

NOVA SCOTIA
ELECTORAL BOUNDARIES
COMMISSION

SATURDAY, SEPTEMBER 22, 2018

Inverary Resort Conference Centre
Baddeck, Nova Scotia

PROVINCIAL ELECTORAL BOUNDARIES COMMISSION

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

WITNESSES

Mr. Stephen MacAskill

BADDECK, SATURDAY, SEPTEMBER 22, 2018

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10:00 A.M.

CHAIRMAN
Dr. Colin Dodds

MR. CHAIRMAN: Good morning. Thank you so much for coming on a rainy, windy day. I don't know if this is the tail end of Florence, but anyway, the tail end of whatever they had in Ottawa last night, which was quite dramatic.

My name is Colin Dodds. I live in Halifax and I'm the Chair of the Nova Scotia Electoral Boundaries Commission, so I'll chair this morning's consultation.

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

This morning, we have eight of the Commission members. We are missing one, whose wife has had surgery, so he's back home. I'm going to ask them to introduce themselves.

[The Commission members introduced themselves.]

MR. CHAIRMAN: Thank you very much. Everything that is said this morning through the microphones, both here and on the table, will be recorded and transcribed, and then there will be a permanent record through Hansard. You will be able to access it if you so wish.

Let me provide context for this morning's meeting. An independent Electoral Boundaries Commission is established every 10 years by an all-Party select committee of the House of Assembly. The last one was 2012, and that's only six years.

The 2012 Commission produced an interim report that the Attorney General of the day did not accept, as it continued the protection of the electoral districts of Clare, Argyle, Richmond, and Preston. He directed the Commission to produce another report. We produced an interim revised and then a final, and that final was presented in 2012.

Subsequent to that - and by the way, that was 51 seats, and that's what we have right now. We don't have that map. If you want it, we can show it, but the map we have over there shows the boundaries that we are proposing. Then we have the boundaries for the current riding of Victoria-The Lakes and an adjacent one.

There was a challenge through the Nova Scotia Court of Appeal, which found in January 2017 that the final report violated Section 3 of the Canadian Charter of Rights and Freedoms.

Subsequent to this finding, a Commission on Effective Electoral Representation of Acadian and African Nova Scotians was established. It reported earlier this year. The terms of reference given to us are quite broad but stress the right to effective representation and elector parity. There are some copies over there if you wish.

The maps we have, which I mentioned, are what we're proposing right now, for 55 seats for Nova Scotia, and then the current one, which actually has no change from the previous 2012 final.

Where we could, we tried not to make wholesale changes for the sake of making them, simply because it's quite disruptive to local communities, it's disruptive to the various Parties that are trying to get their lists in order, and it's disruptive to Elections Nova Scotia.

In a few minutes, we are going to show you the 55 seats on the maps. As soon as you change the boundaries of one, of course, the adjacent boundaries start to change. The total number of electors, and you have that there for June 29th of this year - so the data we are using are the most recent data that Elections Nova Scotia has. It includes the census data of 2016 but is updated with the fact that people who were 16 and 17 in 2016 are now eligible to vote. The data are dynamic in that sense.

[10:15 a.m.]

What we do is - whatever that number is, 743,500, we divide it by the number of seats. So, right now, we're looking at 55, so that produces an average of 13,518, and that effectively becomes one. Then everything from that is a deviation of that number one.

So, you can see that for Victoria-The Lakes, from the data I've got here it is 12,117, and that gives you .90 of the average. It's a little bit below the average, but well within the .25, which we have, either side.

What we are able to do is to take account of geography, take account of history and various other criteria like that - we can go on contiguous if we so wish. So, in that sense, as I mentioned, the terms of reference are quite broad. They've not limited us to prescribe a set number of seats, except one of the proposals that we have to come back with is, in fact, 51 seats. We've come out with 55 because of the previous reports in terms of effective

representation of Acadians and African Nova Scotians, but they have given us criteria - one, to have 51 seats, which we have to do, and then a number of options on top of that.

The Keefe report that was published this year in January made reference, for example, 54 seats, but did not prescribe either way that the boundaries for the previous protected ridings be protected. It's up to the Commission to come forward with recommendations.

