr. MacDonald.

Discussion. Mr. Epstein.

MR. HOWARD EPSTEIN: Just a small point - I certainly don't have any difficulty with the Electoral Boundaries Commission suggesting it will take just a little bit longer than they originally requested - and the small point has to do with the wording of the terms of reference that we gave them, or that we recommended to the House and which the House then gave to the commission.

You may recall that there were words beyond the date and the words beyond the date were "but in no case later than in time for consideration of the Commission's recommendation by the Legislature at the Spring sitting of the House of Assembly in 2002". Did those words not make it into the terms of reference?

MR. CHAIRMAN: They were in the resolution of the House, but unfortunately the difficulty we have, of course, is that, God willing, the Spring session of the Legislature will be over by the end of June.

MR. EPSTEIN: That's my point precisely, before then in fact.

MR. CHAIRMAN: Well, presumably before that, that's right.

MR. EPSTEIN: My suggestion was just going to be that we also recommend to the House that these words be dropped; that was all I was going to recommend.

MR. CHAIRMAN: I don't think we can change the actual resolution of the House.

MR. EPSTEIN: Don't we just have the power to recommend to the House?

MR. CHAIRMAN: No, I think under the Statute we establish the terms of reference for the commission, although the House sets terms of reference for us. In fact, I think under the Statute we set the terms of reference. That's why this is not a resolution of the House, but of the commission because I believe the statutory authority is vested in this.

MR. EPSTEIN: So these are our terms of reference?

MR. CHAIRMAN: They're our terms of reference. When we issue the terms of reference, the committee simply had earlier adopted the terms of reference provided by the House. I think statutorily - and I don't want to get into one of those lawyer's discussions - but I think that the Statute vests the duty to establish the terms of reference in the committee.

MR. EPSTEIN: I'm sure you're right on that point. I do go back to my suggestion about removing those words. It just seems likely that we will be finished our Spring session before the committee gives us its final report. So my suggestion is just that we add to that, to remove those words. (Interruption)

MR. CHAIRMAN: I think that Mr. Epstein, and I don't disagree that. Certainly I would entertain, if you want to make a motion about that after we deal with this motion, I have certainly no difficulty in entertaining that motion. I think perhaps we should deal with one issue at a time, which is the date issue, if that's agreeable with the committee.

MR. EPSTEIN: I so move.

MR. CHAIRMAN: I will call for the question then. Would all those in favour of the amendment that has been circulated please say Aye. Contrary minded, Nay.

The motion is carried.

MR. EPSTEIN: A further motion, Mr. Chairman, which is to drop from the mandate of the commission the words: "but in no case later than in time for consideration of the Commission's recommendation by the Legislature at the Spring sitting of the House of Assembly in 2002".

MR. CHAIRMAN: The motion has been made. Any further discussion on the motion? If not, I will call the question. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

I believe there is no further business - oh, Mr. MacEwan.

MR. PAUL MACEWAN: Before you adjourn, just so that we can all be clear on where we go from here, my understanding is that the commission will present its recommendations in the form of a report to the Speaker, and then having done that . . .

MR. CHAIRMAN: No, it's not a report to the Speaker. Under the legislation, it is my understanding, it's a report to the government. The Premier or his designate will lay a bill before the House of Assembly within 10 days of the House reopening, presumably in the Fall session, and at that point it's a bill like any other bill for the consideration of the House, I believe, and the Chief Legislative Counsel can correct me if I'm wrong, but I believe that's the process.

MR. MACEWAN: . . . so we know what the situation is.

MR. CHAIRMAN: I believe that's the statutory process that I would be anticipating, Chief Legislative Counsel?

MR. GORDON HEBB: That's correct. I don't recall specifically which minister is required to introduce the bill.

MR. CHAIRMAN: I think it names the Premier or his designate.

MR. HEBB: But it definitely is a Minister of the Crown who is required to introduce a bill that implements the report.

MR. MACEWAN: I raise that point because the reason we came here today was a letter from J. Colin Dodds, Ph.D., to the Honourable Murray Scott, Speaker, and that was the form on which he reported. Now, it may or may not be the right way, but that's what he did.

