Report

of the

Select Committee on Establishing an Electoral Boundaries Commission

December 30, 2011

Nova Scotia House of Assembly

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SELECT COMMITTEE

The Select Committee on Establishing a Provincial Boundaries Commission, comprised of representatives of each of the recognized parties, was established with the unanimous support of the Legislature with the passing of the following resolution on Nov. 3, 2011.

House of Assembly
Nova Scotia

RESOLUTION NO. 1846

HON. FRANK CORBETT: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the House of Assembly Act requires the appointment of an independent Electoral Boundaries Commission no later than December 31, 2012, to recommend the boundaries and names for the electoral districts comprising this House; and

Whereas the House of Assembly Act requires the appointment of the commission and the issuance of its terms of reference by a select committee of this House and requires that the terms of reference provide that the commission is broadly representative of the population of the province, that the commission prepare a preliminary report and hold public hearings prior to preparing the preliminary report, and that following the preparation of the preliminary report the commission hold further public hearings prior to preparing its final report; and

Whereas the House of Assembly Act requires that the final report of the commission be laid before this House, and that within 10 sitting days after the final report is tabled in this House the government introduce legislation to implement the recommendations contained in the final report;

Therefore be it resolved as follows:

(1) that pursuant to Section 5(3) of the House of Assembly Act and the Rules and Forms of Procedure of the House of Assembly, this House constitute a select committee to determine no later than December 31, 2011,

a. the composition of an independent Electoral Boundaries Commission; and
b. the terms of reference for the commission;

(2) (a) that the Select Committee be composed of the following members of this House:

(i) The Honourable Ross Landry
(ii) Gary Ramey, MLA
(iii) Michele Raymond, MLA
(iv) Leonard Preyra, MLA
(v) Jim Boudreau, MLA
(vi) The Honourable Michel Samson
(vii) Andrew Younger, MLA
(viii) The Honourable Christopher d'Entremont
(ix) Keith Bain, MLA

(b) that the Honourable Ross Landry be the Chairman of the Select Committee;

(3) that the select committee consult as many interested persons as it reasonably can, including persons of Acadian, African Nova Scotian and Mi'kmaq communities;

(4) that pursuant to Section 36(1) of the House of Assembly Act, this House declare that the select committee is not dissolved by prorogation of the House and authorize the select committee to continue its inquiries after the House is prorogued; and

(5) that the House request that pursuant to Section 80 of the House of Assembly Act and the House of Assembly Management Commission Act, the House of Assembly Management Commission provide the select committee, its members and staff with such facilities and funds as are required to carry out their duties.

Public Meetings

In keeping with its mandate to consult Nova Scotians, the Select Committee held afternoon and evening hearings in each of the following locations: Truro, Port Hawkesbury, Sydney, Yarmouth and Halifax. Simultaneous translation was provided at these locations. Individuals and organizations could also make written submissions or call a toll-free number to express their views.

Public Notification

Opportunities for Nova Scotians to make presentations at the Select Committee's public hearings, or through written or phone-in submissions, were made known through press releases, advertisements in the provincial Chronicle Herald, regional newspapers, radio ads and notices on the Government of Nova Scotia's home page and the Legislative Committee's Office web site.

SELECT COMMITTEE

On Establishing an Electoral Boundaries Commission

An all-party select committee of the Nova Scotia legislature is seeking public input on the terms of reference for a commission which will review the province's electoral boundaries.

The select committee does not determine the redistribution of electoral boundaries. The committee is seeking views on the following:

1) the composition of an independent Electoral Boundaries Commission; and
2) the terms of reference for the commission.

The select committee will hold public meetings at the following locations from 3 p.m. to 4:30 p.m. and from 7 p.m. to 8:30 p.m.

TRURO
TUESDAY, NOVEMBER 22
Best Western Plus Glengarry
150 Willow Street, Truro

PORT HAWKESBURY
WEDNESDAY, NOVEMBER 23
Port Hawkesbury Civic Centre
606 Reeves Street, Port Hawkesbury

SYDNEY
THURSDAY, NOVEMBER 24
Delta Sydney
300 Esplanade, Sydney

YARMOUTH
TUESDAY, NOVEMBER 29
Rodd Grand Yarmouth
417 Main Street, Yarmouth

HALIFAX
THURSDAY, DECEMBER 1
Province House
1726 Hollis Street, Halifax

Individuals and organizations wishing to present views to the committee are invited to attend a public meeting in their area. Please advise the committee in advance by calling toll-free 1-888-388-6489. Nova Scotians may also express their views on the same toll-free line. Please contact the committee in advance to discuss any special needs. French interpretation services will be provided.

