
The Size of Legislatures: Perspectives on Provincial Assemblies

In November 1994, the 18th CPA Regional Parliamentary Seminar was held in Ottawa. One topic on the agenda dealt with the Size of Legislatures. The following comments are from a number of legislators including Emery Barnes and Fred Gingell of British Columbia, Maynard Sonntag and Tom Keeping of Saskatchewan, Rose Marie MacDonald of Prince Edward Island, Gerald Smith of Newfoundland, Ron Russell of Nova Scotia, and Greg O'Donnell of New Brunswick.

Emery Barnes: When we make decisions about the size of our elected bodies, cost should not be our first priority. To put this in context: the 1994-95 budget for the British Columbia Legislature is about \$25 million. Estimated spending during this period by the executive branch for government programs is \$18 billion. So the cost of running the legislature accounts for about one-tenth of 1% of total public spending in the province, or about one cent for every ten dollars. If this were represented on a pie graph the portion devoted to the legislative branch would not even be visible. We could eliminate legislative spending altogether and not make a noticeable dent in our financial situation.

Arguments in favour of reducing the size of the legislature for strictly financial reasons may be attractive to the ears of some angry people, and may offer symbolic appeal. But it would be short-sighted of us to devote ourselves to doing this at the expense of many very important democratic ideals. Reducing legislatures, while possibly saving small amounts of money in the short term, will surely be counter-productive in the long term.

In British Columbia, for many years our approach to electoral boundary reform and the question of how best to compose the House were done in a very *ad hoc* manner. Royal commissions would be appointed from time to time with inconsistent mandates. As a result, for years we had an unbelievably complicated electoral map. We also had up to eighteen dual-member ridings at one point, which complicated things still further.



British Columbia

Finally, in 1987, a commission headed by Judge Thomas Fisher was given a broad mandate to simplify the electoral map on the basis of the principle of representation by population, but also to take into account the realities of our immense geography and our historical, regional and community interests. The commission recommended that electoral districts' populations be permitted to deviate from the provincial average by plus or minus 25%. Of particular note was the commission's observation that to have a stricter deviation rule (for instance of just a few percentage points) would have resulted in a considerable loss of representation for the northern part of the province and the creation of some electoral districts so large in area that contact between people and their representative would become very difficult.

The commission also concluded that "[Not] increasing the size of the legislature would have made it impossible to meet the considerations of the mandate, particularly historical and regional claims for representation and accessibility of electoral districts".

The Fisher Commission's recommendations were adopted. The number of members was increased from 69 to 75 members, dual member ridings were abolished, and a permanent Electoral Boundaries Commission was created by statute (the *Electoral Boundaries Commission Act*). A Commission will be appointed after every second general election, and is required to follow the same guidelines established by the Fisher Commission.

This is the formula currently in place in British Columbia, and a similar deviation rule of plus or minus 25% is in use by the House of Commons and some other provinces.

If that were all there is to the question, we could content ourselves with discussing formulas. But I would like to push the discussion more in the direction of the functions and value of the institution itself. Numerical formulas will not help us to decide what effective representation is. What does effective representation mean? What is the institution of parliament here for? What are the functions of its members, both individually and collectively? These are value questions which must be addressed before we know how best to address the technical question of how big a representative body should be.

In his book *The Parliament of Canada*, C.E.S. Franks argues that parliament carries out four basic functions:

- to make a government, i.e. to establish legitimate holders of power through the electoral process;
- to make a government work, i.e. to give the government the necessary authority and resources to govern the country;
- to make a government behave, i.e. to be a watchdog over the actions of government;
- to make an alternative government, i.e. to enable the opposition to present its case to the public and become a credible choice for replacing the party in power.

To these functions we can add constituency work, otherwise known as the ombudsman function. The legislative body must be large enough for the members elected to be able to perform all these functions.

Part of making a government work involves ensuring that the party in power has enough members to draw on to form a competent cabinet. The cabinet itself should be large enough to manage the huge machinery of government. Experience and demonstrated capability are necessary attributes for any cabinet minister. Inexperienced or poorly equipped cabinet ministers are more likely to make costly mistakes. The elected chamber should be large enough to allow for a cabinet of reasonable size, in which a number of factors can be balanced: geography, gender, race and age, etc. Furthermore, there must be ministers-in-waiting on the back benches who are preparing in the event of a cabinet shuffle. Ideally, the talent pool from which cabinet members are drawn will be large enough to provide for all these things.

