

NOVA SCOTIA
ELECTORAL BOUNDARIES
COMMISSION

SATURDAY, JANUARY 19, 2019

Old Orchard Inn
Wolfville, Nova Scotia

PROVINCIAL ELECTORAL BOUNDARIES COMMISSION

Dr. Colin Dodds, Chairman
Ms. Carlotta Weymouth
Mr. Michael Kelloway
Mr. Paul Gaudet
Mr. Michael Baker
Mr. Glenn Graham
Mr. Peter M. Butler
Mr. Leonard LeFort
Ms. Angela Simmonds

WITNESSES

Mr. Alan Harvey

WOLFVILLE, SATURDAY, JANUARY 19, 2019

NOVA SCOTIA ELECTORAL BOUNDARIES COMMISSION

2:00 P.M.

CHAIRMAN
Dr. Colin Dodds

MR. CHAIRMAN: Lady and gentlemen, it's 2:05 p.m., so it's the diplomatic five minutes. Good afternoon, thank you for coming on a beautiful sunny day. My name is Colin Dodds. I live in Halifax, and I'm the chair of the Nova Scotia Electoral Boundaries Commission and will chair this afternoon's public consultation.

First let me acknowledge that we are on the unceded lands of the many First Nations of Nova Scotia.

As many of you know, the commission had public meetings in September but not in this location. We presented a set of draft boundaries.

Before we move on, I'm going to ask each of the commission members to give their names and introduce themselves. We are a commission of nine, but this afternoon, we only have seven. Last night, we had eight, and one had to go off to a meeting back in Halifax.

[The commission members introduced themselves.]

MR. CHAIRMAN: The commission was tasked, in its terms of reference, with producing a set of boundaries for 51 seats in the House of Assembly and at least one other. We have three maps for the whole of Nova Scotia down on the wall. One is showing 51 seats, which is our current first proposal. Then the further two are dealing with our further proposals of 55 and 56 seats. In addition, we have a series of maps here for Kings and some of the other adjacent electoral districts.

Our proposal that we would like your input on this afternoon relates to four options. One is the 51 seats, which I have mentioned. The second is 55 seats, 55 electoral districts, which include the formerly protected electoral districts of Argyle, Clare, and Richmond. Next is 55 electoral districts but 56 seats in the House of Assembly. This would include a potential dual member for the electoral district of Inverness, which would have one MLA to represent the geographic electoral district of Inverness and one MLA to represent the Acadian constituency. Finally, number four - and these are not in ranked order - is 56 electoral districts, which includes an exceptional electoral district of Chéticamp. You may of course want to comment on the particular boundaries that we have for the three Kings electoral districts or others.

The reason the Electoral Boundaries Commission was established back in 2018, which was three years before its normal 10-year cycle, was a controversy that occurred because of the 2012 report. I don't intend to go into that this afternoon, but if you have particular questions in respect to that, I'll be pleased to try to answer.

The data we're using relates to June 29, 2018. As I was saying last night in Cornwallis, the data set is very dynamic. It contains 2016 census data, which is then updated for people coming of age to vote, new Canadian citizens, and so on. We are hoping to use December data in our final report.

The data set that we have right now is 743,500, and each of the maps for the whole of Nova Scotia illustrates that. With 51 seats, it would give an average of 14,578. Again, as I mentioned last evening, if we look at the 2012 report, which is on our website, and the current interim report that is also on the website, there are 30,000 more electors now than there were in 2012.

I'm very pleased now to be able to ask you to come forward and speak. We actually have one presenter only who has identified they wish to speak. After that, I will ask others to come forward. When you do, please spell your name out, because as I was saying last evening, everything is taped and then transcribed, and we want to make sure that we get an accurate version of someone's last name. The microphone is yours.

MR. ALAN HARVEY: Thank you very much for having me. I live in the Valley and I'm an average taxpaying citizen. I'm not going to lay claim to being an immigrant, nor define my religious, ethnic, or multilingual background, although some of these may be true. I will not lay claim to be from a background whereby my ancestors were oppressed for centuries, although that may well be true. I will claim no special privilege nor representation. I am here to discuss electoral boundaries and citizen representation.

I have lived for extended periods in five provinces and I've lived, worked in, and visited over a dozen countries. I always vote. I encourage my family to do likewise. They do exercise this critical democratic right.

I'll start by examining a few items out of the interim report. I found on page 1 of the introduction that no option for a lower number than 51 electoral districts was examined. In fact, the comments in that regard seemed rather dismissive. There will be more on that later.

