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Chair

Mr. Joe Preston

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• (1105)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): Let's call the meeting to order.

We are here today looking at Bill C-20. We are public and have some witnesses testifying today via telecommunications from Whitehorse and Montreal. We have some technical difficulties, but we're going to try to work through them.

We have from Whitehorse, John Streicker, from the federal council of the Green Party. Mr. Streicker, we will go with you first and see how it works.

Do you have a bit of an opening statement for us? Let's try to keep that to five minutes or less. Let's go ahead and see how it works and then we'll know from that how the rest are going to go.

Please go ahead.

Mr. John Streicker (President, Federal Council, Green Party of Canada): Thank you very much.

I really do appreciate the opportunity to speak to you remotely. The Yukon is the most distant riding from Ottawa and so it is with some appreciation that we're able to speak to you without travelling to Ottawa.

The Green Party does believe there is an imbalance in the seats of the House of Commons and would like to see this addressed. We are hopeful the process will provide a formula that is as fair as possible for all Canadians.

I acknowledge, first of all, that I come from a riding that is very well represented in Ottawa. And there are certain ridings, due to geographic and cultural reasons, where it would be difficult to have any fewer members of Parliament. So the first thing I would like to do is to acknowledge and appreciate that we accommodate that, whether for constitutional or geographic reasons.

Beyond that, it is important that the way in which we redistribute seats in the House comes from a method that is not only fair but that also acknowledges that the size of the House is being addressed in this process. For example, if we consider the size of the House right now, and if we asked every MP to stand up and speak for just one minute, that would be five hours of time. If we increased the size of the House, we won't necessarily get better representation for constituents, for Canadians broadly. It is the balance of the House, the distribution, that is important.

To us, any suggested a formula to come up with the distribution of seats has to look at fairness. We appreciate the two proposals that have been put forward by the government and the Liberal Party of Canada. We think there are aspects of each that are constructive. However, there are a couple of problems and we have an alternative proposal for consideration, which we think is a compromise that might accommodate some of those differences.

First of all, we look at the size of the House. We recognize that if we are just to add seats, we have to look at the balance to understand where the distribution is. Another thing we have to look at is that these seats should be for those provinces that are the least represented by population. And if we're going to take away seats, it should be from those provinces that have the most representation by population.

Our concern, for example, with the government's proposal is that for Quebec, even though we will have added three seats, its proportion of representation in the House will go from 24% to 23%. And even under the Liberal proposal, which would also look to redistribute seats, the representation of Quebec will go from 24% to 23.5%. So that distribution is important.

If, for example, we look at the distribution with regard to the province with the least representation by population, currently Alberta, and its neighbouring province, Saskatchewan, which has the most, before we get down into constitutional issues, the gap between those two neighbouring provinces is 31,000 for the average riding size in the Conservative proposal, and 30,000 in the Liberal proposal. In a compromise proposal that we put forward, we've reduced that gap to 22,500 persons in terms of average riding size.

We think it is important to consider that distribution. It will shape the direction of Canada and whether or not we're able to come up with a fair and balanced look at the distribution of seats.

Finally, regardless of which solution we come up with, the Green Party believes that as we're in a period of time when Canadians are tightening their belts, it's important that Parliament itself show some fiscal restraint and act responsibly. So our proposal suggests that whatever the size of Parliament, we would like to see a cap on the overall salaries in Parliament, so that the gross amount of the salaries would be distributed according to whatever number of seats there are.

• (1110)

Again, thank you very much for taking the time to listen to me remotely. I very much appreciate it.

The Chair: Thank you, Mr. Streicker, and thank you for keeping close to your time.

Madame Barbot, we'd like to go to you next if we could, if you have an opening statement. You have five minutes, if you do.

[*Translation*]

Mrs. Vivian Barbot (Interim President, Bloc Québécois): Good morning. I appreciate this opportunity today to outline the Bloc Québécois' position on Bill C-20, which proposes a fundamental change to Quebec's representation in the House of Commons.

The Bloc Québécois, like Quebec's National Assembly, vigorously opposes Bill C-20 because what it proposes is the marginalization of the Quebec nation. The federal government has unilaterally advanced a new formula to amend, but especially to reduce, Quebec's political power in the House of Commons. It is proposing increasing limits on the Quebec nation's influence and ability to defend its values and interests in the Parliament of Canada. It is also another tool to form a majority government without any need for members of Parliament from Quebec.

In fact, with Bill C-20, which essentially constitutes an attack on the Quebec nation, the masks are off. The pseudo-federalism of openness, in which the Conservatives wrap themselves in an attempt to charm Quebec voters, is over. With Bill C-20, that has become a closed federalism, a federalism of break-up and abandonment of Quebec. We see that the principles that led to the creation of Canada, particularly the union of two founding peoples, no longer mean anything for the current government. We also see that the recognition of the Quebec nation by the House of Commons in November 2006 is an empty shell. Nearly five years to day after that acknowledgement, we are now compelled to note that it will never result in real action, as though mere recognition had closed the debate for good.

Bill C-20 dispels the last illusions. The only place that Quebec could occupy in Canada is a place of promises among others in a country that is not like it and does not take that fact into account, in a country that seeks to limit its distinct voice, that wants and is trying to build itself without it. The Bloc Québécois is not the only group that has denounced the bill. On three occasions, Quebec's National Assembly has unanimously spoken out against the federal government's wish to marginalize the Quebec nation in the House of Commons. That was a denunciation by all the elected members of the National Assembly, federalist and sovereigntist, on the left and on the right. The most recent unanimous motion dates back to April 12, 2010. It reaffirms that Quebec, as a nation, must be able to enjoy special protection of its relative representation in the House of Commons and asks the elected members of all political parties sitting in Ottawa to refuse to pass any bill that would reduce Quebec's relative representation in the House.

It is clear that this call has been deliberately ignored by the majority of members in the House of Commons. The Conservatives justify their bill by hiding behind the screen of fair democratic representation. They argue that it is normal for Quebec to lose its influence as its relative population has declined within Canada. They are now pretending to do Quebec a favour by granting it three more seats. That favour obviously conceals the real issue because, even with three more seats, Quebec's influence will be reduced within the

House of Commons. Even worse, Quebec will not even retain a percentage representation equal to its demographic weight.

In fact, the Conservative members have conveniently forgotten that the principle of fair representation allows for exceptions to promote real representation. They have also conveniently forgotten that the Constitution of Canada provides mechanisms that enable minorities to have more representatives than their mere demographic weight would permit. We need only consider Prince Edward Island, which has four seats in the House of Commons. If subject to a rule based solely on population, it would likely have three less. Should we therefore reduce the political weight of Prince Edward Island? I don't believe so. The Bloc Québécois believes instead that this situation clearly shows that a democratic institution such as the House of Commons must not be a mere mechanical and arithmetical reflection of relative population size. Other fundamental factors must be taken into account, and recognition of the Quebec nation is one of them.

• (1115)

The Quebec nation has its own language, culture, values and interests, and therefore has distinctive interests that it must assert and specific characteristics that the federal government must take into account. For those reasons, the Quebec nation must have adequate political weight in Canada's Parliament. Reducing Quebec's political weight in the House of Commons violates that fundamental principle; it proves that the Quebec nation can expect nothing further from Canada.

Thank you.

The Chair: Thank you, Ms. Barbot.

[*English*]

To our live witness today, you will get to go last. We're trying to get the technical difficulties out of the way.

Madame Vallerand, please make your opening statement.

[*Translation*]

Ms. Chantal Vallerand (National Director, Federal Council, New Democratic Party): Thank you for inviting me to address this committee.

My name is Chantal Vallerand and I am acting national director of the New Democratic Party of Canada.

[*English*]

When it comes to representation in the House of Commons, the New Democratic Party of Canada believes in the principle of representation by population in a way that respects our country's diversity and founding principles.

Furthermore, we believe that the debate on Bill offers all Canadians an opportunity to have nation-building discussions based on fairness and respect for communities of interest. We believe that our electoral boundary laws should be fair and accessible, and should respect our country's history, culture, and geography.