Turning to the third function of the House, it is clear that governments behave best when there is an effective opposition. In British Columbia, there are currently 18 ministries employing about 40,000 civil servants. It is left to the opposition to keep tabs on this vast government enterprise. Voters, of course, vote to suit themselves, but

smaller houses may exacerbate the problem of providing effective opposition to government policies.

And this is a very important point: a majority government has a great deal of power to enact its program at the end of debate, no matter how long it may take. But opposition scrutiny and critical public attention will make the minister responsible think twice. This is the value of letting sunshine into the process — it is the most effective means of checking on the armies of civil servants working away from the public eye. The legislature is really the only place where the entire government operation can be subjected to rigorous criticism, which is essential if parliament is to work as intended.

Let us turn now to the role of the individual member. Depending on the situation, there can be serious limits on the ability of an individual member to serve his or her constituency. We are all forced to attend to constituency matters as well as to House business. The larger constituencies become, the greater impact on a member's effectiveness in some situations. In whose interest is it to reduce the number of members and increase the size of constituencies? Larger constituencies mean more staff and less opportunity for contact between the member and his or her constituents. This can make elected representatives more and more remote from the people who elect them.

Nothing would please me more at this point than to reveal a magic formula for the size of legislatures, one which would take into account all of the issues I have just identified. But there is none.

Emery Barnes, MLA

Finally, the costs of shrinking a legislature will not be shared equally. It is the rural areas that suffer when the size of the legislative body is frozen or reduced to cut costs. Judge Fisher in British Columbia noted that strict adherence to a population average would force remote areas with sparser populations to become even more cut off from the legislature and the politics of the province. During hearings, a former northern MLA described how by flying his own airplane, it would still take him a full week to visit the major communities in his riding. The less frequently these people see or hear from their member, the less connected they feel to the provincial political culture and the more disenchanted they become.

Each province, and certainly Canada as a whole, is unique demographically and politically. Most provinces

have a few large urban centres and a vast hinterland. Some of us represent 20,000 people, some 50,000 and some federal members as many as 100,000. In British Columbia, 75 MLAs represent 3.6 million. I think the system now in place in my province works fairly well, taking into account the disparities I have outlined. I certainly would not feel comfortable advocating that it be decreased in size, especially not for reasons of fiscal restraint.

British Columbia's population is the fastest-growing in Canada. Stresses on our electoral system are bound to increase, and urban/rural differences are likely to become even more apparent. When deciding a question of this nature, we must keep in mind the different challenges that face MLAs from urban and rural areas. We must make sure that the House is large enough to perform the functions for which it was designed. That should be our starting point. The challenge in British Columbia is for the legislature to reflect our changing population and to ensure that members can remain close to the people they represent.

Maynard Sonntag: Can the number of seats be fixed or reduced and who benefits and who suffers from keeping legislatures at their present size or smaller. Is the present redistribution process satisfactory? What really is this issue all



Saskatchewan

about? Firstly, to maintain relative equity and fairness by what ever standards we set for ourselves and secondly with rationalization taking place world-wide, governments are under public pressure to do the same. In Saskatchewan we were faced with this issue early in our mandate and chose to redistribute for these and other reasons. There were imbalances of nearly two to one in the extreme cases when you look at some of the constituencies and with an accumulated debt and annual deficit that demanded attention we as a government were making reductions in every sector. Not only were there legitimate cost savings but our constituents, the taxpayers of Saskatchewan insisted that we to exercise some restraint.

Within our caucus it seemed initially like a marvellous idea. Most of would agree with this statement, however, probably with not as much enthusiasm. There is at times quite a void between theory and application. In Saskatchewan we as elected members were told many times that our government was too large. We currently have 66 sitting members representing about 666,000 voters or just in excess of 10,000 voters per MLA. We

began by studying other jurisdictions. In Manitoba for instance, there are 57 MLAs representing 12,500 voters per MLA. In Alberta, there are 83 MLAs representing 18,685 voters per MLA. In British Columbia each MLA represents about 25,500 voters. In Ontario each elected member has an average just under 50,000 voters to represent.

The bill that we passed in spring 1994 session reduced the number of seats from 66 to 58, or a 12% reduction. We will now each be representing an average of 11,400 voters. This was the first time since the Great Depression that the number of seats in our Assembly has actually been reduced.