Our timeline is to produce a report by November 30th, but because of translation constraints, effectively by the end of October. That is a preliminary report or interim report. I say 51 seats and then options on top of that. Then in the New Year, 2019, by April 1st we have to produce a final report of which they only want one set of recommendations. At that point then, the House will either accept or reject.

So, this is what we're proposing right now with the 55 seats. The proposal is to restore the electoral districts of Argyle, Clare, Richmond and Preston. With respect to Chéticamp - because we were in Chéticamp last weekend - the options are to keep it where it is, or to merge it into Richmond. The Commission, as I mentioned, is permitted non-contiguous or to create an extraordinary electoral district. We show that as .99 as electoral district 99, if we can go back to the table on the screen.

That is not included in the seat count of 55. So, if we were to do that we would have a seat count of 56. We would have to take over 2,000 electors out of Inverness, which would then have a problem - Inverness would then be below the .75.

With respect to HRM, because of the growth of population, we would be creating a new seat in Bedford and Cole Harbour - doing some work in the HRM area of Cole Harbour and effectively create a Cole Harbour seat.

At the same time, we're coming out with your input on the concept of members at large - members at large to represent the Acadian and African Nova Scotians, given their dispersion across the province. We've had various suggestions with respect to members at large - not an awful lot of support for that concept, I have to tell you. This is our 11th meeting; we have one more tonight in Sydney. Those who have come forward to make presentations of members at large have said, well don't just have one, if you're going to go that route, don't just have one for the whole of Nova Scotia for the Acadians and one for the whole of Nova Scotia for African Nova Scotians. Why not have them regional? So, there was a proposal that if we go that route we should have three or four Acadians, north, centre, south for African Nova Scotians. Why not have one for HRM where 75 per cent of the African Nova Scotian population is, and another one? Lots of ideas have come forward.

Now I can turn the floor over to you. If you wish to speak, if you wish to ask us questions, we ask that you come forward and use the microphone, stating your name. Then you are on the record.

I did not have any indication from our administrator that anybody had registered to speak, but that doesn't mean that you can't speak. Are there any questions of the Commission with respect to our terms of reference? The timing has been very tight because as a Commission, it was officially announced - I think it was Friday, July 16th, something like that. Then we got letters of appointment, and our first meeting as a full Commission that we could manage was August 23rd - the Thursday, Friday - and then we went out the following week with public meetings.

We did a lot of work on this and we've got a lot of work left to do, but we really do need your input, if you wish to add.

MR. STEPHEN MACASKILL: I might as well ask a question, then.

MR. CHAIRMAN: Can you just come forward?

MR. STEPHEN MACASKILL: Maybe I'll ask two questions.

MR. CHAIRMAN: Make it three.

MR. STEPHEN MACASKILL: My name is Stephen MacAskill. I live in the beautiful community of Englishtown in the Municipality of Victoria on Cape Breton Island.

I guess my first question is with regard to the boundaries. The whole of the Municipality of Victoria would stay within one constituency?

MR. CHAIRMAN: At the moment we're not making any change, so if it's in right now, we're not proposing a change.

MR. STEPHEN MACASKILL: The second comment I would make that is I've been involved in elections over probably the last 30 years and held various roles - campaign manager, door-knocker, sign-sticker-upper, and all those great jobs. I enjoyed doing it. Of course, I have Party affiliations, for sure.

The constituency of Victoria-The Lakes is very vast. It takes a lot of time to cover the constituency during the writ period. I know Keith is here and he can attest to that. During the short campaigns that we have today, it's very difficult for a candidate - or even an MLA, once elected - to serve the whole constituency to the best of his or her ability. It's vast.

My personal opinion is that it's too huge geographically. During the campaigns, it's almost impossible for the candidate to reach out to every area of the constituency during the short writ period. That has downfalls for your campaign because you want to be able to reach out to as many constituents as you possibly can.

Traditionally, Victoria - and I'm going to use Victoria, because probably the first couple of campaigns that I was involved in, Victoria was just one constituency. Given that, I think people traditionally want to see their MLA during the writ period. They don't want to see a door-knocker or get a phone call from somebody in an office in Halifax or something like that.

The demographics are changing as well. I mean, our population is aging, and it's hard for constituents to get out to rally, forums or any other kind of public thing that you have. If I was to make a recommendation to the panel, it would be that you have a look at reducing the geographic size of Victoria-The Lakes. Thank you very much.

