



41st Parliament, 1st Session

The Standing Committee on Procedure and House Affairs has the honour to present its

## **FORTIETH REPORT**

Your Committee, which is responsible for all matters relating to the election of Members of the House of Commons, pursuant to Standing Order 108(3)(a)(vi), has considered the objections filed in respect of the *Report of the Federal Electoral Boundaries Commission for the Province of Newfoundland and Labrador*, in accordance with section 22 of the *Electoral Boundaries Readjustment Act*, R.S.C. 1985, c. E-3, and is pleased to report as follows:

After each decennial census, the number of Members of the House of Commons and the representation of each province is adjusted in accordance with the rules prescribed by section 51 and 51A of the *Constitution Act, 1867*. An independent three-member electoral boundaries commission is then established for each province with the mandate to consider and report on the division of the province into electoral districts, the description of the boundaries and the name of each electoral district.

The *Electoral Boundaries Readjustment Act* provides the rules governing the division of a province into electoral districts. The population of each electoral district must be as close as possible to the electoral quota for the province, that is, the population of the province divided by the number of Members of the House of Commons allocated to the province in accordance with the Constitution. Each commission shall also consider the community of interest, community of identity or the historical pattern of an electoral district in the province; as well as the manageable geographic size of electoral districts, in cases of sparsely populated, rural or northern regions. A commission may depart from the provincial electoral quota by plus or minus 25% in order to respect the community of interest, community of identity, or the historical pattern of an electoral district, or to maintain the manageable geographic size of sparsely populated districts. In circumstances that are viewed as extraordinary by a commission, the variance from the electoral quota may be greater than 25%.

A commission is required to hold at least one public sitting on proposed electoral districts' boundaries and names to hear representations by interested persons. After the completion of the public hearings, each commission prepares a report on the boundaries and names of the electoral districts of the province. These reports are tabled in the House of Commons, and referred to the Standing Committee on Procedure and House Affairs. Members of the House of Commons have then 30 calendar days to file objections to the proposals contained in a report. An objection must be in writing and in the form of a motion. It must specify the provisions of the report objected to,

and the reasons for those objections. An objection must be signed by not less than 10 Members of the House of Commons.

After the expiration of the period for filing objections, the Committee has 30 sittings days, or any greater period as may be approved by the House, to consider the objections. The report of the commission is then referred back to the commission, along with the objections, and the minutes of the proceedings and the evidence heard by the Committee. The commission has then 30 calendar days to consider the matter, dispose of any objection, and finalise its report with or without amendment depending on its disposition of the objections.

Once all the commission reports have been finalized, the Chief Electoral Officer prepares a draft representation order setting out the boundaries and names of the new electoral districts. This is sent to the Governor in Council, who shall, within five days, proclaim the new representation order to be in force and effective for any general election that is called seven months after the proclamation is issued.

### **Objections**

The *Report of the Federal Electoral Boundaries Commission for Newfoundland and Labrador* was tabled in the House of Commons, and referred to the Committee on November 26, 2012. By the end of the 30-day period, the Clerk of the Committee had received three objections.

#### **City of St. John's**

Mr. Ryan Cleary, M.P. for St. John's South–Mount Pearl and Mr. Jack Harris, M.P. for St. John's East both filed an objection with respect to the boundary between the proposed electoral districts of St. John's South–Mount Pearl and St. John's East. They based their objection on community of interest; they submitted that part of the downtown area of St. John, including the areas of Signal Hill and the Battery, should be included in the district of St. John's South–Mount Pearl as is currently the case. This change to the electoral boundaries was not part of the original Proposal put forward by the Commission prior the public hearings on proposed boundaries. Before the Committee, Mr. Harris explained that this change may have been the result of the so-called “domino effect” as the boundaries of the electoral district of Avalon were modified after the public hearings on the Proposal, and the desire for the Commission to keep the electoral districts of St. John's South–Mount Pearl, St. John's East and Avalon approximately of about the same population. In its Report, the Commission presented this boundary change as “a reversion to the historical boundary between the two St. John's electoral districts,” and asserted that “[c]ommunity of identity and historical factors support the submissions in this regard.”

Prior to the 2003 redistribution, the electoral boundary between St. John's South–Mount Pearl and St. John's East was in the middle of the St. John's Harbour and the Narrows, with the areas of Signal Hill and the Battery within the electoral district of St. John's East. The 2003 redistribution changed the boundary between the two districts to the middle of Quidi Vidi Lake, therefore moving the areas of Signal Hill and the Battery into the electoral district of St. John's South–Mount Pearl. The Commission's Proposal did not contemplate any change in this regard, but the Commission's Report reverses this boundary to its pre-2003 placement.

The *Electoral Boundaries Readjustment Act* refers to the “historical pattern of an electoral district in the province” as a factor to be taken into consideration by a Commission in determining reasonable electoral boundaries. The Committee believes that this factor is more a reinforcement of existing boundaries, rather than an invitation to return to old electoral boundaries no longer in force. The Commission itself, in its Proposal and Report, echoed this principle when it recognized as one factor “the desirability of minimizing changes to existing electoral boundaries.”