The decision was made to redistribute and to reduce the number of seats. How would this be done? What would be the parameters that we would use? The drawing of the new boundaries has historically been surrounded with a great deal of suspicion as governments of the day would take advantage of their position and draw a map that would favour its chances of re-election. In Saskatchewan, we attempted to circumvent the public cynicism by establishing an independent commission to draw the new boundaries. I believe we were successful in that respect. The new commission consisted of three members. The Chairperson was nominated by the Chief Justice of Saskatchewan and the other two members were appointed following consultation with the Leader of Opposition and with the third party, the Liberal Party. The Commission's mandate was relatively restricted. The act established that the commission was to set boundaries based on the democratic principals of effective and equal representation. The acceptable variations from the average constituency population was set at plus or minus 5%. The new boundaries are not effective until the writ is dropped for the next provincial election. Currently, only 24% of our seats fall within the 5% limitation. The act makes an exception for our two northern ridings which cover half of our province, and are obviously very sparsely populated. To ensure that their representatives were able to continue to represent the constituency effectively, it was decided that these two ridings were remain untouched.

As I was researching this presentation, it was instructive to look back over the history of the British parliamentary system to see how this principle of one person one vote developed. Members maybe familiar with the rotten boroughs that existed in England before the passage of the *Reform Bill* in 1832. The practice of creating boroughs of insignificant voting strength in order to ensure the election of members who would support the policies of the Crown appeared to go back as far back as the rein of Henry VI in 1537. In 1793, 250 years

later, it was established that 51 boroughs with a combine population of less than 15,000 electors were returning 100 members to the Commons at a time when they were only 340 seats in the Commons. Almost 30% of the British House of Commons been elected by 15,000 electors in Britain!

In one notorious borough two members of Parliament were returned by only 7 voters. The *Reform Bill* of 1832 was a milestone in the British Parliamentary history. In redistributed seats on a more equitable basis, increased county representation, extended the franchise and reduced election expenses. It placed us who believe in democracy on a road to reform which has led us slowly and inexorably to the point of voter equality. The principle of one person one vote must be the guiding and fundamental principal of democracy. The Bill we introduced last Spring took us another step that road. My riding was fortunately virtually unaffected, but that of my colleague is now unrecognizable and I want him to tell you about some of the practical problems of the application of one person one vote.

Tom Keeping: We have downsized our Government over the last three years, in several ways. We cut actual spending on Government programs by 7%, Agriculture services, Highways, Education, Health Care, almost every department of Government has been cut or amalgamated in one way or another. The numbers of people appointed to boards and commissions have been reduced, and so have the dollars spent in that area. This reduction was done to reduce cost, but also because of public expectations. People told us early in our mandate that now was the time to downsize ourselves. Public scepticism was high. Was it the right thing to do? I think that only time will tell but we believe it was the proper thing to do. Who wins and who loses depends on ones point of view. I suppose its fair to say that initially or immediately the taxpayers could be said to be a winner because they will be paying for a smaller government. Another winner could be the voters from the two larger urban centres in Saskatchewan that represent almost half the population. The population within this group has been growing in Saskatoon and Regina and because of that there was no reduction in the number of constituencies within those boundaries. All the reduction was borne by rural Saskatchewan. Many of these urban voters have felt for sometime now that it was



Saskatchewan

unfair that their vote only counted for half as much as that of a rural person's vote.

Just as larger urban voters could be said to be winners, I think its true that the rural voter could be said to be the loser. Not only will they lose the advantage they had of being over represented in the Legislative Assembly, but they will also lose in another way because they will have further to travel to access their member in person.

Rural voters argue that unlike an urban MLA the rural MLA has the concerns of many more local governments, school boards, agriculture boards, health boards and so on. In addition, there are many strictly rural concerns, such as highways, provincial parks, and forestry.

I believe there is a general feeling in rural Saskatchewan that the duties of a rural MLA are more onerous then those MLA's representing large urban centres, particularly those representatives in the capital.

Tom Keeping, MLA

People of this view conclude that the task of being a rural MLA is more diverse and more burdensome than representing a larger urban constituency. Add to these factors the amount of time spent just driving and it is felt by the rural voters that they cannot be as effectively represented as urban voters. Therefore, the population variance of only a plus or minus 5% is being questioned as too restrictive. It was this variance factor that caused the rural constituencies to lose 8 seats.

I might just add as a personal view, and probably because I represent a large rural constituency that I share this view. On the other hand, there is the side that believes that the 5% population variance is the right balance because of the one person one vote principle.

We were encouraged in Saskatchewan somewhat by the Federal Boundaries Commission to which operated recently in Saskatchewan at the time of the last distribution and even though they were directed by statute to create 14 seats in our Province they had a possible variance of 25% under federal law. When the Commission came in the distribution was all done within plus or minus 1% in our province. I guess we thought if it was good enough for the federal voters, that same argument could be made provincially. We believe in a single community of interest and that Saskatchewan is a single community of interest and there is nothing to be gained by making a distinction between rural and urban constituencies. We believe in one person one vote, we also believe in effective representation. Rural and urban

people in our province share the same interest in our province and we must all work together with a singularity of purpose.