In a majority ruling regarding provincial electoral boundaries in Saskatchewan, the Supreme Court of Canada found that the right to vote, guaranteed in section 3 of the Canadian Charter of Rights and Freedoms, is not equality of voting power per se, but the right to effective representation. It said: "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." The court added that this was not an exhaustive list of factors, and that this should be kept in mind when defining what equality means in the context of adhering to the principle of representation by population.

● (1120)

[*Translation*]

Whether communities are linked by language, culture or geographic situation, ensuring that those communities of interest are united after the proposed changes are implemented should be a central aspect of this bill. Today I want to focus on two aspects of the bill that have raised questions.

The first aspect concerns the use of Statistics Canada's demographic projections rather than the use of census data. Is this an accurate or not so accurate measurement? Is this an attempt to make the census itself less necessary? Why distance the act from the figures duly recorded by Statistics Canada and instead use estimates calculated through various formulas?

Another issue concerns the consultations. It appears that this bill shortens all the timelines and timeframes contained in the Electoral Boundaries Readjustment Act. Whether it be the time allowed to establish a commission or the necessary lead time for the notice to organize consultations, this bill shortens the timeframes allotted to conduct these important stages.

Some of the planned changes are substantial. The necessary notice period for holding a consultation with interested parties and persons is reduced by 30 days. It is being lowered from 60 to 30 days. Any person wishing to attend consultations must submit a written request to the secretary of the commission within 23 days of the final notice, instead of 53 days. Every provincial commission has only 10 months to prepare its report to the chief electoral officer, instead of 12 months.

If this government seriously wishes to implement an open, transparent and engaged process, it must know that these new directives do nothing but limit public participation in that process. This is not desirable for our democracy, particularly at a time when voter turnout and engagement are declining. We should find new ways of encouraging citizens to get involved, not ways to reduce them to silence.

Lastly, the members of the NDP team are concerned by the fact that this government has not conducted consultations with the provincial governments. We believe the government must consult the provinces, as well as Canadians, and ask them to determine which bill, ours or the Conservatives', can better achieve the principle of effective representation while building a stronger and more united Canada.

Thank you.

[*English*]

The Chair: Thank you very much.

Let's see if we can ask some questions and find out how our technology is going to work.

Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much, Mr. Chair.

Thank you all for participating, particularly those of you who are participating via teleconference.

We've heard from a number of different witnesses over the last couple of meetings a number of different suggestions as to how effective representation by population should be enacted. We have certainly not found unanimity in the proposals we've heard. I would doubt that we're even close to getting a consensus. I'm not going to stray into that territory right now, but I want to ask all of you to comment on timelines.

What I mean by that is that regardless of what the final composition of Bill C-20 is, there will be boundary changes forthcoming. That in itself of course causes a lot of challenges to parties, because if seats are added, additional riding boundaries will have to be made. That poses problems such that the money that was held in one riding by an EDA will now have to be shared with another riding, because a portion of the one riding is now split. New EDAs will have to be formed; new boards of directors will have to be formed; candidate searches will have to be performed. I would suggest that once or twice we may even run into a situation in which an incumbent MP is actually going to be residing in a new riding. What happens then? Will the incumbent be considered to be grandfathered into the old riding in which he now no longer resides, or would he have to run in the new riding?

All of these are questions that individual parties will have to determine. It is they, of course, who will make the final recommendations to work out the logistics of boundary redistribution.

With all of that work in front of the parties, my question to all of the party representatives here today is, do you feel that if Bill C-20 is passed with the timeline recommended by both the Chief Electoral Officer and the former electoral officer, that is, to have legislation passed prior to February of next year, your parties will have adequate time to do the type of organizational work required?

Perhaps we will start with Madame Vallerand, and then we'll go to our guests via teleconference.

● (1125)

[*Translation*]

Ms. Chantal Vallerand: Thank you.

There is a sense that there isn't enough time. As I said in my opening remarks, approval is being done in timelines that have already been shortened. We think we have to analyze what is being proposed to us in greater detail in order to determine whether it is the right way to operate. The timelines currently proposed are inadequate, in our opinion.

[English]

Mr. Tom Lukiwski: Before we go to the teleconference, Mr. Chair, I would just like to ask one question of Madame Vallerand.

We, of course, are working towards an objective of having the new boundaries in place prior to the 2015 election. Are you saying that you believe the bill could extend the consultation timelines and still leave enough time to do all of the work required and have candidates and functioning EDAs in place prior to 2015?

[Translation]

Ms. Chantal Vallerand: Yes.

[English]

Mr. Tom Lukiwski: Okay. Thank you.

Now, Mr. Chair, would you direct which of the two guests should speak first.

The Chair: Let's go to Whitehorse, first, if you got the question.

Mr. Streicker.

[Translation]

Mr. John Streicker: Pardon me, but I don't understand the question.

[English]

Mr. Tom Lukiwski: I'll rephrase, if you wish.

The Chair: The problem is that he has a French-language feed only.

[Translation]

Mr. John Streicker: Could you cut the translation while the question is being asked?

[English]

The Chair: We're going to try to switch translation here. Give us half a second.

Mr. John Streicker: Thank you.

The Chair: Go ahead, Mr. Lukiwski. Make it a short.

Mr. Tom Lukiwski: Mr. Streicker, I was just asking whether the Green Party of Canada felt that if this legislation were passed, with whatever iteration it will have respecting boundaries, prior to February of next year, per the recommendation of the Chief Electoral Officer, it would have sufficient time to do all of the organizational or administrative work that would be required to do the allocation of funding between ridings, to form new EDAs, to do candidate searches, and to do all of the other work that required by the new boundaries.

If the bill were passed by February, would that give your party enough time to be organized prior to the 2015 election?

Mr. John Streicker: My simple answer is yes. Over the past several years we've been in election mode, and so this is actually providing us a lot of time. It's not a major concern for us. Our major concern is that if these changes become law, they should represent Canadians as well as possible—not the Green Party.

The Chair: Thank you, Mr. Streicker.

Madame Barbot, can you answer that question?

[Translation]

Mrs. Vivian Barbot: The question for us is not whether there is enough time. Rather it's that we are seriously opposed to these new rules that the government wants to put in place for the next election.

[English]

The Chair: You have a little bit of time left, Mr. Lukiwski—30 seconds.

Mr. Tom Lukiwski: No, go ahead.

[Translation]

The Chair: Mr. Comartin, go ahead, please.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chairman.

Ms. Barbot, based on your presentation today, you aren't prepared to propose a way of revising the number of seats. Do you want it to remain exactly as it is?

• (1130)

Mrs. Vivian Barbot: The Bloc Québécois has said since this bill was introduced that, in our current economic situation, we see no need to change the current rules. It seems clear to us that the public does not need any more governors. We currently have all we need. We feel this change is utterly inappropriate.

Mr. Joe Comartin: What do you say to the provinces of Ontario, Alberta and British Columbia, which have had very pronounced population increases relative to the other provinces? What do you say to them about political fairness?

Mrs. Vivian Barbot: We have nothing to say to the other provinces. We have things to say about Quebec. We have constitutional guarantees. We also have the principle of the two founding peoples. We see that, with what is being presented, Quebec's political weight is being reduced, something we will never accept.

Mr. Joe Comartin: Thank you.

Ms. Vallerand, has the NDP taken a position on the addition of three seats in Quebec?

Ms. Chantal Vallerand: The question is not necessarily the number of seats, but rather respect for Quebec's representation in the House. We are in favour of respecting the 24.35% figure that was established when the resolution was adopted in the House in 2006 recognizing Quebec as a distinct nation. We believe that recognition entails respect for the 24.35% figure.

Do those three seats represent that? You'd have to take a look at the census data or wait for the new motion that will be adopted after this committee meeting to see what is put on the table. In short, we are really in favour of respecting the 24.35% figure.

[English]

Mr. Joe Comartin: Mr. Streicker, I'll take Saskatchewan as an example, which would lose three seats as a result of your proposal. Saskatchewan is currently doing fairly well economically. The chances of its population going up over the next decade or so are reasonably high. But your party is prepared to take three seats away from it.