Written submissions can be presented in person at a public meeting or by any of the following options:

MAIL TO:
Select Committee on Establishing an
Electoral Boundaries Commission
c/o Legislative Committees Office
3rd Floor, Dennis Building
1740 Granville Street
P.O. Box 2630, Station M
Halifax, N.S. B3J 3P7

FAX:
1-902-424-0513
E-mail:
legcomm@gov.ns.ca
INTERNET:
http://nslegislature.ca/
select_committee_ebc2011

All submissions should be filed with the committee no later than Friday, December 2, 2011.

Please be advised that all submissions (i.e., e-mails, presentations and other papers) forwarded to the Select Committee on Establishing an Electoral Boundaries Commission, will be viewed as public documents, and therefore, will be available to the public and may become part of the final published report.

The Select Committee on Establishing an Electoral Boundaries Commission will report to the House of Assembly by December 31, 2011.

Members of the select committee are:

Hon. Ross Landry, MLA, Chair, MLA for Pictou Centre
Gary Ramey, MLA for Lunenburg West
Michèle Raymond, MLA for Halifax Atlantic
Leonard Preyra, MLA for Halifax Citadel-Sable Island
Jim Boudreau, MLA for Guysborough-Sheet Harbour
Hon. Michel Samson, MLA for Richmond
Andrew Younger, MLA for Dartmouth East
Hon. Christopher d'Entremont, MLA for Argyle
Keith Bain, MLA for Victoria-The Lakes

List of Presenters

The Select Committee received presentations from the following individuals and organizations at its public hearings.

Truro:

Kevin Lacey – Canadian Taxpayers Federation
Yvette Saulnier – Francophone Community Centre of Truro
Wendy Robichaud

Port Hawkesbury:

J. Ronald Robichaud, President FANE (Fédération acadienne de la Nouvelle-Écosse)
Richard Cotton
Yvon Samson
Jacqueline Samson – La Picasse (French Cultural Centre, Isle Madame)

Sydney:

Ron MacDonald
Stephen Tobin
Allison Haley

Yarmouth:

Norbert LeBlanc, Président – Conseil acadien de Par-en-Bas
Marie-Germaine Churtrand – Université Sainte-Anne
Lester Doucet - Société acadienne de Clare
Elaine Surette– The Acadian Historical Society of West Pubnico
Cyrille Leblanc
Gerald Boudreau
Aldric d'Entremont, Warden – Municipality of Argyle
Mayor Philip Mooney – Town of Yarmouth
Suzanne Saulnier – Early Childhood Education, District of Clare
Chislaine D'Eon – Équipe d'alphabetisation Nouvelle-Écosse
Pere Maurice LeBlanc – Conseil des Arts de Pas-en-Bas
Jean d'Entremont
Paul Comeau
Real Boudreau – Chamber de d'Argyle Commerce
Jean Melanson, Warden – Municipal District of Clare
Pauline d'Entremont – Le Reveil de Pombcoup
Ghislain Boudreau – Association Radio CIFA

Kenneth Deveau – Université Sainte-Anne
Paul Gaudet
Neil LeBlanc
Noe' Bourque Conseil Jeunesse Provinciale
Ashley White Conseil Jeunesse Provinciale

Halifax:

Shalom Mandaville – Soil & Water Conservation Society of Metro Halifax
Jean Léger – FANE
Solange Beauregard – RANE
Céleste Godin Agente de Communications Conseil Jeunesse provincial (CJP)
Councillor David Hendsbee

In addition to the presentations made during public hearings, the Select Committee received 69 written submissions/comments.

Recommendations of the Select Committee

The following recommendations reflect the majority opinion of the Select Committee. A dissenting opinion submitted by Hon. Michel Samson, Hon. Chris d'Entremont, MLA Andrew Younger and MLA Keith Bain specific to section 2(d) follows the report.

(1) Composition of the Provincial Electoral Boundaries Commission

In order to promote fairness and impartiality, the Select Committee agreed that current or former candidates or members of federal or provincial legislatures or municipal councils or individuals closely associated with partisan politics would not be appointed to serve on the Commission.

The Select Committee further agreed that the Commission would broadly represent the population of the province.