Rose Marie MacDonald: Our province has a population of 130,000 and at the present time is represented by 32 MLAs. Responsible government began in 1733 when the Legislative Council was first set up by the Governor at that time. It was a bicameral system of government with an Upper and Lower



Prince Edward Island

house. The first house had 18 members elected from across the colony. They were elected by adult males only. That increased to 30 members in 1856 and the franchise was given to Roman Catholics males. It was not until 1921 that women received the franchise, but we made great strides since that time.

In 1892 both the House of Assembly and the Legislative Council passed the *Legislative Assembly Act* creating a 30 seat Legislative Assembly and a unicameral system of government. This created a Councillor and an Assemblymen position and the unique dual member ridings that we now have. Until 1966, there were 30 members. That was increased by 2 to give the city of Charlottetown more representation.

Recently a court challenge was mounted by a gentleman in Charlottetown. He argued that his vote was not as heavily weighted as the voters of Fifth Kings, the district I represent. He live in Fifth Queens where there were about 12,000 voters. In my district there are about 2,000 voters. I still feel that in a rural area the work is certainly different but, in any event, because of this court challenge we recognized that the time had come to review the situation. There had been no change in the past 100 years and it was time to do something about downsizing. Reform had taken place in all sectors of government and it was time to reform the House itself.

An Electoral Boundary Commission was set up in 1993. It consisted of four government backbenchers, a Chairman, and it also included the Leader of the Opposition and three well-known and distinguished Island residents. Its report recommended a variance of plus or minus 15%, but the effect of this report on Kings County would cut our representation from ten to five.

One of the King's backbenchers brought in a private Member's Bill during the last session, which proposed to reduce the overall number of seats from 30, as proposed by the Boundary Commission, to 27 on the theory that it would be better to have 5 members out of 27 than 5

members out of 30. There was a great deal of lobbying on this bill and eventually there was free vote. In the end Bill 100 passed, however, the City of Charlottetown has indicated that they will be challenging as there is a variance in that Bill of plus or minus 25 %.

Greg O'Donnell: We have just gone through the process of redesigning our Electoral Boundaries and reducing the number of seats from 58 to 55. We appointed a panel on which each political party had a member and we appointed 2 judges who were former MLA's from different parties.

They reported back to a committee of the Legislative Assembly with their findings. That committee was made up of all political parties in the province. We have a Legislative Assembly made up of Liberals, Conservatives, New Democrats and a political party called the Confederation of Regions (COR) which at the time was the official opposition in the province.

We had some members with 20,000 voters and others with as few as 4,000. My riding is both urban and rural. I would say 90% of constituency work comes from the rural section and 10% comes from the urban centres. When we did the redistribution we used the plus and minus 25% but in the urban ridings we gave a higher percentage than we did in the rural ridings. For example if the provincial average was 10,000 voters we aimed for somewhere between 8 and 9 thousand in the rural ridings and between 11 and 12 thousand in the urban ones.

We then had public consultations and a series of in-camera sessions before the report was signed by all political parties. It was not a matter of the governing party having re-adjusted the figures to their advantage. All parties had representation and felt quite comfortable with where the divisions were made and why. The result, I believe, will be a much equitable legislature.

Gerald Smith: As in other provinces the thinking in Newfoundland is that we have to downsize government. People automatically assume that where the downsizing should be done is the area of elected representatives.



New Brunswick



Newfoundland

I have only been a member of the legislature since May 1993 but I was shocked to find out shortly after being elected that there was a commission going to bring in a report to put me out of job without giving the people who gave me the job initially the opportunity to make that decision. The report that we will be dealing with shortly is looking at downsizing our Legislature from 52 members to the area of 46.

We are looking at a total voting population of about 530,000 people. I was interested in hearing the reference to the experience in British Columbia and the argument with regards to the savings that might be accrued. I have difficulty in trying to understand where there would be a lot of savings when I look at my own situation. I represent a riding that has 8,500 people and under this redistribution the new district would pick up an additional 5,000 people. Can I represent that district with the same resources that I now have available? I do not think I could respond adequately to the demands of the constituency. I would need additional support resources in order to meet the extra demands that would be placed on me by my constituency. That seems to contradict the argument for savings. It would only add to the bureaucracy. The last thing my constituents want is to add to the bureaucracy.

I wonder when the man in the street talks about downsizing if he necessarily means that we should be reducing the number of elected officials. Surely they know that we are accountable to someone.