What do you say to the people of Saskatchewan when they come back to you and say, “Wait a minute, that may make some sense on a straight proportional basis today, but in the next few years or next decade we’re probably going to grow in size”?”

Mr. John Streicker: If what we choose is to use some projection of population, even over the short-term because long-term projections wouldn’t make sense, that’s would be no problem.

The party hasn’t discussed that in particular, but I’d be happy to take that back to our party to discuss it. As long as that formula is applied fairly, there will be no problem. In other words, if we can look at the most recent statistical data, fine. If we can anticipate where things are heading within the next several years, that will be fine. But in the formula you’re using right now, we’re not getting to a balanced distribution as yet, and the way in which it’s applied doesn’t seem consistent across the board.

There may be historical reasons. I can understand the constitutional reasons and I obviously understand the demographic reasons with the smallest of ridings or the most remote of ridings. With Saskatchewan, however, right now the average population is 70,000 or 69,000 people per riding, so even with quite a bit of growth in Saskatchewan—and I happen to be a prairie boy—you’ve still got a long way to go before you get up to Alberta, which is currently at 117,000 per riding. That’s a big difference.

Mr. Joe Comartin: I just want to be clear then, both in terms of your answer and your position in your written brief. As an absolute minimum, you would be opposed to simply freezing all provinces at the level of the seats they now have?

• (1135)

Mr. John Streicker: The word “opposed” is difficult for me. I appreciate that you’re asking this to try to get clarity from me. What I’m suggesting to you is that the things we need to hold to are our constitution, some realities around the differences that we need to accommodate; and after that we should be fair and also should be considering the size of the House. The principle that we are trying to hold to is that the representation should closer to the population, and that’s the fairness that we’re looking for.

Mr. Joe Comartin: Mr. Streicker, I just want to be clear here. I understood you were testifying before us as the representative of your party. Am I correct in that? If so, have they taken a formal position in support of the proposition that you’ve put forward to add some seats here and take away some seats there? Is that the formal democratically chosen position of the Green party?

Mr. John Streicker: No. Let me be clear: the proposition that we have put forward was solicited from us several days ago. In our process we require that we go to a broader solicitation of our party before we get full endorsement, so what you see in front of you is the work of several people within the party from our cabinet level. We haven’t yet had an opportunity to take this back to membership to get its endorsement, but that’s what we will be doing.

The Chair: Mr. Dion, you have seven minutes.

[*Translation*]

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Thank you very much, Mr. Chairman.

My first questions are for Ms. Vallerand.

Ms. Barbot is consistent: she doesn’t care about the rest of Canada; she wants to leave it. However, as a national party, you have a responsibility to be fair with all the provinces. You say your motion is constitutional. However, I believe I am able to show you it is not. The court allows us some leeway in implementing the principle of proportional representation of the provinces so that we can take other factors into account. It does not allow us to contradict the principle of proportional representation. It does not enable us to make it impossible to implement that principle.

First, how many seats will the NDP have in the House of Commons, based on its proposal?

Ms. Chantal Vallerand: I don’t have the figures to give you right now.

Hon. Stéphane Dion: The Green Party has submitted figures. The government has submitted figures. The Liberal Party has submitted figures. However the NDP doesn’t have any figures. That’s what we have to acknowledge.

Ms. Chantal Vallerand: Yes.

Hon. Stéphane Dion: All right.

However, you say the province of Quebec must retain representation of 24.35%, and you say that’s constitutional. Have you calculated what that means for the three provinces that are experiencing strong growth, if we follow the premises of Bill C-20 for which we are meeting here today? Have you done that calculation?

Ms. Chantal Vallerand: We have proposed that the number of seats be increased in Alberta, British Columbia and Ontario, while respecting Quebec’s representation of 24.35%.

Hon. Stéphane Dion: All right. However, are you also taking into account the vested interests of the other provinces? For example, do you want us to take away seats from Saskatchewan or Manitoba?

Ms. Chantal Vallerand: No, we want to take away no seats.

Hon. Stéphane Dion: You maintain the grandfather clause. You maintain the senatorial clause, which is constitutional.

Ms. Chantal Vallerand: Yes.

Hon. Stéphane Dion: I’ve done the calculation for the NDP—I’m disappointed that you haven’t done it yourselves. If we add your recommendations to Bill C-20, you don’t even reach half of the adjustment proposed by Bill C-20 or the Liberals with regard to Ontario’s under-representation.

For example, let’s take the case of Alberta. Based on the current formula—I’m saying this for Ms. Barbot because she doesn’t know it—there wouldn’t be 308 seats, but rather 315 seats following the next election. If we don’t amend the current act, there will be 15 seats, that is to say 75 out of 315 for Quebec. Alberta would therefore have 9.84% of the 315 seats based on the current formula. Based on yours, it would have 9.88% of the seats, and the House would comprise 344 seats. So we would be adding 36 seats, and for nothing, since the three under-represented provinces would still be almost as under-represented as they are today. The act would therefore still be unconstitutional. Your motion would condemn the House of Commons to pass an unconstitutional bill.

Ms. Chantal Vallerand: What is your question?

Hon. Stéphane Dion: I'm asking you whether you're going to submit your figures to contradict me if I'm mistaken.

Ms. Chantal Vallerand: I told you.

Hon. Stéphane Dion: Otherwise, I will conclude that you agree with me.

Ms. Chantal Vallerand: No, I don't agree with you.

• (1140)

Hon. Stéphane Dion: So where is the mistake in my calculations?

Ms. Chantal Vallerand: I'll be pleased to look at your figures, if you show them to me. I'll take the time to do that.

Hon. Stéphane Dion: Absolutely. I must say I'm very disappointed in the attitude of the NDP, which has tried from the outset to avoid debating its proposal. We're debating ours, on the Conservatives' bill. Why are you afraid to talk about your proposal? You want to freeze one province's representation forever, and you claim that can be fair for the other provinces and constitutional. That can't be the case, unless you use NDP mathematics, which is different from all the others.

Now I turn to Ms. Barbot.

I'm going to explain my frustration to you. In 1992, I fought for the Charlottetown Accord, which was to guarantee Quebec 25% of the seats. Your political movement fought that bill tooth and nail. I'm going to cite Mr. Duceppe's statement: "Ultimately, what does that change?" He said we didn't need to guarantee the 25%. Mr. Parizeau, who didn't lack foresight, said it was entirely possible that Quebec's weight would be approximately 25% "for a long time". Doesn't your party have an enormous responsibility? Don't you feel guilty today telling us that you need it today at all costs, when you fought it when it was on the table?

Mrs. Vivian Barbot: You can go back over the debates of the past if you want, Mr. Dion. However, you are in fact withdrawing Quebec's constitutional right to have 75 representatives. That's unacceptable to us.

Hon. Stéphane Dion: Tell me what section of the Constitution provides that guarantee because that's not true. The House of Commons can change the number of seats to the extent that it does not contradict the principle of proportionality or the senatorial clause. It doesn't exist.

Mrs. Vivian Barbot: When you put all that together, the effect it produces is clearly to reduce Quebec's weight and influence. If that suits you as a Quebecker, then please don't ask us to cry over what previously happened. That has nothing to do with what is going on now.

The principles are clear. The question of numbers is one of them, and the question of political weight is another. As Quebeckers, we are asking that those two principles be adhered to, in the same way the Constitution already provides that an adjustment should be made for provinces like Prince Edward Island. Why not for Quebec?

Hon. Stéphane Dion: We know your point of view. However, I would like to know whether voters' membership in a nation gives them greater weight than those who belong to something less than a nation. That's your logic. Why then did Quebec's National Assembly, which recognized the 11 aboriginal nations, not give each of those nations at least one seat? Explain that to me.

Mrs. Vivian Barbot: Mr. Dion, your shifting the debate. That's not the issue. The National Assembly unanimously adopted a motion three times, and recently again. It's on that basis that we must discuss the issue of the change proposed in Bill C-20. We're saying that Bill C-20 is unacceptable to Quebec.

Hon. Stéphane Dion: How many nations are there in Canada, Ms. Barbot?