Mr. Cleary made a compelling case before your Committee with respect to the community of interest and identity between both sides of the Narrows. He referred to the iconic and historic importance and significance of the Narrows for residents of both sides of St. John’s Harbour, how the Narrows serve as a “community identifier,” and how both sides of the Narrows are equally attached to St. John’s Harbour.

Mr. Cleary further explained that various community groups from both sides of the Narrows work together on numerous projects of common interest involving, for example, the security of St. John’s Harbour itself. In that regard, Mr. Cleary informed the Committee that the City of St. John’s considers both sides of the Harbour as one area for cultural and economic planning purposes. Mr. Cleary referred to the efforts that have been made by various community groups to enhance and develop the area, and how the division of the Narrows into different electoral districts would be damaging to the unity and the projects of these community groups. Moreover, recently, community groups and stakeholders on both sides of the Harbour as well as representatives from the municipal and provincial governments and governmental agencies including the federal agency of St. John’s Port Authority have been working together to address shared concerns and development plans under the auspices of The Narrows Group, chaired by the M.P. for St. John’s South–Mount Pearl, Mr. Cleary.

As no change between the electoral districts of St. John’s South–Mount Pearl and St. John’s East was contemplated by the Commission in its Proposal, it received no comment dealing with that prospective change during the public hearings. Mr. Cleary submitted a letter from The Outer Battery Neighbourhood Association which stated that it was “adamantly opposed to the changes in the Federal Electoral Boundaries for St. John’s South- Mount Pearl which will see [the residents of Outer Battery] now enveloped in the district of St. John’s East.”

The electoral districts of St. John’s South–Mount Pearl (82,851) and St. John’s East (83,062) have about the same population, with a difference of only 211 people and a respective variance of +12.7% and +13.0% from the provincial electoral quota (73,505) and +1.9% and +2.2% from the reference quota (81,301) – the reference quota was determined by the Commission to take into account that the continuance of Labrador as a distinct electoral district would result in higher population for the other electoral districts. The change contemplated by Mr. Harris and Mr. Cleary is modest. It would add approximately 2169 people to the electoral district of St. John’s South–Mount Pearl. As a result, the population of St. John’s South–Mount Pearl would increase to 85,020 and the population of St. John’s East would become 80,893 with a respective variance of +15.7% and +10.1% from the provincial electoral quota and +4.6% and –0.5% from the reference quota. In the circumstances, the Committee considers these variances as indeed

modest, and is of the opinion that the community of interest and identity warrants the changes proposed by Mr. Harris and Mr. Cleary.

In summary, the changes proposed are modest; they would affect only two electoral districts whose current Members, Mr. Harris and Mr. Cleary, not only agree with the changes but even suggested them.

Therefore, the Committee agrees with Mr. Harris and Mr. Cleary, and recommends that the areas of Signal Hill and the Battery be included in the electoral district of St. John's South-Mount Pearl.

### **Bay d'Espoir—Central—Notre Dame**

Mr. Scott Simms, M.P. for Bonavista-Gander-Grand Falls-Windsor, filed an objection with respect to the proposed name of "Bay d'Espoir-Central-Notre Dame." Mr. Simms submitted that the name of the new electoral district "Bay d'Espoir-Central-Notre Dame" should be changed to "Coast of Bays-Central-Notre Dame." His objection stated that: "[t]his change is in the interests of representing as many communities in the riding as possible, as the region in which Bay d'Espoir finds itself is more properly known as Coast of Bays." During his appearance, Mr. Simms explained that the name "Coast of Bays" is a far better description of this area, where there is indeed more than one bay, but is also a name which is also more inclusive of all the communities of the region, whereas, the "Bay d'Espoir" represents only one town of about a dozen in this area. Mr. Simms did not make representations at the public hearings with respect to changing the name of the electoral district of "Bay d'Espoir—Central—Notre Dame" as he was under the impression that "Bay d'Espoir" was a suitable name for the area, until he was made aware that "Coast of Bays" would be a better description and more inclusive of the communities. Mr. Simms consulted the mayors of six towns in the region and they all agreed that "Coast of Bays" is a more suitable description of the area.

The Committee agrees with Mr. Simms, and recommends that the name of the new electoral district be "Coast of Bays-Central-Notre Dame."

### **Conclusion**

In accordance with subsections 22(3) and 23(1) of the *Electoral Boundaries Readjustment Act*, the *Report of the Federal Electoral Boundaries Commission for Newfoundland and Labrador*, the objections, the minutes of proceedings and evidence of the Committee will be returned and referred back to the Commission for its consideration of the matter of the objections.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 56 and 57](#)) is tabled.

Respectfully submitted,

JOE PRESTON  
Chair