MR. CHAIRMAN: This is the third Commission I've been on now. Because of population shifts, the seats in Cape Breton have been reduced over that period of time, as they have down in the South Shore.

Our constraint is whilst we are given some freedom with respect to geography, it is a large electoral district. I mean, just looking at it right now, along with Inverness. The largest one, actually, is Guysborough-Eastern Shore-Tracadie. That is, I think, .74 at the moment, so a little bit below the .75. We're hoping not to have to touch that again. It's just a fact of life with the population shifts.

But our first term of reference is effective representation. How is that achieved? Then, at the same time, voter parity. People, of course, are quite concerned so we've had representation in Halifax Regional Municipality, for example, where we had one representation that we should go down to 40 seats. Just imagine what that would do to Cape Breton. We've had others who say the number of seats should be reduced.

Our terms of reference actually allow us to do that. They don't stipulate. They allow us to go up from the current 51 or down from the current 51. The reason for the public consultations is to come out and meet people, of course, which is why we're here. We were in Cape Breton last weekend and now, we're here, back in another part of Cape Breton.

We know it's a challenge because we've driven the routes ourselves. It is a challenge.

Now, in the past, Commissions have made recommendations that there should be extra funding for rural MLAs to set up different site offices. We've had representation about the difficulty, particularly in the winter time, of going to funerals, going to weddings, the kinds of things that an MLA does on top of their regular constituency duty. In the end, the MLA is the effective voice for representation, so people can make their points heard.

So, yes, we know where you are coming from. Our best guess at the moment is not to make any change at all to your electoral district, but we have to come up with a recommendation for 51 seats, which is the current situation. If we are going to take into account the recommendations of the Keefe report, we have to come up with something,

either members at large or continue to protect the previously protected ridings. Thank you, sir.

MR. MICHAEL BAKER: Can I ask you a question?

MR. CHAIRMAN: Yes, please.

MR. MICHAEL BAKER: Thank you for coming, Mr. MacAskill, and thanks for stepping up to the microphone.

The challenge is effective representation versus voter parity. Dr. Dodds went through the numbers. We have a number with a 25 per cent variance on either side. Do you think either one of those trumps the other or do you think they're equal? For example, you talk about geographic size and that having to represent all the constituents within that electoral district is very difficult. Your MLA has to travel hundreds of kilometres and it's not the same in Halifax Regional Municipality. Literally, they can walk a block and they've gone from one to the other.

In your mind, does effective representation supersede that electoral parity or is it the other way around?

MR. STEPHEN MACASKILL: Electoral representation, in my opinion, is the key. Voter parity is more situated to urban centres than it is to rural centres. I mean, the uniqueness of our rural communities is being constantly challenged. I think that has to be taken into consideration.

People who have been here generations ago are not here anymore. Their families are moving to other places and the rural communities are suffering great hardships. I feel that, just in the Victoria-The Lakes instance, voter parity is not the key issue.

[10:30 a.m.]

MR. MICHAEL BAKER: I'm from Cape Breton originally and was part of the exodus in the 1970s and 1980s to the greater Halifax area and haven't come back. Cape Breton has already lost two seats in the past 20 years, so your point is well taken, and I'm sure from my perspective, I really can't see any more huge changes there, but this is preliminary. I speak for myself only, so thank you for stepping up to the microphone and I appreciate your comments.

MR. STEPHEN MACASKILL: I appreciate having the opportunity. Thank you.

MR. CHAIRMAN: Our first term of reference talks about effective representation, but then it goes on to say that voter parity is prime. You've got two constraints there, but I like your division there to sort of say, yes, effective representation for rural communities

is this - voter parity perhaps is more in terms of the municipalities, the metro areas like Cape Breton itself, CBRM and HRM. Thank you for that.

MR. PAUL GAUDET: There is a thought around regarding MLAs at large. If I follow your logic on a practical basis you wouldn't be in favour of that because of what has to come into play for the election - there's a nomination convention, fundraising, campaigning, voter lists and so on. On a practical basis, it's better to have a riding based on geographical area rather than spreading over two or three different constituencies - or one across the province, so three across the province. So, if I follow your logic, you wouldn't be in favour of such an approach.

MR. STEPHEN MACASKILL: Members at large? No, I don't think that's something that I would favour from a practical approach. I would prefer to have everything stay within the boundaries of a constituency, but that's just my own personal preference.