The Select Committee agreed to appoint members to the Commission based on their experience, skill and commitment to ensuring, to the greatest degree possible, Nova Scotia's electoral boundaries result in effective representation for all its citizens.

Based on this understanding, the following individuals are appointed to the Provincial Boundaries Commission.

Boundaries Commission Members

Dr. Teresa MacNeil, Chair, Cape Breton

Dr. J. Colin Dodds, Vice-chair, HRM

Ms. Jill L. Grant, HRM

Dr. James P. Bickerton, Antigonish

Mr. Douglas Peach, CBRM

Mr. Paul Gaudet, Saulnierville

Mr. Rustum Southwell, HRM

Ms. Barbara Feeney, Mahone Bay

Special Circumstances

In the event a member of the Provincial Boundaries Commission cannot complete his or her duties, the Select Committee will name a replacement. The Select Committee may also reconvene to address any operational issues that may arise.

(2) Terms of Reference for the Provincial Boundaries Commission

In keeping with the constitutional right of Nova Scotians to fair and effective representation, the Committee directs the Provincial Boundaries Commission to be guided by the following:

2(a) Based on the most recent census and other population data available, the Commission delineate electoral boundaries to achieve an Assembly of not more than 52 seats, not counting any additional Member authorized pursuant to Section 6 of the House of Assembly Act;

2(b) Of paramount importance, relative parity of voting power must be achieved through constituencies of equal population to the extent possible;

2(c) Deviations from parity of voting power may be justified in consideration of:

i. Geography, in particular, the difficulty in effectively representing a large physical area;

ii. Community history and interests;

iii. Nova Scotia's linguistic and cultural diversity, in particular, the province's Acadian and African Nova Scotia population.

2(d) Notwithstanding 2(c), no constituency may deviate by a variance greater or less than 25 per cent from the average number of electors per constituency;

2(e) The Commission shall seek the advice, support and hear such presentations and consider such other information in such ways, at such times and in such places as it deems advisable, respecting existing electoral districts and the establishment of new electoral districts, as well as the area, name, representation and implementation of those electoral districts;

2(f) All submissions to the Commission from individuals and organizations be made in public;

2(g) In considering the representation of communities of interest, the Commission may also seek the advice of linguistic and cultural groups, including Mi'kmaq, Acadian and African Nova Scotian representatives;

2(h) Simultaneous French translation may be provided at designated meetings in Acadian Communities, and at any other meetings the Commission deems appropriate;

2(i) The Commission must submit its interim report to the Attorney General of Nova Scotia, as designate of the Premier of Nova Scotia, on or before May 31, 2012, and its final report, on or before August 31, 2012.

3) For greater clarity the Commission is to be bound by Section 5, subsections 5 (4) and (5), of the House of Assembly Act.

Acknowledgements

The Select Committee gratefully acknowledges the individuals and organizations that made presentations at its public hearings or sent written submission to the Legislative Committee's Office. The Committee further thanks the staff of the Legislative Counsel Office, Hansard and Legislative Television for their valued assistance in carrying out its mandate.

Respectfully submitted this 30th day of December, 2011.

Mr. Leonard Preyra, MLA
Vice Chair

I concur

Hon. Ross Landry, MLA
Chair
(Mr. Mat Whynott, MLA, substituted)

I concur

Ms. Michèle Raymond, MLA

I concur

Mr. Gary Ramey, MLA

I concur

Mr. Jim Boudreau, MLA

Dissenting Opinion

of the

Select Committee on Establishing an Electoral Boundaries Commission

December 30, 2011

Nova Scotia House of Assembly

Submitted By:

Honourable Chris d'Entremont MLA (Argyle)

Andrew Younger MLA (Dartmouth East)

Honourable Michel Samson MLA (Richmond)

Keith Bain MLA (Victoria The Lakes)

As members of the Select Committee on Establishing an Electoral Boundaries Commission, we submit a dissenting opinion based on three specific issues:

1. Breach of procedure and parliamentary privilege by the Vice Chair of the committee.
2. We strongly oppose the Terms of Reference as written and in the absence of re-writing, cannot agree with anything less than the removal of clause 2(d).
3. The terms of reference do not reflect the vast majority of presentations made by Nova Scotians to the Select Committee and may well violate the legal and constitutional rights of Nova Scotia's minority population.

