

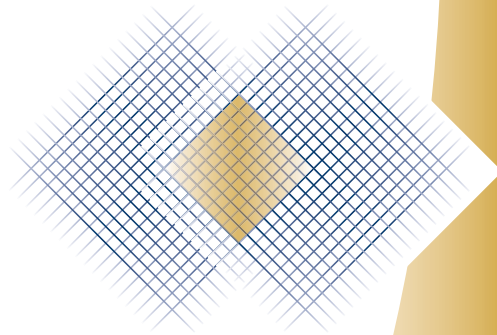


Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles

Drawing the line:

The Impact of Readjusting the Electoral
Boundaries on the Official Language
Minority Communities



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EXECUTIVE SUMMARY

Federal electoral boundaries are readjusted after every decennial census. An electoral boundaries commission is therefore established in each province, to reflect any changes and shifts in Canada's population, and to ensure that there is effective representation in the House of Commons. There are 10 electoral boundaries commissions; the Yukon, Nunavut and Northwest Territories each have only one electoral district and do not need a commission.

The electoral boundaries commissions are federal institutions that are subject to the *Official Languages Act*. This means that, as well as meeting their obligations to communicate with the Canadian public in both official languages, the commissions must ensure compliance with the government's commitment to enhance the vitality of the English and French linguistic minorities in Canada, as set out in Part VII of the *Official Languages Act*. Therefore, they should consider the impact of their decisions on official language minority communities.

During the last readjustment in 2002-2003, it was brought to the attention of the Commissioner of Official Languages that some commissions did not fully meet their linguistic obligations with respect to official language communities. Some of these situations were investigated. However, as others were reported after the new electoral map had been approved by Parliament, it was impossible to proceed with an investigation. In order to review all of these situations and determine whether there are any systemic problems, the Commissioner decided to carry out a study on the whole issue.

The study examines the mechanisms introduced by the commissions and by Elections Canada, which provides the commissions with support services to assist them in carrying out their linguistic obligations during the readjustment process. The study shows that the commissions had been made aware of their linguistic obligations from the moment they were established. However, it would appear that this was not enough to ensure that all of the commissions complied with their linguistic obligations.

First of all, there were shortcomings in terms of the use of the media by the commissions to inform official language communities about the proposed readjustments. Information published in official language majority newspapers was generally more complete than the information published in media aimed at official language minority communities. The equal status of both official languages was therefore not respected by the commissions, and this had an impact on official language minority communities.

Furthermore, the study shows that three commissions, in New Brunswick, Alberta and Ontario, did not give due consideration to the government's commitment to enhance the vitality of official language communities.

There were two investigations of the New Brunswick commission. In the case of Madawaska-Restigouche electoral district, the Commissioner agreed that the commission had taken the facts submitted into account, and that it had evaluated the impact of its decisions on the official language community. Whereas, for the Acadie-Bathurst district, the Commissioner felt that the commission had not properly assessed the facts that had been presented, and that it had not met its obligations under Part VII of the *Official Languages Act*. A Federal Court decision (*Raïche v. Canada*) required the government to establish a second commission, which ruled that the Francophone communities of Allardville, Saumarez and Bathurst should be returned to the electoral district of Acadie-Bathurst.

There was one investigation into the Alberta commission for the electoral district of St. Albert. The commission decided to include the population of St. Albert in the Edmonton district to create the new electoral district of Edmonton-St. Albert and to add the populations of Legal and Morinville to the district of Westlock-St. Paul. However, the Francophone communities in these three towns argued that they shared a very strong community of interest and that they wanted to remain within the same electoral district, particularly because they are part of a long-acknowledged historical Francophone corridor. The Commissioner of Official Languages decided that the commission had not given proper consideration to enhancing the vitality of the Francophone communities in question and recommended that the commission review its decision in light of its linguistic obligations. The commission ignored this recommendation.