MR. CHAIRMAN: I think he wrote to the Speaker simply because his terms of reference come from a committee of the House, and I won't presume to read Mr. Dodds' mind, but I always assumed that that was his reason for doing so.

MR. EPSTEIN: I wonder if we now know when we're likely to hear from the commission itself with respect to its interim report?

MR. CHAIRMAN: I have no information, unless anybody else has. I have no information other than the information that you would have, which I think you know what the answer to that would be.

MR. EPSTEIN: Soon, very soon. (Laughter)

MR. CHAIRMAN: That would be the information I have.

MR. MACEWAN: I've heard that too, but I have no idea what soon means.

MR. CHAIRMAN: Mr. MacEwan, I think that would be a brilliant summation of the situation.

AN HON. MEMBER: Sometime after today.

MR. CHAIRMAN: I think we're really spinning our wheels. Unless there is someone else with some other business, with that, I guess we stand adjourned.

[The select committee adjourned at 3:08 p.m.]

**HALIFAX, THURSDAY, JUNE 13, 2002**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**3:30 P.M.**

**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: I would like to call the meeting to order. We have one item on our agenda. There has been a request from Dr. Dodds, who is of course the chairman of the Electoral Boundaries Commission, indicating that they would be pleased to entertain or receive an extension of their deadline for filing their final report until the end of August - I have a letter here, yes it is during the month of August.

I was going to suggest that it might be appropriate to take the amendment that was passed earlier and substitute where it says "strike out the 30<sup>th</sup> day of May", it would now read, "strike out the 28<sup>th</sup> day of June and substitute the 30<sup>th</sup> day of August." That would be the first line of that, because August 30<sup>th</sup> is a Friday, August 31<sup>st</sup> is a Saturday, and I somehow suspect they're not likely to file their report on a Saturday. Is there someone who would be prepared to make that motion?

MR. BROOKE TAYLOR: So moved.

HON. NEIL LEBLANC: Just a question. How does this work, does this . . .

MR. CHAIRMAN: It's done by our resolution; we set the terms of reference.

MR. PAUL MACEWAN: Do you need a seconder on the resolution?

MR. CHAIRMAN: No, I don't think we need seconders in the committee.

MR. MACEWAN: Are we permitted to chat on it?

MR. CHAIRMAN: The floor is open for discussion.

MR. MACEWAN: My other friends may have some concerns they may want to raise. I have no difficulty with the motion and will support it. The other Liberal who's not here would also support it if he were here, so I trust I can cast two votes.

MR. CHAIRMAN: Sure you can. (Laughter)

MR. MACEWAN: I have two concerns to raise. One, have we ever instructed this commission to give some time parameters in which they expect their recommendations to take effect? If the Legislature doesn't get some instructions on that and the bill is given Royal Assent and proclaimed, it becomes law immediately. If the bill is passed on Thursday and an election is called on Friday, technically the election would have to be held on the new boundaries, but there wouldn't be any time to set them up, to appoint the new returning officers, to survey the new polling divisions, to do all the infrastructure necessary to be able to hold an election, both from the electoral point of view - the elections office - and also from the point of view of the political Parties. It might be prudent to suggest to them, in a gentlemanly way, that they might consider a recommendation that once the legislation is passed it would come into effect, say, four months' hence.

MR. CHAIRMAN: Four years. (Laughter)

MR. MACEWAN: Or at some future time. I'm just saying the time needed to make this doable. That's point one. Point two is that their recommendations in writing and the maps they've circulated don't seem to always correspond, and maps of the constituencies that they propose have not yet been prepared or circulated, so we don't really know what we're dealing with right now. I know my good friend to my right has a map in his pocket that I drew, showing where I think his riding and mine will meet under the new boundaries, but it's not the official map. It would be good to get some further definition of what they propose before we go sending it to the Legislature.