I examined in detail the terms of reference, particularly the first one, that elector parity is the prime factor in determining electoral boundaries. Despite saying that, it seemed that most of the rest of the report equivocates from this principle. I note that only one recommendation can be made, but this, in my opinion, did not preclude the commission from commenting on its restrictive mandate nor expressing its desire for future commissions to have more free-ranging, less restrictive limits - you may do that in

your final report; you haven't done it up to this point - and to being able to provide innovative recommendations.

The 2012 report challenge only noted the possibility that the deletion of protected ridings might reduce representation: “. . . the court raised the possibility that the constitutional right of Acadians and African Nova Scotians to effective representation had been unjustifiably limited or denied.” That was never proven; it was only a possibility. But this seems to have been taken as a guiding principle by many involved in this process. It was not proven. The Keefe commission notes the inalterable demographic shift from rural population to the urban - and in this province, that's Halifax, essentially - and the resulting need to properly represent all citizens fairly.

[2:15 p.m.]

Reducing rural seats and increasing the urban seats, it was claimed, combines communities against their will. I find that rather difficult to come to grips with. Furthermore, the proposed solution from the Keefe commission was to generate more seats: “The more ridings there are, the more flexibility boundaries commissions will have.”

A couple stats of interest: Mississauga, Ontario. I lived there for years. Sixth-largest city in Canada: 725,000 people, the most ethnically-diverse piece of North America. Over 50 per cent of those 725,000 people are of South Asian descent. One mayor, 11 councillors. There's no discussion there of historic entitlement or of protecting anyone, just trying to efficiently manage the growth and services to all of the citizens who live in Mississauga. I understand it's a municipal level of government, not provincial, but I think you get my drift here.

Manitoba: 1.3 million people, 30 per cent more than this province; 57 MLAs, covering 250,000 square miles. Pretty much the same case in Saskatchewan. And here, in this postage-stamp-sized province of 21,000 square miles, with 920,000 people, we've got 51 MLAs and a proposal to increase that? It just flies against - I'm going to say it - common sense. I just wanted those comparisons out there.

Complaining about large riding sizes in this postage-stamp-sized province doesn't cut it. The ridings in this province are so small - we'll get back to that. We need to think differently. We just need to think differently about the sizes.

Think about what's happened in this province in the past 20 years. Internet everywhere, accessibility to people, news, data everywhere - which also increases access to your elected representative. The 100-series highways - when I moved here in 1991, Highway No. 101 didn't go past Bridgetown. The end of the province was just down there somewhere on Highway No. 1. The 100-series highways have changed everything. This province has shrunk dramatically, as has the world.

Once again: “The more ridings there are, the more flexibility boundaries commissions will have to craft boundaries.” “Flexibility,” in my mind, is a code for gerrymandering. We’ll come back to that.

The only discussion of reducing the number of seats in this 80-page report occurs on page 12. By taking an argument from one person, Mr. Bickerton, and dismissing this alternative with no discussion of the benefits to a highly debt-ridden and overtaxed province seems beyond imprudent to me. It lacks balance and objectivity. There was no analysis of the pros and cons, no benefits discussed, no acknowledgement of advances in communications that allow easier access by all citizens and their representatives. It almost seems negligent not to have examined that alternative.

I have some notes to amplify that slightly. Protected ridings are really a symptom of something wrong with electoral representation. I feel we may have missed an opportunity here to have a look at reducing the number of electoral districts. Unfortunately, that generates another decade of living in the 20th century in this province instead of the 21st. This province needs to change, to move ahead, and to progress.

As noted in the meeting last night in Cornwallis, the number 40 popped up in a discussion of the reduction of HRM seats. That’s not a bingo number or anything like that. It was something you could maybe look at as a number to examine to see if it would work. We could maybe set an example for Atlantic Canada in streamlining our government and streamlining the number of representatives to generate faster response times in government and to reduce costs.

Smarter governance is what we need. If people felt that constituency sizes in certain cases were unwieldy and large, specifically with the coastal situation in some ridings we have, the provision of additional constituency offices, which would allow citizens access to their representatives or their delegates to ensure effective representation, would be a smarter way to go, in my opinion, than continuing to shrink constituencies.

Nova Scotia is insignificantly small in Canada and irrelevantly small in the world. You can fly from one end of it to the other in 30 minutes. The Government of Nova Scotia, from that perspective, is a glorified municipality. It’s a glorified municipal entity that has constitutional responsibilities. It does provide health care, education, social services, transportation infrastructure, and those sorts of services that you would expect a province to have - but really, working within the sizes and numbers that municipalities across this country deal with every day.