In Ontario, two Francophone communities in the Northern part of the province denounced the decisions of the commission. However, the redistribution process was too advanced for the Commissioner to attempt to correct the situations in question. In one instance, the district of Timiskaming-Cochrane, which included a significant Francophone community, was eliminated. Without ever being consulted, this community was split among three different electoral districts, which greatly affected its influence and representation.

As for the Francophone communities in small municipalities all the way from Hearst to Smooth Rock Falls, they were removed from the district of Timmins-James Bay and placed in the electoral district of Algoma-Manitoulin, with which they feel they have nothing in common. All of their political, economic, cultural and social ties have undergone upheaval as a result. The study shows that the commission did not really measure the impact of its decisions on the official language communities.

The study also shows that only a few commissions demonstrated foresight by ensuring that they would take the official language communities in their districts into consideration when the time came to consider “communities of interest” in the electoral redistribution process. These are the commissions for Manitoba, Prince Edward Island and New Brunswick. The latter nevertheless experienced a number of problems, as illustrated by the complaints that were received. The previous commission had also had two complaints filed against it, which were founded.

To summarize, official language communities should not have their vitality weakened by the decisions of federal institutions that are required to comply with the government’s commitment to support their development and enhance their vitality under Part VII of the *Official Languages Act*. The commissions, by failing to give due regard to the networks of relationships that exist in official language communities as a result of their ongoing efforts, are contributing in varying degrees to weakening official language communities and marginalizing them from both the economic and social standpoints.

The Commissioner of Official Languages therefore recommends to the government that it make certain improvements to the *Electoral Boundaries Readjustment Act* to ensure that the electoral boundaries commissions comply with the government’s commitment to enhance the vitality of the official language communities and support their development.

The Government has indicated that it is open to considering changes to improve the *Electoral Boundaries Readjustment Act*, including those recommended by the Commissioner of Official Languages, in time for the next decennial census in 2011. In that context, the Government emphasizes that the principle of effective representation, as reflected in the *Charter of Rights and Freedoms*, as well as the independent nature of the electoral boundaries readjustment process, must be upheld. The Commissioner fully supports this position.

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STUDY BACKGROUND

Federal electoral districts are readjusted after every decennial census. An electoral boundaries commission is established in each province to review the population distribution in electoral districts in order to ensure that the population is effectively represented in the House of Commons. To that effect, each commission must divide the province into electoral districts making sure the population is distributed as equally as possible among each district. Each commission must also give due regard to the geographic size of districts as well as to human factors such as the community of interest, the community of identity, and the historical pattern of the district.

The electoral boundaries commissions (hereinafter referred to as commissions) are federal institutions that are subject to the *Official Languages Act*. During the last readjustment in 2002-2003, the Office of the Commissioner of Official Languages received complaints against two commissions alleging that they had not taken into account the federal government's commitment to enhance the vitality of the English and French linguistic minorities in Canada, pursuant to Part VII of the *Official Languages Act*. Furthermore, after the readjustment process was over and the commissions disbanded, additional representations were made to the Commissioner with respect to another commission. As the complaints and requests for action came from different parts of the country, the Commissioner decided to undertake a Canada-wide study of the issue. The study began in the summer of 2005.

OBJECTIVES

The purpose of the study is to focus on how the commissions carried out the government's commitment to enhance the vitality of Francophone and Anglophone minorities under Part VII of the *Official Languages Act*. Among other things, it looks at the mechanisms put in place by the commissions to take the vitality of official language minority communities into account in their readjustment decisions, particularly in applying the concepts of community of interest or community of identity or the historical pattern of an electoral district, concepts which, under the *Electoral Boundaries Readjustment Act*, they are required to take into consideration.

The findings of the study will serve to enlighten the government about what action needs to be taken, where applicable, to ensure that the commissions fully uphold the government's commitment to official language communities, with due regard to the impact of their decisions on these communities. This has become even more important since the adoption of Bill S-3 in November 2005, which strengthens the scope of Part VII of the *Official Languages Act*. From now on, federal institutions shall “ensure that positive measures are taken” to “enhance the vitality of the English and French linguistic minority communities.”