Mrs. Vivian Barbot: Look, this isn't a history class, Mr. Dion. We're talking about Bill C-20. I've come to testify here on the position of the National Assembly, which unanimously decreed that this was unacceptable to us. I'm not here for a history lesson.

Hon. Stéphane Dion: No, but you're here to be fair.

Mrs. Vivian Barbot: I'm here to say what Quebec has unanimously decided. We think the democratic government of Canada, the federal government, should take that into account in its proposals. In that respect, Bill C-20 is unacceptable to Quebec.

Hon. Stéphane Dion: You must nevertheless be fair because you say that greater political weight is given to voters who belong to a nation and not to other voters who belong to something other than a nation. Why don't you extend that principle to all the nations in Canada? Why would only one nation be entitled to that, and not the others?

Mrs. Vivian Barbot: When the federal government proposes changes, it should take Quebec into account, respect Quebec's political weight and ensure that our constitutional guarantees are honoured. It is not doing that in this case, and I believe that we are rightly entitled to say that that does not suit us.

[English]

The Chair: Thank you, Monsieur Dion.

Mr. Reid, for five minutes, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chair.

I've had a bit less coffee this morning than Monsieur Dion has. Nevertheless, I'm going to pursue the same line or argument because I think on the facts he is right.

Let me start with the question of jurisprudence. And here I'm taking issue, Madame Vallerand, with your suggestion.

Section 3 of the Charter of Rights, which was at issue in the Carter decision, states:

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

The court was seized with the question of whether and to what degree.... In fact, I'll quote from their decision:

The question for resolution on this appeal can be summed up in one sentence: to what extent, if at all, does the right to vote enshrined in the Charter permit deviation from the "one person - one vote" rule?

They then went on and talk about that at some length. In the end, they decided that it allowed a significant amount of deviation—more than I would think is reasonable, to be honest. But they were talking about the size of provincial electoral districts within Saskatchewan.

If this were a discussion today about the constitutional legitimacy of the part of the Electoral Boundaries Readjustment Act dealing with how much variation is allowed within the Province of Ontario or Quebec, as opposed to between Ontario and Quebec, that would have some validity, but we're not looking at that question. What we're looking at is the question that is dealt with in section 42 of the Constitution Act, 1982, which states:

An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1)...

And subsection 38(1) requires the use of the approval of seven legislatures representing one-half of Canada's population. Among those powers is:

the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

That has not been subject to the same level of court scrutiny. The question is whether it is permissible constitutionally and permanently, via a unilateral amendment to the Constitution, to lock in a disproportioned...and a veering away from a proportionate representation, which will grow over time. That is effectively what would be done if the NDP's proposal were adopted: Quebec would become overrepresented vis-à-vis Ontario, B.C., and Alberta. The people in the riding that I represent, for example, would have a vote that is worth less than the vote of a person in Quebec, and that would increase with every redistribution.

Now, I would contend that this is actually unconstitutional, failing the kind of amending formula that was going to be used for the Charlottetown Accord, where you would have at least seven provinces adopting it.

I'm just wondering how you would respond to that.

• (1145)

Ms. Chantal Vallerand: As we said,

[Translation]

we are not opposed to proportional representation. However, it must be determined whether a constitutional right is being infringed. We are not opposed to proportional representation in Canada. With our proposal, we want to increase the number of seats in Alberta, British Columbia and Ontario. Ultimately, we want the proportional representation of Quebec to be respected and to remain at 24.35%, as it was as a result of the vote in 2006 which determined that Quebec is a nation. We think that is a good way to show that.

Now does that violate the principles of the Constitution? Honestly, that's something we will have to examine.

[English]

Mr. Scott Reid: I think you've missed my point. The point is not whether there is symbolic value in that motion. That motion is not a constitutional amendment. The point is that there is a rule in the Constitution, which I've just read to you, which says that you cannot move away from proportionate representation. You don't have to achieve perfection, but you can't move away from it. And it seems to me that you can't lock it in so that it becomes more and more extreme over time.

Folks in my area, in rural Ontario, are under-represented. Their children will be more under-represented and their grandchildren even

more egregiously under-represented. That is what I'm saying. That is unconstitutional. I'm looking for a fact-based argument to indicate that I've misunderstood things.

[Translation]

Ms. Chantal Vallerand: I believe that's a matter of interpretation.

[English]

Mr. Scott Reid: Okay.

[Translation]

Thank you.

[English]

The Chair: Thank you, Mr. Reid.

Have we settled on Mr. Toone for the NDP?

All right. You were "voluntold" you were taking this round.

[Translation]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): That's all right. It's my turn. It's better than the other time, when you only gave me 30 seconds. I'll try to take advantage of this.

We're dealing with the Carter judgment from 1991. It is true that that decision concerned a province, but it mainly concerned the issue of representation. There is nothing more important in Canada than to be well represented in Parliament. In fact, section 42 of the Constitution Act, 1982, clearly provides that proportionality is the first principle. However, in our minds, Carter added some subtle distinctions to that section. It asserts the fact that our charter, which is part of the Constitution Act, 1982, requires us to ensure that representation in Canada is effective and fair.

We have seen that it is not just the number of voters that counts in Canada. We cannot rely merely on that principle in Canada. We are not like the United States. This is not like in other countries. There are interests across Canada that must be represented in Parliament. The idea is not to determine whether there will be 100,000 voters or 150,000 voters, but rather what we want to put in Parliament, what will be represented. We are really guided by the Constitution Act, 1867, and that of 1982. There are things that are clearly stated in those enactments. There is the Senate floor. There is the principle of representation, which is clearly established in section 42. Carter also tells us that there are geographic conditions and communities of interest. There are also other interests that we must acknowledge. We have to go much further.

I appreciate what Ms. Barbot has proposed. It is true that the Quebec nation must be represented in a particular way in the Parliament of Canada. We cannot overlook that fact. Why would we have adopted the motion in 2006 stating that Quebec is a nation if that is to be merely an abstraction? There must be effective representation. I find it hard to see how a proposal that has the effect of weakening Quebec's representation can be credible enough and respect what Parliament itself declared barely five years ago.

I think it's important that the seats be distributed in a carefully thought out manner. The Canadian Charter of Rights and Freedoms clearly requires that we follow the process in full, which Carter also asserted. Is there a need to maintain the distribution as it has been in Canada for decades? Must we represent our cultural communities and the nations that are present in Canada? We must do that.

It has been said that the proposals presented to us are potentially unconstitutional. Note that section 1 of the Canadian Charter of Rights and Freedoms clearly states that we must do what is necessary in a free and democratic society such as ours. After seeing the proposals of certain other parties, I honestly think we are utterly disregarding our constitutional obligation. I do not at all agree with my Liberal Party colleague, who says we are moving ahead with a proposal that could be unconstitutional. In fact, what is important is to think carefully. We are not in a hurry; the next election will be held in 2015.

Our Green Party witness clearly told us that we had enough time. When we had a number of successive elections, we were in a hurry because there was always a possibility that an election would be triggered in the next few months. However, there will now be no elections for four years. If we follow what the Conservatives say, or at least what Parliament has recently adopted, the dates are fixed. We therefore have the luxury of being able to reflect carefully on what we are doing, and we are not in a hurry. We must go through the entire process calmly and think carefully. That is what Carter has suggested to us. It was the Supreme Court that ruled in that matter. That is no minor authority.

Now I would like to change topics. My next question is for Ms. Barbot.

Let's go back to your comment on the representation of the Quebec nation, which very much moved me. I would like to know what you think about the representation of the other communities of interest across Canada. I'm thinking, among others, of the Franco-Ontarians, of which I am one. I'm a native of Ontario, and I sincerely believe that the Franco-Ontarians have been mistreated in the history of the Canadian federation. Their rights must be asserted. They have to be well represented in Parliament. There are also the Acadians. As I am now from Gaspé, it seems clear to me that the Acadians—

• (1150)

How much time do I have left, Mr. Chairman?

[*English*]

The Chair: You've used your five minutes.

I'll allow Madame Barbot a quick answer.

