

Representation Act, 1985

● (1110)

Mr. Nickerson: Fifty thousand.

Mr. Penner: I hear the Hon. Member for Western Arctic (Mr. Nickerson). He is right up to date on those statistics. I stand corrected, immediately. However, since the time I have been in the House of Commons, I remember when the Northwest Territories had only one Member. It was unreasonable for that region to be represented by a single Member. It was unmanageable. Even as it is now, with two Members of Parliament, they have an enormous task in trying to give fair representation to the people living and developing that most important frontier of Canada. When the Bill was brought in to give the Northwest Territories a second seat, there were no strong arguments to the contrary. It went forward and was well accepted as being just and as being fair.

Of course, Prince Edward Island has four seats. It has the same population as the City of Thunder Bay, just over 100,000 people. That was part of the bargain of Prince Edward Island when it came into Confederation. Although from time to time there may be grumbings about the fact that a constituency in Prince Edward Island only has 37 per cent of the population that one would find in a constituency in Ontario or Quebec, generally it is well accepted. We want Prince Edward Island to be an active member of Confederation as it is, and we do not argue it should not be well represented in the House of Commons.

Within the Electoral Boundaries Readjustment Act, we challenge representation by population on a strict arithmetical basis. For example, we say that the boundary commissions can take into account such aspects as community of interest, community identity and historical demographic patterns. That allows them to depart from strict adherence to representation by population. We tell them how much they can depart. We say that they are allowed to go above or below a provincial quotient by 25 per cent; that is the allowable factor. When boundary commissions do their work, that is the kind of precise detail they like. They like to know exactly what they are allowed to do.

I have appeared before many boundary commissions and have made arguments on behalf of the region from which I come, the one in which my constituency is located. Very often citizen groups have made arguments, as I have, in a very telling and dramatic way. Boundary commissions have always said: "We are convinced by what you have said. However, if you want us to take these kinds of steps and these kinds of actions, you have to give us more precise instructions. You can't just give us vague directions. Parliament has to be specific as to what it wants us to do". I think that is the difficulty we have with Bill C-74. It lacks the specific instruction and detail which would help a great deal.

I should like to give an example of how the lack of being specific creates problems. In previous Acts it was indicated that when boundary commissions made significant changes, they had to show that there was just cause for making them. That is pretty vague. If they make changes, they have to show

why; they have to explain in a report to Parliament why something has been done. In about 1978, when the boundary commission in fact eliminated an entire constituency in northern Ontario, I argued that it failed to show all the reasons for doing so. It indicated the reasons in two or three lines in its report, that it was adequate reason that it had fulfilled all obligations laid upon it by Parliament. I argued: What do we do when a boundary commission appointed by Parliament and a Member of Parliament are in disagreement? How can we settle that? I decided that I would settle it by taking the boundary commission to court. That is exactly what happened. I took it to the Appeal Division of the Federal Court of Canada to try to stop the redistribution process before it was in its final stages. The Appeal Division would not grant that stoppage of the action of the commission, so then we went to the Trial Division. The Trial Division listened very carefully to the case put forward by the very excellent legal counsel whom I had engaged. The judge, in his final declaration, said to counsel: "You have made a very convincing case. You have made a strong argument. I comment you for the position you brought forward. However, I regret to say that I cannot see that I have jurisdiction in this matter". Therefore the matter was not resolved.

A great deal of money was expended. Perhaps Hon. Members are interested in knowing how that money was raised. The people of northern Ontario were incensed by the fact that they would lose their level of representation. At that time they had 12 Members of Parliament, running from the Quebec border to the Manitoba border, north of the French River. They had 12 Members of Parliament for a very large geographic area. Mr. Speaker, did you know that that area is more than 80 per cent of the whole landmass of the Province of Ontario? The Province of Ontario is a very large province, and northern Ontario comprises much more than three-quarters of it. They felt that their level of representation ought not to be diluted. When one seat was lost, the communities from the Manitoba border to the Quebec border accepted a levy laid upon them by the Federation of Northern Ontario Municipalities. It was a small levy, but a tremendous amount of money was raised to pay for the legal costs in fighting that case in the Federal Court of Canada. After we fought the case, if my memory serves me correctly, I believe we still had some \$30,000 left over, which was returned to the municipalities on a per capita basis.

When northern Ontario MPs talk with a degree of earnestness and conviction about the level of representation in that part of the province, they are not just speaking for themselves. It is not their own hides which they are trying to save, not at all. It is something about which the citizens of northern Ontario feel very strongly, and they have demonstrated it in a very tangible way by actually putting up dollars when a court case was being fought.

I want to return to Bill C-74 and indicate why we feel there is too much fuzziness or vagueness in the instructions given to the boundary commissions. It is simply not good enough to tell them that they may take into account community of interest