Lastly, one of the objectives of the study is to ensure that the investigatory powers of the Commissioner of Official Languages, to protect the language rights of official language communities, are fully recognized by the commissions without thereby affecting the independence of commissions, which remains a basic principle.

The study is based on sections 56, 57 and 58 of the *Official Languages Act*. Section 56 provides that “It is the duty of the Commissioner of Official Languages to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act.” In order to do so, “It is the duty of the Commissioner... to conduct and carry out investigations either on her own initiative or pursuant to any complaint made to the Commissioner.” Section 57 stipulates that “The Commissioner may initiate a review of any regulations or directives that affect or may affect the status or use of the official languages.” Section 58 concerns the investigation of complaints received by the Commissioner. The provisions of Part IV, on services to the public, and the provisions of Part IX, on the powers of the Commissioner, were also taken into account.

The commissions are institutions established under an Act of the Parliament of Canada. They are subject to a legal framework that includes, not only the legislation that governs them and establishes their mission, but also other federal legislation, including the *Official Languages Act*. They are therefore required, among other things, to comply with Parts IV (Communications with and services to the public) and VII (advancement of English and French) of the Act. Accordingly, and when appropriate, they should include in their report, in a clear and detailed manner, the results of their assessment on the impact of their decisions concerning any official language minority communities.

The study also factors in the provisions of the *Electoral Boundaries Readjustment Act* and how they relate to the *Official Languages Act*.

METHODOLOGY

The study will examine the work of the 10 commissions and Elections Canada, which plays a critical role by providing the commissions with professional, administrative and support services.

The findings of the Office of the Commissioner of Official Languages' three investigations into the complaints received against the commissions for the province of New Brunswick and the province of Alberta were taken into account. Situations brought to our attention after the Ontario commission had disbanded were also reviewed.

The documents produced by the commissions and the minutes of the public hearings that were available were also analysed. Any opposition by Members of Parliament (MPs) and the responses from each commission were reviewed as well. Moreover, we consulted documentation prepared by Elections Canada and the section on its Internet site entitled *Federal Representation 2004*. Elections Canada representatives were also interviewed. The report of the Chief Electoral Officer entitled *Enhancing the Values of Redistribution*, tabled in Parliament in May 2005, was also taken into consideration.

The minutes and report of the Standing Committee on Procedure and House Affairs, and of the Sub-committee for Electoral Boundaries Readjustment, as well as those of the House of Commons Standing Committee on Official Languages, were also reviewed. Representatives of official language communities in New Brunswick, Alberta and Northern Ontario were interviewed. Two electoral commission members were consulted. We also consulted an expert in this field, Prof. Denis Duval of the Université de Moncton, and reviewed the relevant case law.

CONSTITUTION AND OPERATION OF COMMISSIONS

The federal electoral districts in each province are redistributed after every decennial census, to reflect any changes and shifts in the population and to ensure that there is effective representation in the House of Commons. There are 10 commissions. As the Yukon, the Northwest Territories and Nunavut each have only one electoral district, there is no need for a commission.

Each commission shall consist of three members: a chair who is a judge appointed by the Chief Justice of the province in question, and the other two appointed by the Speaker of the House of Commons. The commissions are independent of the government. Their task is to redraw a province's electoral map to ensure, as closely as is reasonably possible, that each electoral district has approximately the same number of voters. This is achieved by dividing the total population in the province by the number of seats it has in Parliament. The result is called the "electoral quota" or "electoral quotient". For example, the population of Alberta was 2,974,807 in the 2001 census for a total of 28 seats in Parliament. Each electoral district should therefore have corresponded as closely as possible to the provincial quotient of 106,243.

Under the *Electoral Boundaries Readjustment Act*, each commission must also take the following factors into consideration in carrying out the redistribution: (i) the community of interest, the community of identity or the historical pattern of an electoral district and (ii) a concern to maintain a manageable geographic size for districts in sparsely populated regions. This act prescribes a maximum deviation of 25% between the population within an electoral district and the electoral quotient established for the province. The 25% range can only be exceeded in circumstances viewed by the commission as being extraordinary, and it must provide a rationale for doing so.