[*Translation*]

Mr. Philip Toone: So, Ms. Barbot, tell us about the communities of interest such as the Franco-Ontarians and the Acadians, please.

Mrs. Vivian Barbot: All right. Some proposals, according to which other groups should be better represented, should be studied. However, for Quebecers, that all means that we have to preserve the representation we have in Quebec. So we need time to discuss these matters and to see how that could be done in a fair and equitable manner.

However, from the very start, we have said that, in the current economic context, we do not see the need to hurry to make a change of this scope which ultimately would do nothing more than put the Conservative Party in a better position at the next election. These are profound changes. As regards the constitutional changes or constitutional guarantees that Quebec has, we absolutely want them to be maintained.

• (1155)

[*English*]

The Chair: Thank you.

Mr. Albrecht, you have five minutes.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Thanks to each of our witnesses for being here.

I'm going to change course just a little bit here.

Ms. Vallerand, in your opening statement, if I got it correctly, you seemed to question the use of population estimates as opposed to the actual census figures. Have you been able to read the transcript from the November 17 meeting in which the chief statistician clearly said that, for the purpose of this exercise, the population estimates were more accurate?

[*Translation*]

Ms. Chantal Vallerand: It's not that we don't believe them, but we would like to have the time to study those figures to ensure that that's the right way to do it. You mentioned the November 17 meeting. Everything is a rush in this process. We feel we don't have the time to sit down, take a good look at things and ensure that this is the right way to go about it. We are really open to this way of doing things, but we just want to be able to study it a little more.

[*English*]

Mr. Harold Albrecht: But your position is clearly that you still don't feel the population estimates are an accurate enough means for us to be using in this process?

[*Translation*]

Ms. Chantal Vallerand: No, not at all.

[*English*]

Mr. Harold Albrecht: Okay.

Secondly, different times throughout your presentation you referred to "effective representation". Mr. Streicker talked about the same thing.

Mr. Streicker, you tied it into the number of minutes available per MP to speak in the House of Commons. I think you said something like, if every MP were to speak for one minute, it would take five hours or something.

My question is whether effective representation is about the amount of time that a particular MP speaks in the House of Commons, or is it in fact as much weighted upon his or her service to constituents back in the riding? We deal with many issues, a myriad of issues: immigration, EI, CPP, and dozens of others. I would contend that this is as much effective representation as the number of hours that I have or words that I happen to say in *Hansard*. I think some of our colleagues are in a bit of a contest to see who say the most words, and I question very clearly whether that is effective representation.

Mr. John Streicker: I completely agree that MPs represent their constituents, both in the riding and in Ottawa. In fact, that's one of the reasons I'm arguing for such an overrepresentation for the territories. I think if we counted up the 10 most northern ridings in Canada, we would probably be covering off over 60% of the land area. So in order to be effective in those sorts of ridings, where there are such huge distances, you need to have more representation in order to be effective. I completely agree.

On the other hand, I don't think it would be effective to have a House of 600 MPs—yet that would be more effective for our ridings. So what is the right balance point? There's my question to you.

When we looked at it, we felt that the size of the House now is about right. In the proposal that's put forward by the Conservatives, the average riding size would now go 102,000 to 93,000. That's not a significant difference. It's better in terms of constituency work, but it's not a gigantic change. Whereas, the change in the House itself, from 308 to 338, is quite significant. That's a bigger...[*Technical difficulty—Editor*].

Mr. Harold Albrecht: My concern goes back to the discussion we've had around this table for a number of meetings now, that if you take an MP who is representing a rural or an urban riding and that MP has 170,000 constituents to serve, he or she cannot effectively represent them even though they may have only five hours to debate in the House of Commons in any particular month.

So I think Bill C-20 has in fact found the balance, recognizing the MP's need to speak in the House of Commons on issues that are important to constituents but at the same time saving the MP's time within his or her riding to effectively meet the constituents as well.

• (1200)

Mr. John Streicker: I appreciate that if that's the balance you're trying to strike, if it's all about having greater representation within the constituencies, fine, but then the way in which you select the MPs to be proportional should reflect the populations better. With what you have right now, there are still some significant problems within your proposal.

The other point I come back to is that if you want to increase the size of the House, I hope you and all of us recognize that Canadians won't be feeling too keen on increasing the size of the budget for Parliament.

Mr. Harold Albrecht: Thank you.

The Chair: Thank you, Mr. Streicker.

Thank you, Mr. Albrecht.

We will suspend for a couple of minutes while we change our witnesses.

• (1200)

_____ (Pause) _____

• (1205)

The Chair: I'd like to call the meeting back to order.

In the second half of our hour today, we have someone I consider an expert witness. Monsieur Cayer is a former electoral boundaries commissioner. He's here to help us with the process on that, not politically but with the process of being an electoral boundaries commissioner. We've also had a couple of other electoral boundaries commissioners here as witnesses, including some academics who came a day or two ago. So we will ask those questions of our witness.

We also need to save a little bit of time at the end for committee business. There are a couple of things we need to do, so we may carve off a little time at the end.

Monsieur Cayer, do you have an opening statement? Would you like to tell us...?

Mr. Victor Cayer (Lawyer, Member of the Federal Electoral Boundaries Commission for Quebec (2004), As an Individual): I will tell you at the beginning

[*Translation*]

that I haven't engaged in politics since I was approached about joining the electoral boundaries commission. Since then, I've tried to read about what is going on outside Canada. I saw what happened in Australia because our system is initially based on what happened there. I have no choice but to follow current events in the newspapers. As my legal profession gives me access to certain documents, I take a look at what is going on.

I definitely won't be talking about the number of seats or about technique because the commissions never have to rule on those matters. That is a strictly political issue, and I don't want to get involved. However, I would like to speak very properly about how the commissions operate.

Certain amendments proposed in the bill have annoyed me. In view of the problems we experienced at the time of the last commission and that caused such a stir, I must tell you that, if the number of seats in a province such as Quebec is increased, we must take into account the existing limits on the number of persons and ridings. There are certain exceptions, but that puts us in a particular situation.

In Quebec, the community of interest was our battle horse. To counter virtually all opposition, especially outside Montreal, we had to rely on the regional county municipalities in order to find those communities of interest more easily. I remember that we even formed one particular riding, combining three RCMs from three different administrative regions. To our great surprise, the three presidents of the RCMs sent us letters saying that finally we had understood. I don't know why, but we had determined that, since the road ran through the three RCMs, there was a certain community. Everyone was in favour of that.

You have to go by the rules. The bill cites timelines that startled me a bit. First, I'd like to note one thing: when reference is made to the chairman appointed by the chief judge of the province of Quebec, does that mean the chief judge of the Superior Court or the chief judge of the Court of Appeal? The chief judge of the province of Quebec is the chief judge of the Court of Appeal. That is not stated in the bill and that's important. Three judges succeeded one another during the last commission. I played my role as acting chairman until they found a retired judge to chair the commission.

The bill also states that a period of 60 days is granted to present a proposal to people. It was initially determined that a somewhat extravagant proposal would be submitted because the people on the boundaries commissions are given only two days of training. Since we didn't have access to the services of experts, we were forced to become experts, something that enabled me to read and learn a lot of very interesting things.

We are asked to prepare an electoral boundaries proposal in 60 days and to add ridings. How are you going to do that? You absolutely have to be able to go and gather ideas and reach communities.

I feel the 60-day period is a bit short because it has to be published in the *Gazette officielle du Québec* and so on. People have 60 days to appear before the commission. In fact, there was talk of a period of 53 days to appear before the commission after publication of a notice in the *Gazette officielle du Québec* and in the newspapers. We wrote to all the mayors of the municipalities and to the RCM officials to invite people to come and meet with us.

The commission received 212 briefs, which is a good number. I don't know how many people subsequently came. We held public hearings that sometimes lasted a day, sometimes half a day, sometimes two days. We held a public meeting in Montreal, and people from the high north attended. That shocked me a little because the five of us could have travelled to the high north to hear them. Twenty-two of them came down to Montreal.

We weren't proportionally represented because we didn't have the necessary experience. I knew that two commission members had to be appointed by the Speaker of the House of Commons, but I didn't know whether that was done by means of a competition or calls for representation. I didn't know how the system worked at all. At the time, I had been approached and had sent off a letter with my curriculum vitae.