1. BREACH OF PROCEDURE AND/OR PARLIAMENTARY PRIVILEGE

The member for Argyle and the member for Richmond were members of a sub-committee of the Select Committee struck to establish draft Terms of Reference to be brought back to the Select Committee for discussion and debate.

At no time did the sub-committee discuss clustering references to community history and interests, or geographically-challenged constituencies and inserting the word "notwithstanding" in clause 2(d) of the Terms of Reference.

It had been agreed that the Terms of Reference would be modeled on the previous Boundaries Commission's Terms of Reference. Those terms allowed the commission to create opportunity for minority representation to provide for better representation of linguistic and/or cultural groups, (for example Acadian and African Nova Scotians) despite those constituencies having a population variance more than 25 per cent of the average electoral population. It was up to the commission whether to actually maintain the current protected seats (Argyle, Clare, Preston, and Richmond), or even to consider new protected constituencies.

The change to the wording was made between drafts four and five of the terms of reference on orders of the Vice Chair of the Select Committee without prior discussion or agreement at either the sub-committee or the Select Committee. In an e-mail dated December 15, 2011 the Vice Chair referenced discussions of the sub-committee stating "In section 2 I have re-ordered the directives in clusters while remaining true to the substance of the discussion." It is our position these discussions did not take place. (email attached with consent of the Select Committee)

In fact, both remaining members of the sub-committee indicate the changes the Vice Chair ordered in section 2 relative to the insertion of a "notwithstanding" provision had not been discussed by the committee.

Subsequently, the Vice Chair of the Select Committee refused to permit discussion of the issue at the Select Committee meeting on December 23rd.

The dissenting members submit that this is a breach of both procedure and the parliamentary privilege of the members of the committees.

2. Impact of Clause 2(D)

The purpose of clause 2C (i,ii,iii) is to provide the Boundary Commission with the ability to maintain, create, and consider minority representation and geography as extraordinary circumstances for consideration. As noted, Argyle, Clare, and Richmond exist to provide for the possibility of representation by Acadian and French speaking Nova Scotians in the legislature. As well, the constituency of Preston exists to provide the opportunity for African Nova Scotian representation focussed on the interests of one of Nova Scotia's largest and historically-distinct African Nova Scotian communities.

Previous Terms of Reference have permitted the Boundaries Commission members to make their own informed decision based on public feedback and the appropriateness of protecting the linguistic, cultural and historic interests of Nova Scotia's minority communities. The 2002 Boundaries Commission provided for minority representation in ridings which varied from the maximum 25 per cent through the "extraordinary circumstances clause".

Previous Terms of Reference also included a clause allowing for all constituencies to have a variance of more than 25 per cent of the average electoral population in order to accommodate excessively large geographic constituencies that make effective representation an extraordinary challenge.

By inserting the 2(d) notwithstanding clause, without discussion at the Committee, the governing majority party has made the 25 per cent electoral population variance clause the over-riding consideration of the Boundary Commission and in effect, left little or no room to consider minority interests and/or the interests of rural Nova Scotians living in geographically-large constituencies.

Inserting the notwithstanding clause makes it impossible for the Boundary Commission to properly consider minority representation as currently known in Nova Scotia and as supported by the Supreme Court in other jurisdictions. Moreover, it will effectively erode fair and effective representation in already geographically- large constituencies that are experiencing a population decline.

3. PRESENTATIONS TO THE SELECT COMMITTEE

The Select Committee heard from numerous individuals across the province who passionately made the case for minority-protected constituencies, a good number citing stories of the continued challenges of assimilation and the on-going discrimination felt by many Acadians. The committee also heard that in previous court challenges, effective representation based on protecting communities of interest constitutionally-trumps relative parity of voting power based on electoral population alone.

The single most important issue raised by presenters to the Select Committee was that of the so-called protected ridings. Presenters noted the history of the protected ridings, the continuing legacy of discrimination against Acadians in particular, and the difficulty in getting issues brought before the House of Assembly in the absence of constituencies that represent the linguistic, historic and cultural interests of the community.

Jean Leger of the Fédération acadienne de la Nouvelle-Écosse (FANE) noted in his remarks that "in terms of linguistic and cultural homogeneity, the Cheticamp, Richmond, Clare and Argyle regions are the most significant. The economic, cultural and linguistic dynamism of these communities is essential to the identity and growth of Acadie in Nova Scotia. In the last three areas—Richmond, Clare and Argyle—their sustainability depends on maintaining the existing electoral boundaries."