Each commission proposes an initial electoral map, which is published in the *Canada Gazette* and in at least one newspaper of general circulation in the province prior to the start of hearings, in order to learn about citizens' opinions concerning the proposals. Following the public hearings, the commissions table a report in Parliament for study by the MPs. The commissions then review any objections from MPs and make a final decision within a prescribed time period.

The Chief Electoral Officer then submits a draft *Representation Order* to Parliament which includes the following information: the number of federal members of Parliament to be elected in each province; the number of electoral districts for each province; the limits of each district including its total population; as well as the name of each district. The order is brought into force by proclamation of the Governor in Council within five days of its being sent to Parliament.

FINDINGS

Information about official languages given to the commissions

In a previous investigation in 1996, the Office of the Commissioner of Official Languages found that Elections Canada, which provides administrative and support services to the commissions, should have given them more information and guidance about the linguistic obligations that impinge upon their work.

At a conference of all commission members in Ottawa, in March 2002, the Chief Electoral Officer invited the Commissioner of Official Languages to speak to the commissions. In her lecture, entitled *Communities of Interest and Official Language Communities*, the Commissioner drew the participants' attention to the fact that Canada is based on values, that the *Official Languages Act* is there to defend and promote Canada's linguistic duality, and that the English- and French-speaking communities must be able to advance and develop in an environment that respects them.

With respect to Part VII of the Act, the Commissioner reiterated that “language is more than a form of currency. Language is essential to the identity of the people who develop and grow in a community, and in the networks and institutions developed by that community. The creation of relationships is a response to a very concrete need, and the protection, development and vitality of minority communities are based on Canada's national identity.”

The Commissioner goes on to point out to the commissions that they have a powerful tool to defend official language minority communities, namely section 15 of the *Electoral Boundaries Readjustment Act*, which enables them to take into consideration the “community of interest or community of identity in or the historical pattern of an electoral district in the province”.

An information kit on official languages prepared by the Office of the Commissioner was distributed to them, and the Commissioner offered her services and those of her regional staff. The commissions were, therefore, well informed of their linguistic obligations before undertaking their work.

Access by commissions to demographic data about official language minority communities

Specialized staff of Elections Canada was available to each commission to help them prepare their electoral map. The commissions benefited from software that enabled them to visualize the readjustment options through topographic maps to which demographic data from the Statistics Canada census was incorporated. Data on the linguistic composition of the population were available to facilitate the development of readjustment alternatives.

However, the availability of data on mother tongue or the public's knowledge of both official languages does not necessarily establish communities of interest. It serves to identify the presence of a minority official language population within a given area. Each commission is therefore responsible for ensuring that the community of interest or community of identity or the historical pattern of an electoral district is taken into consideration during the readjustment. In fact, the commissions hold public hearings precisely to take such human factors into account.

Findings of our investigations into complaints against commissions

The following is a summary of the findings of the three investigations carried out by the Office of the Commissioner in response to complaints received against some commissions when they were redrawing the electoral boundaries. The two situations that were brought to our attention in the winter of 2005, after the Ontario commission had disbanded, are also summarized.

Acadie-Bathurst (New Brunswick)

On January 10, 2003, the New Brunswick commission filed its proposed redistribution. The report of the commission was tabled in the House of Commons on February 12, 2003. During the days that followed, the Commissioner received complaints against this commission. The complainants challenged the proposed changes, which would transfer the parish of Allardville, part of the parish of Saumarez and part of the parish of Bathurst to the Miramichi electoral district, which has an Anglophone majority.

The complainants maintained that this proposal would be prejudicial to Francophones, that it ran counter to the concepts of community of interest and linguistic identity and that the population in question had no historical, economic, administrative or cultural ties with the population of Miramichi.