Subsection 19(5) of the act as modified would grant people 23 days to send their response; notice would have to be sent within the following 23 days. That's a bit short. Periods of 60 days, even 30 days, seem fairer to me. Weekends should not be considered, and so on.

I of course like the fact that you let our commission waive the notice requirement. I can tell you that we heard from two individuals who appeared in Montreal and who had contacted us 15 days or 3 weeks earlier. We had the necessary space to do that. That didn't prevent us from doing our job. As we had been allowed to do so, we had the right to do it, and we did it.

The bill states that the chief electoral officer could extend the period by six months. Why not set it at 10 months? Why not set it at

a year? You can do it within a one-year period. In my humble opinion, a year to draft a final report is enough.

The other periods that you have provided for to respond to the House of Commons are the same as they were. Members propose and sign their amendments. That's work, but everything depends on the number of amendments. In Quebec, we had 17 or 18; I don't remember the exact number. We had to take the time to study each of them, to render a decision and issue a final report on each of them. A 30-day period is nevertheless enough. All the amendments we received came from members in any case. A number concerned names that had not been accepted. Then something a little unpleasant happened when we did a research job with the government. We had requested some research on names and so on, and they came back with three or four names that represented the various RCMs, which we considered utterly illogical. It was as though they were citing the complete Coca-Cola ad instead of simply saying "Coca-Cola". The bill should favour names that aren't too long but that are representative of the past.

We did things differently in Quebec. We gave two constituencies names of painters, Marc-Aurèle Fortin and Alfred Pellan. In Laval, where I live, we had Laval-East, Laval-West, Laval-North; it was Laval-Laval. Now there's a riding called Laval, and the others each have their own name, which is much more logical from a representation standpoint. The situation was somewhat the same in Quebec City.

However, I can tell you about the political aspect and the number of members and so on. The commission is required to comply with the standards and rules set out in the act constituting the electoral boundaries commissions. There are very specific rules that do not allow us much leeway. Those rules must be changed so that there can be larger ridings. Most of the members who appeared before the commission were members from cities. I remember Mr. Dion, among others. We had made a mess in his riding by removing its airport, if I remember correctly. That was corrected, obviously, because people spoke out.

When people come and express their views about the size of their ridings, we cannot respond to their requests. Electoral representation is established based on the number of voters, the size of the population in a given region. It is not the commission's responsibility to make comments on the budgets of MPs of large ridings.

We nevertheless tried to rectify the situation in a somewhat more practical manner, but that wasn't easy. I can tell you that adding or removing ridings will not be easy. I don't know the exact proposals regarding the number of ridings, but I can see that some suggest eliminating ridings and others adding them. Where are you going to put them? In addition, the population will be larger. The basic figure, which was 91,000 voters for our commission, if I remember correctly, will increase. As the population has increased, that number will automatically rise. Consequently, the proportions that must be accepted and implemented will be different.

In addition, competitions should absolutely be held in order to evaluate qualifications. I bent over backwards to become qualified. That took time. I didn't have a choice: I didn't have a chairman. So I did all the work. You can't establish that commission without taking at least a month to understand everything it involves, but, first and foremost, to determine the history of the constituencies. In the case of our commission, we determined the history of each of the Quebec ridings from Confederation to the present. We could see whether there had been a division at such and such a place and why it had been made. We verified all the changes that had been made. Once you have done that, you are able to respond to people.

•(1215)

[*English*]

The Chair: Monsieur Cayer, thank you for your opening statement and the information you shared with us. I think it's probably brought a few questions to mind for some of the members. Let's see if their questions for you get out some more of this information.

Is it Mr. Reid?

[*Translation*]

Mr. Scott Reid: Thank you, Mr. Chairman.

Thank you, Mr. Cayer. First I would like to congratulate you. You raised an idea that I have always been in favour of, that physically large constituencies, such as in Quebec's high north, for example, we should spend more money on riding management problems. So I support your suggestion.

As you say, it is unreasonable to reduce the weight of the votes of residents in more urban and more densely populated constituencies. That's not fair. I believe you complied with the principle that created constituencies should have roughly the same population across the province. I see from the list that the difference between the largest population and the smallest is well within the limits permitted by the act. Only the riding of Haute-Gaspésie—La Mitis—Matane—Matapédia is 20% below the provincial average. In any case, the quotient is only a total of 5, which is 10% below the average quotient. On the other hand, there is only one case where the population percentage exceeds 10% of the average.

This isn't exactly a question, but I wanted to tell you that I appreciated what you did. In my own province of Ontario, we have a much greater variance. I believe your model is the one we should follow.

Are there any particular problems? Quebec's high north is uniquely immense, but Saskatchewan, Manitoba and Ontario in a way have the same problem. Are there any practices that the other commission members should adopt?

•(1220)

Mr. Victor Cayer: There are two enormous ridings in Quebec. The whole area from Sept-Îles to Newfoundland is one immense riding. I'm from Charlevoix and I've known that area for a very long time. So I can say that, at the time, the members travelled there once a year, whereas today, with modern communications, there are resource people everywhere.

However, Quebec's high north poses a lot of problems. People intervened a lot. Aboriginal people live all over this part attached to the base. It wasn't easy, but I believe that, by complying with the rules of the act, we succeeded in ensuring that people felt represented, rather than excluded. They made good presentations and we worked on that.

With regard to your remark about the number of voters per riding, Mr. Massicotte, a political scientist from Montreal like Mr. Dion, for example, wrote an article in the newspaper stating that that was the first time the ridings had been represented in such an egalitarian manner. That's what we tried to do and that's what the commissions should do because that's the very basis of the Constitution. We tried to do the same thing. I think we managed to do it, even with the constraints.

People from the Magdalen Islands came to ask us for a riding. If we gave one to the Magdalen Islands, should we also give one to Île-d'Orléans? Some things are possible, others not. We had to stick to the standards and we took the time to see what had happened in the past. We got into the habit of joining certain places together, but that wasn't done because we couldn't do it.

You're surprised when a Bloc Québécois member who was more or less opposed to everything, congratulates you because you combined such and such a riding with another one. I simply told people who wanted to engage in politics that we weren't doing that and that we were merely implementing the act. We're required to apply it; we don't have a choice. A judge chairs the commission so there will be a certain amount of independence. I must tell you that, during the whole time I was there, no one tried to ask me anything out of line. In any case, I would have refused, efficiently and with great pleasure as well. We received briefs, and we read them all. Everything was done and everything was noted.

I must add that the chief electoral officer provides a geographer to every commission. That was the first time that we could see what we were doing, thanks to a special piece of software. That will be available for the next commission, and it was an enormous asset. With the trends, with the census, we had everything in hand. As soon as we needed a piece of information, we requested it. We asked the people who deal with names in Canada for their authorization because we didn't want to come up with incongruous things. I believe that's the job. It is indeed an independent commission but one that makes use of the services that are offered.

•(1225)

[*English*]

The Chair: Thank you.

Madam Charlton.

Ms. Chris Charlton (Hamilton Mountain, NDP): Thank you very much.

I want to ask about a bunch of different areas, so let me just begin with the first one.

Thank you very much for your presentation. I appreciate that you said that you didn't want to wade into the political questions with respect to the number of seats. I fully appreciate and respect that. But you know there are other parts of the bill that deal, for example, with things like timelines. I want to explore those a little further, because you addressed them in your presentation.

A number of times you made the point that more time would be helpful and, in fact, necessary for doing the work appropriately as we're going through our deliberations. Yet the bill before us condenses the timelines in a number of important ways. The notice period for meetings has been reduced. If one wants make a request to appear before the commission, that timeline has been reduced—and, of course, the commission's time limit for reporting has also been reduced in this legislation.

Would you prefer to see amendments keeping these at least where they were before, or to make them longer? Would that be helpful? Where is it right saw-off with respect to all three of those timelines?

[*Translation*]

Mr. Victor Cayer: There should be no periods of less than 60 and 30 days. That's what I believe.