What would be the voter parity if you did a member at large scenario? It appears somewhat vague as to what that would actually look like.

MR. CHAIRMAN: I think it depends whether you have one across the whole of the province or you have more than one by splitting it by region. You would not have two votes; you would self-elect to either vote for a member at large or vote within your own riding.

We have that concept in place already; back in 1992, I think it was, there was a member at large created for our First Nations. They chose not to take that up, but the concept is there, as it were. Certainly, with respect to the French school board, the concept is there as well. Now, how practical it is, it depends on how much work you want to do on it. You could have an enumeration system in advance where people would choose, because we have to accept that both the Acadian and African Nova Scotian populations are spread out across the whole of the province. So, if you protect, say, the Preston area, if you protect for the African Nova Scotians, and you protect Clare, Argyle, and Richmond, then what about African Nova Scotians in Whitney Pier and the north end of Halifax, and then Acadian population in Halifax itself.

There are a lot of issues at play there, and we are given a fair amount of scope this time with respect to geography, history and so on. We can go up or down whereas previously - I think back in 2002 - we were told 52 seats, that's it, figure it out. With the population shifts we had to take out of Cape Breton and the South Shore. Right now, the electoral map is 51, and that's what the last election was fought on - 51. So, we have to come up ourselves with 51 seats as one of the options.

Please, Glenn.

MR. GLENN GRAHAM: Just a quick question. Glad to have you here. For sure, if you see anything about the map that you want to suggest to us afterwards, that would be accepted as well, for sure. What question was I going to ask you? (Laughter)

MR. STEPHEN MACASKILL: I'll have you know, I wasn't prepared to take questions when I came in.

MR. GLENN GRAHAM: We're talking about seat numbers and just out to you as your personal opinion, do you have any problem with there being more than 51 seats?

MR. STEPHEN MACASKILL: Of course not - 54 or 55 seats is not unreasonable to me. I feel that gives you better representation, and it gives your elected representative a few less constituents to look after. I would have no problem with 55, 56, 57, 58, 59, 60. (Laughter)

MR. CHAIRMAN: In terms of Richmond, for example, you see on the map there if we do continue with our proposal to use Richmond as a protected riding, well then Port Hawkesbury would be moving into Inverness. Whatever you do, you get these adjacent changes you have to make. Certainly, with respect to Victoria-The Lakes, we're hoping to keep it as is.

MR. STEPHEN MACASKILL: If I may refer back to the member at large scenario, we have two First Nations communities within our boundaries: Eskasoni and Wagmatcook. Of course, Eskasoni is, I think, the biggest First Nations community in the province.

We have seen no problem - and we've always had those communities engaged within the process of the elections through our campaign constituencies. Given that the First Nations communities have - I don't know if they rejected the members at large when it was presented to them or if they chose not to participate.

MR. CHAIRMAN: They chose not to take it up. But it's still there and has been. As a Commission, we are engaging with them just to let them know what we're doing and up to. We'll hear from them. At the moment, there is no indication that they would want to take it up again. We're going to have consultations with them.

So, lady and gentlemen, anything else?

MR. MICHAEL KELLOWAY: It's not so much a question as it is an overture to those in the audience - that we will receive any questions from anyone within the riding via Facebook or our website, so you may want to, if you could, utilize your networks to let them know, the citizens of this district . . .

MR. CHAIRMAN: That's our website and that's our Facebook. Perhaps when you're meeting with your friends and so on, you can make the point that you came and we're here to listen.

We're meeting again on October 10th as a Commission to receive all of the written input that we're receiving. So, it's not just the public consultations, but we are receiving written input and phone calls. We're meeting on October 10th, just after Thanksgiving, put it all together and then come up with the minimum two scenarios that we have to do. One is 51 and another might be like we have right now - and there may be more.

Then we will present that - get that off to the translators by the end of October and present them on November 30th, and then go through the process again. If there is no change in what we are proposing with respect your constituency, don't be surprised if we're not back. But if there are other changes then we would be coming out over the winter months and then at the end of March, send it off to the translator; first of April then we would be presenting to the Legislature.

If there is nothing else, thank you very much. We stand adjourned.

[The Commission adjourned at 10:40 a.m.]