During public hearings, several people submitted briefs or spoke before the commission, arguing on the basis of community of interest and community of identity. In their view, it was difficult to find a population with a common history and as linguistically homogenous and culturally distinct than the population of Acadie-Bathurst. They emphasized the efforts that had been pooled for the region's economic development. The populations that the commission wanted to transfer to Miramichi used public and federal services in the Bathurst region, and used the shopping centre and other services within the electoral district. Thus, a strong social cohesion bound this population together. In support of their claim, these individuals submitted a petition with 2,656 names.

At the public hearing in Beauséjour on October 17, 2002, Prof. Denis Duval of Université de Moncton presented a lengthy report on communities of interest in New Brunswick, and demonstrated that Acadie-Bathurst was a genuine community of interest.

Only one of the briefs submitted at the public hearings concurred with the commission's proposal, and this on economic grounds. Nevertheless, when the commission tabled its report in the House of Commons after the public hearings, it maintained its initial proposal to increase the population in the Miramichi electoral district, and argued that its decision was based on the public hearings held throughout the province.

The Commissioner of Official Languages, following her investigation, felt that the commission had not given due regard to the government's commitment to enhance the vitality of the official language community and that it had not fully examined the impact of its decisions on the community of Acadie-Bathurst, as required under section 41 of the *Official Languages Act*.

The commission's report was reviewed by the MPs sitting on the Standing Committee on Procedures and House Affairs, and more specifically by the Sub-committee for Electoral Boundaries Readjustment. The House of Commons Standing Committee on Official Languages also reviewed the report and made recommendations. The commission modified its final report slightly, but without entirely concurring with the opponents. Dissatisfied with the

commission's final report, and even though the *Representation Order* had been adopted by Parliament, the opponents brought the case before the Federal Court, with the support of the Commissioner, and requested a judicial review.

In *Raïche v. Canada (Attorney General)*,¹ the court pointed out that the Supreme Court of Canada had ruled that the purpose of the right to vote, guaranteed by the *Canadian Charter of Rights and Freedoms*, section 3, is to afford effective representation and not just parity of voting power. The judge indicated that the commissions are in fact required “to balance conflicting policies: on the one hand, the policy of voting power parity, which stresses the importance of the individual; and on the other, the principle of community of interest, which stresses the group.” In its decision, announced on May 11, 2004, the Court ruled that the commission had tried to apply Part VII of the *Official Languages Act* according to the intent of the legislator, but had not succeeded because its conclusions on the facts were erroneous.

Following this decision, a new commission was established on October 22, 2004, to review the electoral boundaries at issue. The commission resumed its work, came up with a proposed redistribution, held public hearings and prepared a final report that was tabled in the House of Commons on December 9, 2004. In this report, the commission decided to return to the status quo, because the parishes of Allardville, Saumarez and Bathurst share a common language and therefore belong to a cultural community, which was an important component of their collective identity.

In addition to the language factor, the commission gave, as a rationale for its decision, a number of other factors pertaining to the community of interest, namely economic ties, consumer and recreational behaviour, lifestyle and work, and access to public services, educational services and health services. The parishes of Allardville, Saumarez and Bathurst were therefore returned to the electoral district of Acadie-Bathurst, of which they were part prior to the redistribution of 2002-2003.

Madawaska-Restigouche (New Brunswick)

The commission submitted its proposed electoral map on May 6, 2002. It recommended that the communities of Grand Falls, Saint-André and most of the parish of Drummond be transferred to the Madawaska-Restigouche electoral district, even though they had all been

1. *Raïche v. Canada (Attorney General)*, [2005], 1 FCR 93, 2004 FC 679.

part of the Tobique-Mactaquac electoral district since 1994. The rationale given by the commission for this proposal was the community of interest, electoral tradition and the legal challenge to the report of the previous commission.

Approximately 15 people spoke up at public hearings, arguing different points of view. Some supported the commission's position, while the communities in the municipalities of Grand Falls, Saint-André and Drummond, which were represented by their elected municipal representatives, said that they would prefer to remain in Tobique-Mactaquac.