One last point, my friend, Russell MacKinnon, tells me something I wasn't aware of, that the new riding of Victoria-The Lakes will be even bigger than we thought it was. It's going to go over into Cape Breton West and take the middle of Highway No. 4, which is the old highway back to Sydney, use the middle of that as a division, and everything that's on the Bras d'Or Lakes side of Highway No. 4 is also going to go into Victoria-The Lakes, out of Cape Breton West. I hadn't been aware of that, because I wasn't looking out for Cape Breton West, I was looking out for my own. Russell MacKinnon brought that to my attention today and said, is that what they want to do, because their maps don't show it? Therein I rest my case.

MR. LEBLANC: Two things. First of all, I concur. Since we are where we are, that we've adjourned for the summer, if they're looking for more time to reflect, I don't have any problem with that. I will support the motion to say that.

The other issue, in response to Paul's suggestion that we ask them when it's going to take place, I don't think that's the role of the commission. Their role is to define a redistribution. As to how we respond as this committee and I'm not really sure if it comes back to this committee, and I wouldn't mind having some interpretation from legal counsel on that - it goes to the House - as the bill is brought in, my understanding is that it becomes effective the date the legislation is passed.

MR. MACEWAN: It does, unless you say otherwise.

MR. LEBLANC: That's right. Those are issues, Paul, that I would tend to think that as we go through the Law Amendments Committee, that would probably be the place if people want to make amendments. The three political Parties would sit down and listen to those arguments in the Law Amendments Committee. The precedence I think is more that the legislation usually encompasses what is in the report, and I don't think we should be giving advice to the commission as to what their suggestions are. That's really going to be a decision of the House, as to whether there's a small delay or not. I'm not trying to prejudge what will come out of it. Those are the two points I make, Mr. Chairman.

MR. MACEWAN: It will be introduced as a bill, probably by you, Mr. Chairman. The government itself could make a stipulation to that bill, saying at least this provision will come into effect not earlier than January 1, 2002, or whatever your wish might be, we can debate that in the House.

MR. CHAIRMAN: I'm not sure. In the past, did the bill have a proclamation clause in it, the last one?

[3:45 p.m.]

MR. GORDON HEBB: I don't believe so. I can't, from memory, tell you exactly how it was dealt with the last time. I know that with respect to either the boundary changes or Elections Act changes, there has been a clause in either amendments to the Elections Act or the House of Assembly Act where it specified that it did not apply to an election that was held within a certain period of time. That certainly could be done. It has been done in the past. I can't specifically say it was done with the last electoral boundaries changes, Mr. Chairman.

MR. MACEWAN: I don't mean to hold the meeting up. The feds do this now.

MR. CHAIRMAN: I think that the best I can suggest is that I suspect the bill will be introduced without a proclamation clause or a coming into force clause. I think that will be subject to discussion by all members of the House and all the Parties and Leaders of the House when the bill gets to the Law Amendments Committee. I think for the government to pick a date would invariably be fraught with difficulty, because whatever date the government picked, someone would suggest that if it were picked by the government that it was a date that would advantage the government. I'm being candid in saying that. Whatever date we picked would be wrong in someone's mind.

MR. MACEWAN: Well, we could have Janet Willwerth as an invited guest to the Law Amendments Committee, and ask her what she thinks on this, how much time does she need?

MR. CHAIRMAN: Those are all options, but I would just say that I anticipate the bill would be a stripped-down version. I also understand that ordinarily what happens is the Chief Legislative Counsel - and he can comment on this - would get, in drafting instructions, meaning from the commission in the sense that they would have detailed metes and bounds description. So, from his point of view, the bill is relatively simple to put together, and you can comment on that better than I can.

MR. HEBB: It's quite simple. I remember it from the last time. It's just a question of putting the new descriptions in as given to us by the boundaries commission.

MR. CHAIRMAN: Mr. Epstein and then Mr. Taylor.

MR. HOWARD EPSTEIN: I think we should stake out a position on this right away, and it's this, although I think Mr. MacEwan has raised a perfectly legitimate point as to the necessity of the Election Commission having time to prepare, and I should add that point of preparation is equally applicable to all Parties and their constituency associations. Clearly a certain amount of time is necessary for everyone to adjust to new electoral boundaries in terms of preparation for another election.