Effective representation is conducted by effective representatives. We don’t keep slicing down the size of the pie to try to make that work. If you look at the St. Lawrence River as you drive along towards Quebec City, you see the old seigneurial farms, long strips leading down to the water. Over the centuries, as each family handed it down to the three sons and the three sons and the next daughter, et cetera, they got slivered up and

slivered up and slivered up to the point where they weren't effective farms anymore. They just weren't. That's where we're at.

The key to having citizens get elected and effective representation is for them to get involved in the process - at the political Party level, at the candidate nomination level, in citizens' groups - whatever it takes. It's not continuing to divide up the pie. There is no need to cite historical, geographical, or mystical justifications to unduly restrict the representation of some citizens to satisfy others.

Some presenters to your committee blamed more equitable representation following the elimination of protected ridings for low voter turnouts of their interest group: ". . . presenters pointed to the significant drop in voter turnout in the 2017 provincial election." Surely the opposite would be true if citizens were engaged and had nominated an effective representative. Reducing representation for many to ensure it to others is divisive in this tiny province.

Page 17, the duty of the commission: "Our duty is to draw fair and non-partisan electoral boundaries . . ." It seems to me that that duty is being locked into a past-tense vision that does not look to the future of all citizens or their interests. It's about the future. It's not about what happened in the past. As noted in your section on governance in the interim report, there are many ways to achieve political objectives. The use of taxpayers' dollars to fund interest groups is one.

The Department of Communities, Culture and Heritage includes offices that act as liaisons between the provincial government and its early-settling ethnocultural minority groups. These offices include Acadian Affairs, Francophonie, African Nova Scotian Affairs, and Gaelic Affairs. Aboriginal Affairs is separate. These offices and agencies work with community organizations facilitating provincially funded programming for these communities and working with stakeholder groups.

For a newcomer to this province - a foreign immigrant, a refugee - they have to stand there and wonder why certain elements of the province for, once again, unknown reasons to them, and when they look at it from the point of view of just pure democratic principles and parity, why certain elements get treated that way. It's as though you're anything, but you're always a come-from-away - if you aren't from here, you're a come-from-away.

Despite the activity of government in dealing with these groups, your report also states that, in other words, such governance arrangements do not directly equate to increasing the chances of electing an MLA who will represent a minority community's interest in the Legislature. So despite having done all of those things and had these offices and funded them, it does not reflect the interest or the desire of the communities to get effective representatives elected because the work isn't getting done. They aren't getting the ones they want elected.

As an average taxpaying citizen, I would then ask, why do it? None of this furthers citizen parity or fair representation. Only a fair and parity-driven electoral system is free from these types of potential abuse.

The issue of a covenant - page 20 in your interim report: “. . . these exceptional electoral districts had also become a covenant.” Let’s not forget, they didn’t come into place until 1992. It ain’t ancient history. “If contravened through abolishment or substantial change, Acadians and African Nova Scotians would perceive such actions as a betrayal by the province and a possible infringement on their right to effective representation.”

The only covenant in a democracy is the fair and equitable representation of all citizens. I note the commission’s use of the words “would perceive” - not could perceive; would perceive - as though these particular citizens are all in favour of an inequitable, gerrymandered electoral system. I don’t believe that. I am sure many are in disagreement with it, along with most of their fellow citizens.

As could easily be predicted, once these types of variations start in an electoral system, their proliferation is demanded. The door is open. We now have groups that have moved from declining rural areas where they wanted protected status to Halifax, where of course they want continuation of some sort of privileged status. You had representation during one of your meetings to that effect.

It puts pay to the notion that protected area ridings are what is important. In this case, it appears that just belonging to an interest group is a portable distinction. What says the average citizen or newcomer? Apparently, if the average citizen says nothing about systemic violation of parity and equal citizens’ representation, it is okay.

From the interim report, “. . . as history has shown, there has been no significant backlash against favoured treatment received in the form of the previous long-established exceptional electoral districts.” - so it’s okay to reduce people’s rights if they don’t say anything.

I am not fully aware of any logistical restraints the commission faced in the prior round of meetings. I note with interest, however, that at least in this round of meetings, citizens from the Valley are being given reasonable access. In the first round, no meetings were held in the Valley, nor in northern or central Nova Scotia. They seemed to focus on the predictable locations where the sense of entitlement to undue representation was entrenched, with predictable results.