Those in favour of the status quo based their argument on socio-economic factors. They argued that the economy in their municipalities was based primarily on potato farming and that it was preferable for them to stay within an agricultural electoral district rather than to be transferred to the district of Madawaska-Restigouche, which focussed more on forestry. The language factor was not of primary importance for the people of these communities.

Others supported the commission's decision by arguing that returning the three municipalities to Madawaska-Restigouche would correct the mistakes made in 1994. According to them, the three municipalities maintain very close cultural, historical and economic ties with the other municipalities in Madawaska-Restigouche and its citizens make use of services the Government of Canada provides either in Grand Falls or Edmundston.

In its final report, the commission opted to keep Grand Falls, Saint-André and Drummond in the electoral district of Tobique-Mactaquac, arguing that its initial proposal had been emphatically rejected by those who asked that the bilingual character of the district be respected, as well as the economic, cultural, social and historical communities of interest. The economic community of interest and the ability of those in favour of the status quo to speak with a single voice won out over the language factor.

The Commissioner of Official Languages felt that the people had had the opportunity to state their case with respect to the proposed redistribution and that the commission had taken the opinions expressed into consideration. The Commissioner therefore found that this complaint was unfounded because the commission had taken into account the consequences of the proposed changes in the district on the development and vitality of the official language minority community.

The following factors were used to determine the community of interest: from the language standpoint, the harmonious relationship between Anglophones and Francophones in the region as indicated by the majority of stakeholders, combined with the ties created by the specific economic interests, as well as historical ties and the rural nature of the district.

The communities of Grand Falls, Saint-André and virtually the entire parish of Drummond thus remained in the Tobique-Mactaquac electoral district, in which they had been included prior to the 2002-2003 redistribution.

Edmonton-St. Albert and Westlock-St. Paul (Alberta)

In August 2002, the Alberta commission submitted its redistribution proposal. One of its recommendations was to split the Francophone corridor formed by St. Albert, Legal and Morinville, which were part of the electoral district of St. Albert. The commission went on to recommend that Morinville and Legal become part of Westlock-St. Paul, a farming district, whereas St. Albert would join Edmonton as part of a more urban electoral district. It indicated that the populations living in the St. Albert region had more in common with the people of Edmonton than with the more remote agricultural communities.

The commission's report made no reference to the historical Francophone corridor of St. Albert, Legal and Morinville. At the public hearing in Edmonton, the Mayor of St. Albert and the MP for the district argued the concept of community of interest shared by these three communities i.e. a common Francophone heritage, as well as a historical community of interest. Francophones, whose roots contributed to the settlement and development of the province, founded these communities.

The bonds that link them mean that even today, in spite of their small numbers, the Francophone population of these three communities remains united and share many commonalities. It was important to keep these three communities of Francophone origin within the same electoral district to enable them to continue to develop and advance. Together, they developed a French-language public school system administered by the same school board and a community centre located in Legal. The Chambers of Commerce of the three communities meet regularly to discuss joint projects and the sharing of services.

The municipal councils of Legal and Morinville supported the position taken by St. Albert, which asked the commission to acknowledge the historical Francophone corridor and to consider this heritage in their redistribution decision. Also emphasized were the existing ties among the three cities, in education and health care. The supporters of the commission's position put forward economic arguments, as well as arguments relating to the rural or urban nature of the municipalities and the delivery of shared services. No one, however, referred to the historical Francophone corridor or the impact of the redistribution on the Francophone community of the three municipalities.

The commission upheld its decision in its final report. It did not explain the impact of its decision on the official language minority community in any clear or detailed manner. The commission added in its report that it rejected “the narrow conception of identity politics as a basis for drawing boundaries.” However, under section 15 of the *Electoral Boundaries Readjustment Act*, the community of interest, the historical pattern of an electoral district or its community of identity can be considered in the redistribution process. According to the Supreme Court, in the *Carter* judgement,² “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.”