And the time limit for submitting a brief should be 60 days. When you receive 212 briefs, you can't go through them all in a day. Each of the briefs has to be read by each commission member, and the members have to comment on them together. This isn't a decision that is made individually. Three people sit on the commission and three people decide. If there's ever a conflict, there is always the option of appealing to a judge. I believe that people have to agree.

That's why a commission is established. At the Federal Electoral Boundaries Commission for Quebec, the three members agreed on every action that was taken. So when we decided to take a particular riding and do something with it, the three members were in agreement. They had considered the matter. Each one had done his research separately. Each one had a document on the history of the riding to determine exactly what he thought, in addition to the briefs.

Furthermore, the members had an excellent secretary, who moreover was subsequently hired by Elections Canada.

[*English*]

Ms. Chris Charlton: Thank you.

I'm sorry, but that just triggered a different question. Has it ever been the case where there was no consensus by a commission on a set of boundaries—and how were those resolved?

•(1230)

[*Translation*]

Mr. Victor Cayer: I don't know. There was no such case on our commission. I don't believe there was any. There has previously been one incident. That was in another province; it wasn't in Quebec, but I forget exactly where it was.

During the last commission in New Brunswick, when they took the courses, I know that they talked about establishing a specific riding to represent the aboriginal community. However, people asked what could be done to enable aboriginal people to be part of a single

riding. An appeal was even instituted in court, and an amendment was subsequently made.

In short, that is the only occasion that I know of where there was any particular discussion.

[*English*]

Ms. Chris Charlton: Thank you.

I'm going to go—

[*Translation*]

Mr. Victor Cayer: I don't think it's possible to have volatile ridings, that is to say to have people make up a riding that simply represents a nation. People have to be from a single place.

We tried to place the community of interest in one riding in particular. That's what you have to do; otherwise it would be very different. You would be making up ridings for every different community, every nation. That's impossible.

[*English*]

Ms. Chris Charlton: Thank you.

That leads me to my next set of questions, because I want to follow up a little on the notion of communities of interest, which are so important as you're designing the boundaries. I know in my riding, for example, that there are three municipal wards within it. To some extent our political boundaries actually help to identify the community. Because we hold community meetings, people consider themselves part of the mountain, or part of ward 6 or ward 7 or ward 8.

Under some proposals before us, we would actually be reducing those ridings and tearing apart those communities of interest, which have in some instances been established over long periods of time, because the political infrastructure has led them to become a community of interest, if for no other reason. Could you first make a general comment about whether it is easier to add or subtract ridings in the work that you're doing, in terms of the representations you receive?

Mr. Victor Cayer: I don't change anything. But it will be so hard in the two-way.

Ms. Chris Charlton: So when you're looking at communities of interest, you're balancing geography as one part of it. You're also balancing traditional.... Well, I don't know....

Why don't you tell me all of the things that you would include in a community of interest as you try to define what they are geographically?

[*Translation*]

Mr. Victor Cayer: Based on the arguments the community presented, we tried as much as possible to unify those people in the riding where they actually were, so as not to divide them.

That said, sometimes the community of interest is completely different from what you think. For some people, the community of interest was defined on the basis of personal interests, not those of the community in general. Those kinds of presentations made to us were funny, but we did not go down that path. We tried to bring together the people who asked us if they could be in a specific place, in other words who felt more comfortable in a given location.

I'll give you a very specific example. In southern Beauce, there are three municipalities that are not part of the Beauce, but rather of Mégantic—L'Érable. The representatives of those municipalities came and specifically asked the commission if they could be attached to the Beauce. When we looked at the ridings, we found that strange and didn't understand why. The people explained to us that their interests leaned in that direction because they did business with Beauce. Their community was in Saint-George de Beauce. Their interests were in Saint-George de Beauce. So it was hard to say no to them. The mayors of the three municipalities came together to take the necessary steps and they said the same thing. In our minds, they were part of the other riding. However, a genuine break appeared before us. So we agreed.

[English]

The Chair: Thank you.

Thank you, Ms. Charlton.

Monsieur Dion.

[Translation]

Hon. Stéphane Dion: Thank you, Mr. Chairman.

Thank you for being with us, Mr. Cayer.

There was the case of the Saint-Laurent industrial park which was at risk of going to Pierrefonds—Dollard. You kindly decided to leave it in the circle of decision-makers of Saint-Laurent—Cartierville. That's another aspect that has to be considered, when there is an industrial park that's important to the entire country. You considered the economic interests of the centre of the country by keeping it in the fold of decision-makers of Saint-Laurent—Cartierville.

The government is determined to quickly pass this bill. So we're in a hurry. I would like to know very specifically what amendments you would recommend to the bill.

•(1235)

Mr. Victor Cayer: There are the two periods I spoke to you about, those of 23 and 53 days. The eight-month period should also be extended to one year at the outset.

Hon. Stéphane Dion: The 23-day period is for—

Mr. Victor Cayer: I'll give you the details; I've noted them down. People have a period of 53 days following publication of the notice to send written notice to the commission to appear before it. The amendment to the act provides that the notice of people interested in appearing will have to be sent within 23 days. Within that period, it takes at least a week for the commission to consider the comments of the interested parties. Consequently, the period of 53 days should be 60 days and the period of 23 days should be increased to 30 days.

Hon. Stéphane Dion: You propose extending the period of 53 days to 60 days and that of 23 days to 30 days.

Mr. Victor Cayer: That's correct.

The other problem concerns subsection 19(2) of the act, which reads as follows:

(2) Notice of the time and place fixed by the commission for any sittings to be held by it for the hearing of representations from interested persons shall be given by advertisement published in the Canada Gazette and in at least one newspaper of general circulation in the province at least sixty days before the commencement of the sittings.

They want to reduce that period to only 30 days. That doesn't give people much time. They are proposing 30 days, but you need 60. People have to prepare briefs, meet, decide to send a brief. I don't see anyone preparing a brief in 30 days. We even accepted briefs after that time period because we felt the period was too short.

Hon. Stéphane Dion: To be very clear, it must be noted that the figures you are giving us are those that appear in the present act, and you're asking that there be no change to those periods.

Mr. Victor Cayer: That's correct, and that's the case for both those periods. The other changes don't trouble us.

Hon. Stéphane Dion: Are there two or three periods?

Mr. Victor Cayer: There are three in all.

Hon. Stéphane Dion: Would it be possible for you to submit the specific sections to which you refer to the committee clerk so that there is no confusion in our minds?

Mr. Victor Cayer: That's fine. As regards the 23-day period, that corresponds to subsection 19(5) of the act, which the bill would amend under subclause 8(2).

It states:

(2) Notice of the time and place fixed by the commission for any sittings to be held by it for the hearing of representations from interested parties shall be given by advertisement published in the Canada Gazette and in at least one newspaper of general circulation in the province at least thirty days before the day on which the sittings commence.

Here a period of 30 days is proposed, but I think the current period of 60 days is more appropriate.

Hon. Stéphane Dion: You're still talking about subsection 19(5)?

Mr. Victor Cayer: That's correct. The former subsection 19(5) of the act is amended by subclause 8(2) of the bill.

Hon. Stéphane Dion: Mr. Cayer, perhaps it would be useful for you to send us everything in writing.

I'm going to tell you what the problem is. The chief electoral officer and his predecessor, Mr. Kingsley recommended those changes to us. You, who were on the ground and had to do the work, are telling us that these changes shouldn't be made. They recommended them to us. When Elections Canada talks, we tend to listen.

Mr. Victor Cayer: They may have wanted to shorten the periods. I'm telling you I experienced those kinds of situations. You have to understand that not all those people sit on the commissions on a full-time basis. In some weeks, we had to sit on Saturdays. I can't imagine the commissions sitting on a full-time basis in any case.

Some preparation requires more time than you think. There are 75 ridings. I don't know whether anyone has thought seriously about this. Ontario even has 108, I believe; I didn't take a direct interest in that. Whatever the case may be, it takes time to check each of the proposals from each of the communities. You can't do it quickly. You don't want to botch the job.

Hon. Stéphane Dion: Were you or your colleagues consulted by Elections Canada?