[2:30 p.m.]

To conclude, your proposal of 51 seats in the Table 2 data seems to be the best of the options on offer. That’s what you tasked people here to do, to come up with that

response. There it is.

Lacking one with a lower number of MLAs or electoral districts to compare with, we have little option but to retain as much fairness and parity as possible. Any discussion of 55- or 56-seat options is not justifiable. They represent a return to division. They demonstrate a lack of unity, disregard for finances, and disregard of the primary principle in your terms of reference.

Any consideration of the Chéticamp riding in particular is so outlandish as to be contemptuous. High school-sized ridings that make a vote there worth up to five times that of a citizen's vote in a Halifax riding should generate disgust and loathing. Honestly - 2,500 people in a riding? Do every couple of high schools get their own riding in future?

The 55- or 56-seat options represent the worst of Nova Scotia. They maintain old-school provincialism at its worst. They display no long-term vision. This province is so small that to fly from one end to the other can be done in 30 minutes. When you're over Saint John in a jet, descending into Halifax, you can see from one end of this province to the other from 30,000 feet. This is a very small province.

As your interim report noted on page 19: "... the creation of the exceptional ridings of Preston, Clare, Argyle, and Richmond was, in effect, a form of affirmative gerrymandering..." Anyone who believes in democracy should cringe at the sound of that word. Gerrymandering, by definition, is to "... manipulate the boundaries of (a constituency etc.) so as to give undue influence to some party or class." Just so we're clear, "undue" is "excessive, disproportionate" - not suitable, and not owed.

How can we justify that to new arrivals, immigrants, entrepreneurs, the youth who we are desperately trying to engage in our electoral system, and the taxpayers and citizens of this province?

The 51-seat option, for now, but we must look to the future. Thank you very much.

MR. CHAIRMAN: Thank you very much. Any questions from the commission members?

MR. MICHAEL BAKER: We do have a court decision that tells us these exceptional electoral districts - and I don't like the words "should be protected," but nevertheless, it is a court decision. Should the commission disregard this decision, in your opinion?

MR. ALAN HARVEY: Courts are courts. They're there for a reason. Courts don't always get it right. People appeal things to courts all the time.

In my opinion, that's a political decision. You folks will recommend your one

alternative, the one choice, because that's all you're allowed to do is generate the one. I would generate the one that you feel best does the job, and let the political side of the House deal with what it's going to do with that result. I don't believe the courts got this right, entirely, and I don't think they were forward-looking.

Where does it stop? That would be my question. If you go ahead with a 55- or 56-seat option, where can you stop that in the future? You can't, in my opinion. It's a mistake, and it's undemocratic. That's a political choice to be made.

MR. MICHAEL BAKER: Thank you for your presentation, Mr. Harvey. It's not the first time we have heard that we should go back and challenge them.

MR. ALAN HARVEY: I think it would be worth doing. Thank you very much for your time.

MR. CHAIRMAN: Thank you very much. Would anybody else like to speak from the floor?

I think, Mr. Harvey, you were surprised when you first arrived that you were the only person here. I think you expressed surprise that the house would not be packed. As you see, we have a lot of chairs available for people to come, but for whatever reason, people have not rushed out to be with us this afternoon.

Would anybody else like to speak? Hearing not, we do have a website. We are on Facebook.

We were due to be in Bridgewater on Monday, but because of potential weather, we have had to postpone that one. We will be out in Hants East later in the month. There is an advertisement in today's *Chronicle Herald* confirming that.

If you want to stay, there is coffee and tea, and you can have a look at the maps.

I do want to thank the commissioners who are here with us, also IT staff and Julia, our office administrator. If you want to contact us in some way, please do so.

The comments you make are obviously ones that we have talked about ourselves. As Mr. Baker has illustrated, we have heard similar ones before, but we have also heard them on the other side.

Our terms of reference, of course, come from the select committee but are largely drawn from the Keefe commission report. Of course, the whole concept of protected ridings goes back to the Carter decision of the Supreme Court of Canada. Your reference to the size of Nova Scotia, of course, is very pertinent. A lot of people have expressed - why has Prince Edward Island got so much representation? Well, of course, a lot of this is

historical.

Anyway. Thank you so much for coming. If you want to stay behind, please do so. Otherwise, I will close the consultation. Thank you very much.

[The commission adjourned at 2:37 p.m.]

DRAFT