Mr. Leger noted that the establishment and maintenance of such ridings are protected by the constitution and by decisions of the courts. He stated:

> "In the Carter ruling in June 1991, the Supreme Court of Canada ruled on section 3 of the Canadian Charter of Rights and Freedoms, referring in part to effective representation. I cite that decision here.
>
> *The definition of provincial voting constituencies is subject to the Charter and is not a matter of constitutional convention relating to the provincial constitution which is impervious to judicial review. Although legislative jurisdiction to amend the provincial constitution cannot be removed from the province without a constitutional amendment and is in this sense above Charter scrutiny, the provincial exercise of its legislative authority is subject to the Charter. The province is empowered by convention to establish its electoral boundaries but that convention is subject to s. 3 of the Charter.*

The content of the Charter right to vote is to be determined in a broad and purposive way, having regard to historical and social context. The broader philosophy underlying the historical development of the right to vote must be sought and practical considerations, such as social and physical geography, must be borne in mind. The Court, most importantly, must be guided by the ideal of a "free and democratic society" upon which the Charter is founded.

The purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se but the right to "effective representation". The right to vote therefore comprises many factors, of which equity is but one. The section does not guarantee equality of voting power."

The 1992 nonpartisan Boundaries Commission also supported the need to protect minority constituencies, quoting the following Supreme Court Ruling:

"Relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation;

...respect for the inherent dignity of the human person, commitment to social justice and equality, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals in society – are better met by an electoral system that focuses on effective representation than by one that focuses on mathematical parity."

The 1992 Boundaries Commission added:

"In seeking to encourage more effective representation for the Acadian and Black communities, the Commission felt that a fair and nonpartisan drawing of constituency boundaries would produce acceptable results. While geographic constituencies fairly drawn in areas of minority population concentration will not necessarily guarantee that representatives of the group will be elected to the House of Assembly, they will certainly make such a result much more likely. At a minimum, they will afford to the minority a substantially greater influence upon the electoral result and the quality of their representation."

The Select Committee was specifically warned that the province could risk legal action both based on Ontario Court of Appeal and Supreme Court rulings should the Select Committee establish Terms of Reference which excluded the Boundaries Commission from having the ability to establish constituencies with variances that would not be sufficient to protect the linguistic and cultural identity of the Acadian communities in Nova Scotia.

CONCLUSION

As dissenting members of the Select Committee we believe the Terms of Reference supported by the governing majority members discriminate against Nova Scotia's cultural and linguistic communities, will likely erode the constitutional right of Nova Scotians living in many rural communities to fair and effective political representation, and puts the province at significant risk of legal action. We further believe the work of the Boundaries Commission is being severely and unfairly restricted and that it will come at the expense of better governance, and fair and effective representation for all Nova Scotians.

Furthermore, while as dissenting members we agree voter parity is important, we also recognize that the ability of the Boundaries Commission to consider the needs of special communities should not be restricted to the point it has no real latitude. Previous Boundaries Commissions were allowed such latitude, and indeed the Supreme Court has stated that parity of voting power should not be the only factor in determining electoral boundaries.

The majority opinion of the Select Committee not only ignores the findings of previous nonpartisan commissions of the province, the decisions of the courts, it ignores the opinions of the vast majority of Nova Scotians who took the time to make before the committee.

It is our belief the Terms of Reference for the Boundary Commission should be sufficiently acceptable to all parties represented in the House of Assembly and not just the members of the majority governing party.

This Dissenting Opinion is respectfully submitted this 30th day of December, 2011.

Hon. Michel P. Samson, MLA

Mr. Andrew Younger, MLA

Hon. Chris d'Entremont, MLA

Mr. Keith Bain, MLA

Kim E Langille - Select Committee on Establishing an Electoral Boundaries Commission

From: Kim E Langille
To: Bain, Keith L; Bain, Ketih; Boudreau, Jim; Boudreau, Jim E; d'Entremont, Chris; d'Entremont, Chris; Landry, Ross; Landry, Ross; Preyra, Leonard; Preyra, Leonard; Preyra, Leonard C; Ramey, Gary; Ramey, Gary W; Raymond, Michele; Samson, Michel; Samson, Michel; Samson, Michel P; Younger, Andrew; Younger, Andrew
Date: 12/29/2011 11:22 AM
Subject: Select Committee on Establishing an Electoral Boundaries Commission
CC: Hebb, Gordon D; moiramacleod69@gmail.com

Committee Members:

I have received a request from a committee member for the following information. As is the practice, I am providing this information to all committee members, for their information.