The problem with including a clause that would provide that new electoral boundaries wouldn't apply for some set period of time, whatever that time might be, is that if that implied that an election could be held in the interim under the old boundaries, we would run up against a very serious problem. The serious problem is, first, given that there would be, out in front of the public, new boundaries, to call an election under old boundaries would, I think, not generate a lot of public approval.

The other part is that there may, in fact, even be a constitutional objection to the old boundaries. The problem is that they are so out of whack now that the variations, if they were to be used now - that is if boundaries that were set 10 years ago were to be used now - the

variations are so extreme that someone out there may well be tempted to go to court to challenge them, which isn't a very desirable set of circumstances either. (Interruptions)

I'm sure there would be disgruntled electors out there. So, I think I just want to flag this at this point. My hope is that we wouldn't be looking at an election called under the old boundaries (Interruptions) For those reasons. And that, as I understand it, to the extent that there has been much public comment on it, the Premier has indicated that probably there wouldn't be one this calendar year. It's up to you, of course, you have charge of it. I'm just going to say that I don't think we would be very happy with any kind of a delay and we wouldn't be alone.

MR. CHAIRMAN: Suffice to say that the date of calling the next election is the decision of someone not in the room. So I don't think there's any useful purpose of commenting on that further. The other issue that was raised by Mr. MacEwan I wanted to comment on, which was the accuracy of the present interim maps. My understanding is that - the commission has been I think pretty honest about that in saying that they recognize that the maps and the boundary descriptions in fact themselves don't necessarily 100 per cent always line up.

I know in the Lunenburg County area, which I'm most familiar with, there is a divergence, a lack of clarity between where the lines would be exactly, although you can tell approximately. You can lose several hundred voters in the width of a line in some areas, right, and there's nothing wrong with what they've done, it's simply a fact that they were designed to be interim and they weren't designed to be a permanent map for an election purpose. So I think what's going to happen is that Mr. Hebb will be getting, hopefully, much more detailed instructions.

MR. HEBB: I don't intend to draw the line.

MR. MACEWAN: You know, Mr. Chairman, if they could just be asked if they could release 52 maps of 52 ridings as part of their final report, it would be very helpful to get the picture.

MR. HEBB: The part that would be enshrined in legislation that we would use to draft the bill would be the detailed metes and bounds descriptions, not the maps at all. The maps would not perform . . .

MR. MACEWAN: A picture is worth a thousand words, Gordon.

MR. HEBB: But the maps are really there for our convenience only and not for the purpose of determining where the boundaries are.

MR. CHAIRMAN: Anyway, sorry, we cut off Mr. Taylor.

MR. TAYLOR: I was just going to add that the Electoral Boundaries Commission reported last time, after I suppose you would say some insignificant changes at the Law Amendments Committee, the Act was proclaimed and it was passed in, I'm not sure if that was in the Spring of 1993 or the Fall of 1992.

MR. LEBLANC: The Fall of 1992.

MR. TAYLOR: But I do know, for example, the old riding of Bedford-Musquodoboit Valley was of course somewhat cut up and the Musquodoboit Valley was inserted in with Colchester South and it wasn't just the PCs, the Liberals and NDP were scurrying around to make adjustments like you're talking about there, Paul and Howard, and I don't know if you ever feel you have enough time, but all Parties were certainly treated equally at that particular time. So it is important to make the adjustments.

MR. MACEWAN: We had a commitment at that time, Brooke, from Premier Cameron that he would not call an election until the Liberal leadership was finalized. Do you remember that? He could have gone for the jugular when we were unorganized.

MR. TAYLOR: . . . very kind to you guys. (Interruptions)

MR. MACEWAN: Well, I just mention that as a precedent.

MR. TAYLOR: That was then and this is now.

MR. CHAIRMAN: Well, this is all very useful, but I'm not sure it's germane to the motion.

MR. TAYLOR: Question, let's have the question.

MR. CHAIRMAN: There being no further discussion, would all those in favour of the motion please say Aye. Contrary minded, Nay.

[The motion is carried.]

That, I believe, concludes our business. Thank you very much. We have to all sign.

[The select committee adjourned at 3:54 p.m.]