Mr. Victor Cayer: We were never consulted.

Hon. Stéphane Dion: Where do you think these changes come from?

Mr. Victor Cayer: I don't know at all. No one ever contacted me and I don't believe the members of my commission were consulted. The first time I was consulted was when I was invited to testify here.

Hon. Stéphane Dion: All right.

Do you understand the logic behind the shorter periods? Do you know how Elections Canada justifies that?

Mr. Victor Cayer: I have no idea.

Hon. Stéphane Dion: You're asking us not to change that. Is that correct?

Mr. Victor Cayer: That's correct.

Hon. Stéphane Dion: However, there are other, shorter periods that don't trouble you. So I repeat my request. It would be very good if you could put the three exact objections in writing.

• (1240)

Mr. Victor Cayer: I will be very pleased to send them to you.

[English]

The Chair: That would be great if you could, through the clerk.

[Translation]

Hon. Stéphane Dion: Let me tell you we have very little time.

Mr. Victor Cayer: I have no objection in that regard. It will be very quick.

Hon. Stéphane Dion: Thank you very much, sir.

[English]

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

I need to clear up a bit of a misconception when we're talking about timelines, M. Cayer. I don't think the 30-day timeline you referred to is completely understood, because that's not an absolute. In other words, as the Chief Electoral Officer informed this committee, all commissions have the ability to extend the timelines as they see fit. So we're not talking about a rigid 30-day timeline.

Secondly, the intention of the 30-day timeline was to allow people to submit their intentions to make an intervention, correct?

Mr. Victor Cayer: Yes.

Mr. Tom Lukiwski: So let's make sure that we're all onside with that.

I think that's a big change from what the impression was around this table. Based on what I've just said, which you've agreed is the case, I believe there is adequate time.

Secondly, in response to a question by Monsieur Dion, I would point out that even though you may not have been consulted personally, the former Chief Electoral Officer, Mr. Kingsley, who wrote a report after extensive consultation, said these timelines were the ones that were recommended after consultation. It's unfortunate, perhaps, that you weren't personally consulted, but Mr. Kingsley did indicate to this committee that there was extensive consultation with the people involved in the process. From that I can only take it that he consulted some of the commissioners other than you. And the recommendations put forward in that report were also supported by the current Chief Electoral Officer, who said that he would be able to achieve all that was necessary with respect to Elections Canada's work within the timelines proposed in Bill C-20.

I'd like to get your comment on that, please.

[Translation]

Mr. Victor Cayer: People will definitely ask to have that period extended, but that will change absolutely nothing. Why shorten a period when you can always extend it in any case? I wonder why these people wanted to shorten it and enter that in a very specific framework. That's not a problem in smaller provinces, but it's another story in Quebec.

When I worked on the commission in Quebec, we had to extend the period in any case. I don't know where the Elections Canada people got that idea. They have criteria, of course, but the fact remains that, at some point, we had to move fast because they were pushing us. Did they want to shorten the periods for those reasons? We had to put the pedal to the metal so we could meet the deadlines.

[English]

Mr. Tom Lukiwski: Again, I would simply point out that the current Chief Electoral Officer felt that he would be able to achieve all of the work required to meet the election timelines in 2015. He suggested that any undue delay would jeopardize that work.

[Translation]

Mr. Victor Cayer: I believe that Elections Canada absolutely wants to implement the new bill in the context of the election schedule for 2015. So they're shortening the periods based on that. You can imagine that, if the commission is allowed to extend that period by itself, certain commissions may not have the time to finish their work.

[English]

Mr. Tom Lukiwski: Let's be clear. The extension is not to the seven-month timeline the commission has to present the first draft. It is merely the extension of a 30-day timeline for submissions by intervenors.

[Translation]

Mr. Victor Cayer: The commission's role is to hear people. So they have to be given as much latitude as possible for that purpose. You have to open the doors and ensure that people are heard. When they are, they're happy, even when they're not right. That's important.

[English]

Mr. Tom Lukiwski: I agree, but my point, sir, is that I have quite great confidence in the commissioners, that if they know they have a seven-month deadline, any extensions they give would be designed in such a way that they would still be able to do their work within the seven months.

[Translation]

Mr. Victor Cayer: I'll tell you right away that that subject is not my responsibility. It's political. Here I'm telling you about the work we have to do, not the intentions of the people in the ridings.

[English]

Mr. Tom Lukiwski: I guess we'll have to agree to disagree on that, sir.

• (1245)

Mr. Victor Cayer: That's fine.

Voices: Oh, oh!

The Chair: Madame Latendresse.

[Translation]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you very much for your presentation, Mr. Cayer. It was very interesting to hear your opinion on the subject.

We're told that this bill should be passed very quickly, before February, whereas we would like to hear as many witnesses as possible.

Fourteen months elapsed between the moment the commissions were constituted in 2004 and publication of the order. Do you think that made for optimal and reasonable conditions?

Mr. Victor Cayer: Yes, strictly speaking, you can say it took our commission 14 months, but I would say it was a little less. At the time of the courses, our commission was not yet operating, I believe, but when it started, we didn't have a judge. A new judge was appointed, but he had to resign after about three weeks or a month for reasons unrelated to the situation. We then had to wait five or six weeks, I believe, for a new judge to take his place. However, that didn't prevent us from working. As acting chair, I put in place everything that could be put in place. That didn't hurt us. We did it within that timeframe. And we didn't make any cuts either. We took the necessary time.

Ms. Alexandrine Latendresse: Between February 2012, when we're currently being told the bill will absolutely have to be passed, and the spring of 2015, when the representation order will have to be published, there will be approximately 36 months.

Do you think we have enough flexibility to study this bill in greater detail and to hear the opinions of the largest possible number of people on the subject? We think the time we have for that purpose is quite long.

Mr. Victor Cayer: Yes. Once the commissions are formed, the time period will still be the same. You nevertheless have to plan for all the time necessary to hear people, even though, as in many other situations, you never know how much time it will take. You prepare for that.

We didn't hear people without preparing first. Every time a hearing was held, if there were briefs, they had already been read. We were ready. We even met with people individually after the hearings because, in some cases, people are too uncomfortable to say certain things in public. It's very amusing to meet with people and to let them speak. That helps us make decisions. It isn't an easy decision. When you take something away from a person, that's a shock to that person. When you give that person something else, it turns out that it's also a shock. Sensitivities are involved.

Members especially sometimes tend to think of their interests and their voters because they are used to the current situation in a given region. However, depending on population changes, a member could wind up with a population of 118,000 and the one next door with a population of 84,000. The two ridings were side by side, but they wanted to change nothing. It isn't easy. You have to decide at some point, but you don't do it on a political basis.

I never took electoral results into account. We don't see them because they're published, but we can't verify the voting results of every polling station. We rely on previous boundaries in order to establish a comparison with the movements that have taken place in the past. Considering the definition of the community of interest, we felt that, if those people had been together for that long, they weren't necessarily going to feel uncomfortable about being grouped together again. We didn't have too many problems, although I was snubbed by a member for removing part of her riding. She told me I had made her lose the election. I answered that it wasn't me and that the figures proved it. That was in Ahuntsic, if I remember correctly.

In the riding next door—and I believe it was that of Mr. Dion—we went too far in the other direction. We tried to do something in Montreal, but it wasn't very sensible. We stole part of his regional park or I don't know what. Whatever the case may be, that wasn't the issue. The issue was the people who were living there. We did our best to be egalitarian. That's what the act asks us to do. You have to stick to the principle of "one person, one vote" as much as you can. I believe that a gentleman told us that earlier.

It's painstaking work, but it's interesting. Watch out, however: it's based on the number of people, not the number of voters. If a population includes 25,000 people who are under 18 years of age and therefore don't vote, those people are nevertheless included in your calculation.

• (1250)

[English]

The Chair: Thank you, Madame Latendresse.

Thank you, Mr. Cayer. It was great to have you here today. You've added some knowledge that we certainly didn't have before. I thank you for that.

I'm going to suspend for just a minute while we go in camera for committee business.

[Proceedings continue in camera]

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