Question 1: Who gave the instructions to make the changes to Draft 4 as seen in Draft 5?

Answer: A full committee meeting was held on December 14 at 5 pm. Draft 3 of the Report was reviewed by committee members. Changes were suggested at this meeting and Draft 4 was created. An e-mail was received from the Acting Chair indicating that changes had been made to Draft 4 and requesting that Draft 5 (revised version of Draft 4) be provided to the Sub-Committee Members. Both Drafts 4 and 5 were provided to the Sub-Committee members. I have copied the e-mails from Ms. MacLeod, the Acting Chair as well as the e-mail from myself to the Sub-Committee members, for your reference:

From: Moira MacLeod <moiramacleod69@gmail.com>
To: <preyra2@eastlink.ca>, <langilkm@gov.ns.ca>
Date: 12/14/2011 8:48 PM
Subject: Revised Report - Draft 4
Attachments: Select Committee Report.docx

I hope I captured the changes as discussed. Please note I changed Special Considerations Section to Special Circumstances - also tightened up. Also in acknowledgements wasn't sure if you meant to cut Legislative Counsel Office or Legislative Committee's Office LCO? Leonard - please look over the items we discussed to ensure you are comfortable with wording. Kim, can you forward to Michel and Chris in am for their review. Also, lert me know if I need to come in - I am available if needed. We are getting close. Off to bed - pounding headache and ear ache. Just what I asked for Christmas:)

From: Leonard Preyra <preyra2@eastlink.ca>
To: <moiramacleod69@gmail.com>, <langilkm@gov.ns.ca>
Date: 12/15/2011 12:51 AM
Subject: RE: Revised Report - Draft 5 attached
Attachments: Select Committee Report Draft with names.docx

Hi Moira and Kim,
Here (attached) is Draft 5 (with names). I have edited 1a, b, and c and added names to that section. We need to insert contact information for "nominees" named in that section. In section 2 I have re-ordered the directives in clusters while remaining true to the substance of the discussion. Would you please distribute this

version to the other members of the Steering Committee for consideration by their respective caucuses? Thank you.
Leonard
PS: Please pass on the names only to Hansard.
LP

From: Kim E Langille
To: d'Entremont, Chris; d'Entremont, Chris; Samson, Michel; Samson, Miche...
Date: 12/15/2011 9:33 AM
Subject: Select Committee
Attachments: Select Committee Report (Draft 5).docx; Select Committee Report (Draft 4).docx

Mr. Samson and Mr. d'Entremont:

Please find attached the most recent draft (Draft 5) of the Select Committee Report, for your review and discussion with your respective caucus'. I am also attaching Draft 4 for comparison purposes.

Kim

Question 2: How were these instructions communicated to you? (Email, fax, verbal) and when? Please forward any email or fax communication you rec'd on this issue.

Answer: As indicated above, an e-mail was received from the Acting Chair.

(LOGO)

Draft 4

Report

of the

Select Committee on Establishing an

Electoral Boundaries Commission

December (?), 2011

Nova Scotia House of Assembly

Tabble of Contents

Select Committee

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Public Hearings 2

Recommendations

Provincial Electoral Boundary Commission Members

Terms of Reference for Electoral Boundaries Commission

SELECT COMMITTEE

The Select Committee on Establishing a Provincial Boundaries Commission, comprised of representatives of each of the recognized parties, was established with the unanimous support of the Legislature with the passing of the following resolution on Nov. 3, 2011.

House of Assembly
Nova Scotia

RESOLUTION NO. 1846

HON. FRANK CORBETT: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the House of Assembly Act requires the appointment of an independent Electoral Boundaries Commission no later than December 31, 2012, to recommend the boundaries and names for the electoral districts comprising this House; and

Whereas the House of Assembly Act requires the appointment of the commission and the issuance of its terms of reference by a select committee of this House and requires that the terms of reference provide that the commission is broadly representative of the population of the province, that the commission prepare a preliminary report and hold public hearings prior to preparing the preliminary report, and that following the preparation of the preliminary report the commission hold further public hearings prior to preparing its final report; and

Whereas the House of Assembly Act requires that the final report of the commission be laid before this House, and that within 10 sitting days after the final report is tabled in this House the government introduce legislation to implement the recommendations contained in the final report;

Therefore be it resolved as follows:

(1) that pursuant to Section 5(3) of the House of Assembly Act and the Rules and Forms of Procedure of the House of Assembly, this House constitute a select committee to determine no later than December 31, 2011,

(a) the composition of an independent Electoral Boundaries Commission; and
(b) the terms of reference for the commission;

(2) (a) that the Select Committee be composed of the following members of this House:

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(vi) The Honourable Michel Samson
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(viii) The Honourable Christopher d'Entremont
(ix) Keith Bain, MLA

(b) that the Honourable Ross Landry be the Chairman of the Select Committee;

(3) that the select committee consult as many interested persons as it reasonably can, including persons of Acadian, African Nova Scotian and Mi'kmaq communities;

(4) that pursuant to Section 36(1) of the House of Assembly Act, this House declare that the select committee is not dissolved by prorogation of the House and authorize the select committee to continue its inquiries after the House is prorogued; and

(5) that the House request that pursuant to Section 80 of the House of Assembly Act and the House of Assembly Management Commission Act, the House of Assembly Management Commission provide the select committee, its members and staff with such facilities and funds as are required to carry out their duties.

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On Establishing an Electoral Boundaries Commission

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WEDNESDAY, NOVEMBER 23
Port Hawkesbury Civic Centre
606 Reeves Street, Port Hawkesbury

SYDNEY
THURSDAY, NOVEMBER 24
Delta Sydney
300 Esplanade, Sydney

YARMOUTH
TUESDAY, NOVEMBER 29
Rodd Grand Yarmouth
417 Main Street, Yarmouth

HALIFAX
THURSDAY, DECEMBER 1
Province House
1726 Hollis Street, Halifax

Individuals and organizations wishing to present views to the committee are invited to attend a public meeting in their area. Please advise the committee in advance by calling toll-free 1-888-388-6489. Nova Scotians may also express their views on the same toll-free line. Please contact the committee in advance to discuss any special needs. French interpretation services will be provided.

Written submissions can be presented in person at a public meeting or by any of the following options:

MAIL TO:
Select Committee on Establishing an
Electoral Boundaries Commission
c/o Legislative Committees Office
3rd Floor, Dennis Building
1740 Granville Street
P.O. Box 2630, Station M
Halifax, N.S. B3J 3P7

FAX:
1-902-424-0513
E-mail:
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select_committee_ebc2011

All submissions should be filed with the committee no later than Friday, December 2, 2011.

Please be advised that all submissions (i.e., e-mails, presentations and other papers) forwarded to the Select Committee on Establishing an Electoral Boundaries Commission, will be viewed as public documents, and therefore, will be available to the public and may become part of the final published report.

The Select Committee on Establishing an Electoral Boundaries Commission will report to the House of Assembly by December 31, 2011.

Members of the select committee are:

Hon. Ross Landry, MLA, Chair, MLA for Pictou Centre
Gary Ramey, MLA for Lunenburg West
Michèle Raymond, MLA for Halifax Atlantic
Leonard Preyra, MLA for Halifax Citadel-Sable Island
Jim Boudreau, MLA for Guysborough-Sheet Harbour
Hon. Michel Samson, MLA for Richmond
Andrew Younger, MLA for Dartmouth East
Hon. Christopher d'Entremont, MLA for Argyle
Keith Bain, MLA for Victoria-The Lakes

List of Presenters

The Select Committee received presentations from the following individuals and organizations at its public hearings.

Truro:

Kevin Lacey – Canadian Taxpayers Federation
Yvette Saulnier – Francophone Community Centre of Truro
Wendy Robichaud

Port Hawkesbury:

J. Ronald Robichaud, President FANE (Fédération acadienne de la Nouvelle-Écosse)
Richard Cotton
Yvon Samson
Jacqueline Samson – La Picasse (French Cultural Centre, Isle Madame)

Sydney:

Ron MacDonald
Stephen Tobin
Allison Haley

Yarmouth

Norbert LeBlanc, Président – Conseil acadien de Par-en-Bas
Marie-Germaine Churtrand – Université Sainte-Anne
Lester Doucet - Société acadienne de Clare
Elaine Surette– The Acadian Historical Society of West Pubnico
Cyrille Leblanc
Gerald Boudreau
Aldric d'Entremont, Warden – Municipality of Argyle
Mayor Philip Mooney – Town of Yarmouth
Suzanne Saulnier – Early Childhood Education, District of Clare
Chislaine D'Eon – Équipe d'alphabetisation Nouvelle-Écosse
Pere Maurice LeBlanc – Conseil des Arts de Pas-en-Bas
Jean d'Entremont
Paul Comeau
Real Boudreau – Chamber de d'Argyle Commerce
Jean Melanson, Warden – Municipal District of Clare
Pauline d'Entremont – Le Reveil de Pombcoup
Ghislain Boudreau – Association Radio CIFA
Kenneth Deveau – Université Sainte-Anne
Paul Gaudet