Gerald Smith, MLA

The commission was given a fairly clear mandate to bring back a report calling for a reduction in the number of seats. But, in the hearings that were conducted throughout the province there was very little support from those people who intervened, for reducing the number of elective representatives. Most people argued for the status quo and indeed there were some who put forward the idea that rather than reducing, we should be looking at increasing the number of representatives.

The argument about one person-one vote is more difficult to counter. It is at the root of democracy but at the same time there are certain other extenuating circumstances that we must not lose sight of. I represent a basically rural riding and in the House I sit next to a colleague who represents an urban riding with about 14,500 constituents. But the demands on his time are much less than they are in mine, because of the nature of

the riding itself and the kind of problems there are. If we accept the principle of one person-one vote then we are certainly going to be creating some additional problems in the rural areas. There are going to be people who are not going to be happy with the level of representation that we are going to be able to provide.

I think we also have to allow for certain peculiarities in a province. For example there was an effort made to allow the one Labrador riding that is primarily comprised of aboriginal peoples, to remain with a much smaller seat to ensure that they would have a voice. In my district there is a significant francophone population of some 1,500 people and the argument was put forward that basically for these people there is a concern that there has been a struggle to maintain their language and culture. To increase the district by an additional 5,000 people would reduce the effect of their lobby and make it even more difficult for them to try to get recognition for their language and culture. Unfortunately we were not able to convince the commission that the same argument could be applied.

Ron Russell: The member from Newfoundland raised some issues I do not believe we have addressed — linguistic, ethnic and aboriginal representation within the legislatures.



Nova Scotia

In 1991, we appointed a Commission for Electoral Boundary Revision and the mandate given to that commission was almost impossible to fulfil. They had to remain within 15% of a median of population and still maintaining 52 seats within the province. They had to maintain seats for three acadian communities, which were allowed to fall below that 15% of the median. They had to establish a seat which would give the black community within the province a chance of electing a black person to the legislature. Lastly, they were given the task of finding a formula for a guaranteed seat that would ensure we had Micmac representation within the legislature.

They fulfilled parts of their mandate even if it took a little bit of gerrymandering. The matter of aboriginal representation was left for future discussion with the native community. The idea is a worthy one but it is very difficult because we have Micmacs on reservations and some of the reservations are very small. We also have Micmacs off reservation spread throughout the province. It has been very difficult to determine exactly how many

Micmacs there are. There is some disagreement within the native community themselves as to how this election for a native member would take place. The last representation was that they should have two guaranteed seats within the legislature. There is a system in place in New Zealand where aboriginals have four guaranteed seats within the parliament. It is done simply by according the Maori the opportunity to vote with the general populace or else to vote specifically for a Maori candidate. I do not know if that kind of a system is a solution in Nova Scotia but I would suggest that all across this country where we have sizeable aboriginal communities there is going to become a real need to study this.

Perhaps a paper could be generated by the Canadian Branch of the CPA as to how we can give an adequate voice to the aboriginal people and yet keep within the one person-one vote rule that we are trying to maintain.

Ron Russell, MLA

Fred Gingell: I really do not think this issue is a matter of money. I do not think there are great savings to be made because the first thing that MLA's need to fulfil their responsibilities is more resources.

As our Speaker said, we only spend something like 13 cents of every 100 dollars on running the



British Columbia

legislature. Nor as other speakers have noted is there one size that fits all. We all have to deal with the circumstances that are peculiar. Someone from Newfoundland said he gets 25 to 30 calls a day. If he works 250 days a year that is a call from every single constituent. My constituency is an urban rural one with a majority of the population living in the urban area. It has a population of around 50,000 people. I am able to respond to all my phone calls, I am able to look after my constituency work, but I certainly could do a better job with more resources.

Another issue we need to think about is the role of MLAs in the total government scheme. I only got elected in 1991, I am in my first term. There is a lot of talent in the legislatures and we should all play a much more meaningful role. Whether we are in opposition or in the government side. Our building was designed to fit comfortably about 55 to 60 MLAs, 75 is a real squeeze. It seems to me that to reduce the size of our legislature from 75 to 60 would still allow us to look after our responsibilities, would allow us to have more resources each and would also reflect the need that I think all Canadian legislatures face in recognizing that we are not going to solve that deficit until we recognize the government itself has to shrink. This is not just the number of people in the legislature but the number of roles and responsibilities that provincial governments take on. We simply cannot afford in the future the size of government that we had in the past. In 14 years, we have gone from spending something like 14% of gross provincial product, to spending almost 22% to deliver the same services. There is a major problem there and I think redefining the role of MLAs, making their work more meaningful, giving them more responsibility, giving them more resources is a step in the right direction.