In the course of the House of Commons' review of the report, the MP for St. Albert emphasized the community of interest and the need to maintain the historical Francophone corridor. The House of Commons Standing Committee on Official Languages heard witnesses on this issue and made recommendations against the commission's decision. The Commissioner of Official Languages found that the commission had not taken into account the facts that were submitted and that it had not assessed the potential consequences of the proposed change on the official language community and on its vitality, as it was required to do pursuant to section 41 of the *Official Languages Act*.

In the course of this study, we referred to Alan Stewart's³ list of 31 community of interest indicators, to select: the language spoken by members of the minority community; the historical ties between St. Albert, Legal and Morinville; the ties created by specific economic interests related to the historical Francophone corridor, and specifically the Legal Francophone Murals, which have become a well-known tourism attraction in the province; the dates when the communities were officially established; the boundaries of the Francophone public

2. *Reference Re: Provincial Electoral Boundaries (Saskatchewan)*, [1991] 2 S.C.R. 158.

3. Alan Stewart, “Community of Interest in Redistricting” in David Small, (ed.), *Drawing the Map: Equality and Efficacy of the Vote in Canadian Electoral Boundary Reform*, Toronto, Dundurn Press, 1991, pp. 117-174.

school board and its deep significance for the Francophone community; in addition to access to health care in French. In the view of the Commissioner of Official Languages, these factors were sufficient to identify an official language community of interest needing to be protected.

The Alberta commission maintained its decision to split the official language communities of St. Albert, Legal and Morinville. The city of St. Albert was attached to the electoral district of Edmonton-St. Albert, whereas the towns of Legal and Morinville were both transferred to the electoral district of Westlock-St. Paul.

Northern Ontario

There are many Francophone communities in Northern Ontario. The region was deeply affected by the last federal electoral district redistribution when it lost a district, thus reducing the number of electoral districts in the area from 11 to 10. This is a significant loss of political weight attributable to the population decline in the northern part of the province.

The commission's redistribution proposal was presented on July 8, 2002. At first glance, the changes it was recommending for the North did not appear to affect the region's Francophone communities in any particular way. The commission had taken into consideration the recent municipal amalgamations to enlarge the Sudbury district. Consequently, Francophone communities did not participate very actively in the public hearings held in Timmins and Sudbury.

Following the public hearings, the commission reviewed its original proposal and amended it significantly, as shown in the report it tabled in the House of Commons. The Francophone communities of Northern Ontario made urgent representations to their Members of Parliament to have things changed, but there was not enough time. The Commissioner of Official Languages then received several communications condemning the situation, but she was unable to investigate because the commission had already been disbanded.

Algoma-Manitoulin-Kapuskasing (Ontario)

In the commission's final report, which was released on March 26, 2003, the population of the towns and municipalities with a strong Francophone presence, from Hearst to Smooth Rock Falls, was transferred from the electoral district of Timmins-James Bay to Algoma-Manitoulin-Kapuskasing. Members of the communities concerned quickly contacted their MP to voice their strong opposition to the change. The municipalities voted official resolutions opposing the commission's report, which failed completely to take their community of interest into consideration.

In the course of our study, we met the representatives of the communities affected by the decision. They told us about the impact of the situation on their respective communities, which were supportive of each other and had developed, over the years, close ties of various types for mutual assistance. The common language enabled them to forge economic and social relationships that are reflected in the organization of provincial health services, the creation of networks for the region's economic development and the administration of French-language schools. Even the various sports activities were organized based on the East-West road network that links these municipalities together.

There is nothing to bind this group of small heavily Francophone communities in Northern Ontario to Algoma-Manitoulin. In this district, Francophones feel they no longer have any political power. For example, one participant pointed out that there were virtually no federal agencies in the new electoral district. All of the networks introduced over the years to foster communication with MPs and federal institutions around Timmins-James Bay and all the opportunities they had to work together on common objectives and development projects were called into question. It is very difficult under these circumstances to speak of effective representation for these official language minority communities.