Neil LeBlanc
Noe' Bourque Conseil Jeunesse Provinciale
Ashley White Conseil Jeunesse Provinciale

Halifax:

Shalom Mandaville – Soil & Water Conservation Society of Metro Halifax
Jean Léger – FANE
Solange Beauregard – RANE
Céleste Godin Agente de Communications Conseil Jeunesse provincial (CJP)
Councillor David Hendsbee

In addition to the presentations made during public hearings, the Select Committee received 69 written submissions/comments.

Recommendations of the Select Committee

1: Composition of the Provincial Electoral Boundaries Commission

The Select Committee agreed that no one appointed to the Commission would be a sitting Member of the Legislative Assembly, former MLA, a political candidate for the House of Assembly, or otherwise known to be actively partisan.

The Select Committee further agreed that the Commission broadly represent Nova Scotia's regional, linguistic and cultural diversity.

The following individuals are appointed to the Provincial Boundaries Commission based on their experience, skill and ability to fairly and impartially consider the complexities involved in ensuring, to the greatest degree possible, Nova Scotia's electoral boundaries result in effective representation for its citizens.

Boundary Commission Members

(list members and where from)

Special Circumstances

In the event a member of the Provincial Boundaries Commission cannot complete his or her duties, the Select Committee will name a replacement. The Commission may also reconvene to address any operational issues that may arise.

2 Terms of Reference for the Provincial Boundaries Commission

In keeping with the constitutional right of Nova Scotians to fair and effective representation, the Committee directs the Provincial Boundaries Commission to be guided by the following:

2(a) Of paramount importance, relative parity of voting power achieved through constituencies of equal electoral population to the extent possible;

2(b) Geography, in particular, the difficulty in effectively representing a large physical area;

2(c) Community history and interests;

2(d) Minority representation that reflects Nova Scotia's linguistic and cultural diversity, in particular, representation of Acadians and African Nova Scotians.

2(e) Based on the most recent demographic data and electoral statistics available, the Commission delineate electoral boundaries to achieve an Assembly of not more than 52 seats, not counting any additional Member authorized pursuant to Section 6 of the House of Assembly Act.

2(f) A constituency may not deviate by a variance greater or less than 20 per cent from the average number of electors per constituency.

2(g) Deviations from parity of voting power are only justified on the grounds they contribute to better governance.

2(h) In considering minority representation, the Commission shall be mindful of the linguistic diversity of Nova Scotia and seek the advice, support and cooperation of, in particular, Mi'kmaq, Acadian and African Nova Scotians.

2(i) The Commission shall seek the advice, support and hear such presentations and consider such other information in such ways, at such times and in such places as it deems advisable, respecting existing electoral districts and the establishment of new electoral districts, as well as the area, name, representation and implementation of those electoral districts.

2 (j) Meetings be open, fair and transparent, with no submissions from individuals or organizations received or heard in camera.

2(k) Simultaneous French translation may be provided at designated meeting in Acadian Communities, and at any other meetings the Commission deems appropriate.

2(l) The Commission submit its interim report to the Attorney General of Nova Scotia, as designate of the Premier of Nova Scotia, on or before May 31, 2012, and its final report, on or before August 31, 2012.

Acknowledgements

The Select Committee gratefully acknowledges the individuals and organizations that made presentations at its public hearings or sent written submission to the Legislative Committee's Office.

The Committee further thanks the staff of the Legislative Counsel Office, Hansard and Legislative Television for their valued assistance in carrying out its mandate.

Respectfully Submitted on (date) by

(Signature page)

Errata

The following corrections were suggested after the original document was signed by the Committee members.

Page 5 – List of Presenters

Under Yarmouth :

- Marie-Germaine Chartrand (not Churtrand)
- Ghislaine d'Eon (not Chislaine D'Eon)
- Noé Bourque (not Noe' Bourque)
- Conseil jeunesse provincial (not Conseil Jeunesse Provinciale)