**HALIFAX, WEDNESDAY, AUGUST 28, 2002**

**SELECT COMMITTEE ON ELECTORAL BOUNDARIES**

**1:00 P.M.**

**CHAIRMAN**

Hon. Michael Baker

MR. CHAIRMAN: I would like to call this meeting of the Select Committee on Establishing an Electoral Boundaries Commission to order. We have two items of correspondence that comprise the business for the committee this afternoon and the first is a letter of August 15, 2002, which I believe all members have, from Dr. J. Colin Dodds, asking for an extension of the mandate of the committee to propose its report until Monday, September 16, 2002. The second is a letter of August 27, 2002, from Dr. Dodds, which indicates his proposal for making public the report.

Perhaps we could deal with the first item of business which is the issue of extension of the mandate of the committee. There is a draft resolution which I think has been circulated, or will be circulated by the Legislative Counsel in a moment or two. The courier awaits, so timing is everything in life. It is going to be circulated momentarily.

HON. NEIL LEBLANC: Mr. Chairman, since we have a specific date of September 4<sup>th</sup>, are we just going to add . . .

MR. CHAIRMAN: I think he wants to continue that, he still would like to continue with that date simply because . . .

MR. LEBLANC: In case something goes awry?

MR. CHAIRMAN: Yes, the committee's cost, I think, is the issue because his mandate, of course, for expenses ceases on the date of the resolution.

MR. MANNING MACDONALD: Mr. Chairman, I move that motion.

MR. CHAIRMAN: Mr. MacDonald moves the motion.

MR. LEBLANC: Do we need a seconder?

MR. CHAIRMAN: No, I don't think we need a seconder. Is there any further discussion on that motion? There being none, I would call for the question. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The level of co-operation is spine-tingling this afternoon.

The second issue, which is the issue of the proposal by Dr. Dodds to make public his report. I was wondering if it might be appropriate, because he is asking for confirmation that these recommendations are acceptable, would someone propose a motion with respect to that? Mr. LeBlanc.

MR. LEBLANC: Mr. Chairman, there would be two separate lockups, one for MLAs and one for the press. Is that the intent?

MR. CHAIRMAN: That's correct and there would be a meeting with a representative from each caucus and the Speaker with Dr. Dodds at 9:00 o'clock as well. My understanding is that each Party represented on the committee would name a representative between now, obviously, and September 4<sup>th</sup> who would meet the Speaker and Dr. Dodds and anyone else from the commission who Dr. Dodds would want present. A motion has been made. Is there any further discussion on the motion?

MR. PAUL MACEWAN: This letter doesn't propose where Sessions 1 and 2 would be held.

MR. CHAIRMAN: No, I think if this is agreeable to the committee, one of them is going to be in the Red Room, I think. He does say the Red Room for one.

MR. MACEWAN: In Session 3, yes.

MS. MARY ANN MCGRATH: The media.

MR. CHAIRMAN: The media would be in the Red Room. I suspect the first meeting will probably be in the Speaker's Office. The meeting with the Speaker would be in his own office. With respect to the other one, I suspect they will be looking for space.

MR. LEBLANC: Mr. Chairman, there is a space in the Provincial Building on the 4<sup>th</sup> floor. Not all MLAs are going to come to the lockup and I think if you look at the last time probably about 20 or so came up. We will do our best to accommodate them.

MR. CHAIRMAN: Are there any further questions or comments on the proposal?

MR. MACEWAN: I'm not asking that we be in charge of the logistics of setting these things up but hopefully all members of the House could be notified of Session 2, when and where.

MR. CHAIRMAN: The secretary of the committee is making note of that and I am sure we can arrange to have all members of the House advised about the when/where. Okay? If there is no further discussion, I call the question. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

I believe that concludes our business and likely truly does conclude our business.

MR. GORDON HEBB: Mr. Chairman, I've been left here by the Clerk's Office, a document for each and every one of you to sign, if you wouldn't mind dropping by here on your way out.

MR. CHAIRMAN: Okay, thank you very much.

We are adjourned.

[1:14 p.m. The committee adjourned.]