Timiskaming-Cochrane (Ontario)

The electoral district of Timiskaming-Cochrane no longer exists as stipulated by the Ontario commission's report. This decision was reached after the public hearings, without ever consulting the citizens of the district, some 30% of whom are Francophones. Indeed, the only remaining opportunity for the Francophone community to argue for the community of interest and community of identity of the district was the review of the report by MPs in the House of Commons.

This agricultural district, largely made up of farmers and dairy producers, has in fact, for many years, represented people who helped develop this area of the country. The historical pattern of the district was, nevertheless, recognized for many years, since it accounted for 63% of all agricultural land in Northern Ontario. The representatives interviewed argued that they had to fight to ensure that their language rights were respected. They spent years building networks of relationships for municipal services, education, health care, social and community life, culture and sport. Now dispersed in three different electoral districts in which agriculture is not a common focal point, they feel like outsiders.

For example, the Dairy Producers Association is now divided into three parts, which makes its work much less effective because of the considerable distances separating the various communities in Northern Ontario. More efforts must be made now with three different MPs in order to obtain the support of federal authorities. Furthermore, the potentially reduced political sensitivity to the demands of farmers in districts that are more focussed on other sectors, such as mining, is not at all reassuring for these francophone communities.

People are concerned about the situation because it is making the relationships that they took years to develop more vulnerable or even destroying them. That is why they were quick to express their fierce opposition to the commission's decision. However, because the public hearings were over, it was too late to hope to change the commission's decision, which was opposed by both federal and provincial elected representatives, the municipal authorities, the school boards, the farming co-operatives, the farmers and the church authorities.

Conclusion for Northern Ontario official language minority communities

In the two cases described above, we have identified as community interest indicators the language factor that is the basic element that binds these communities together; the development of social and cultural ties; economic ties; access to public services, social services and health services; ties created by the specific economic interests found in farm, mutual assistance and development co-operatives; along with significant historical ties that have developed in these communities; the boundaries of the French-language school boards, and the highway system that connects them all. The Commissioner of Official Languages is of the opinion that they are official language communities of interest that deserved protection from the commission.

In both cases, the Commissioner finds that the commission did not meet the government's commitment to enhance the vitality and assist in the development of these two Francophone communities in Northern Ontario as stipulates Part VII of the *Official Languages Act*. The commission did not evaluate the impact of its decisions on the development of these communities. There is therefore a significant loss of linguistic rights for these two communities, as well as a loss of political influence and weight, aggravated by the fact that in 1996, the Government of Ontario decided to adopt the federal electoral boundaries for its provincial electoral map.

Mechanisms used by the commissions to take official language minority communities into account

We analysed the redistribution proposals of all the commissions in order to identify what guidelines they had adopted in order to respect the linguistic duality recognized in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*. The *Electoral Boundaries Readjustment Act* allows the commissions to consider “the community of interest or community of identity in or the historical pattern of an electoral district”.

The commissions could, therefore, once they have identified official language minority communities, establish criteria to ensure that they take these factors into consideration during the course of the redistribution process.

Moreover, our analysis of the commissions' proposals raises some concerns. Among all the reports from the commissions of the Western provinces, only the one from Manitoba indicates that it took linguistic duality and official language communities into account. In its redistribution proposal, the Manitoba commission, therefore, clearly explained what

factors it had considered relevant in examining the concept of community of interest and that related to linguistic duality. Of the six factors listed, the commission took into account “the ethnic and linguistic features of communities.”

As for official language minority communities in British Columbia and Saskatchewan, consultations conducted by the staff of the Commissioner of Official Languages indicate that the changes made to the electoral boundaries in 2002-2003 did not affect them.

The Ontario commission is silent about the community of interest as it relates to the presence of Francophone minority communities. As for the Quebec commission, it did not refer in any way to the Anglophone community in its redistribution proposal. However, we did not find any interventions to indicate dissatisfaction from this community at the public hearings. The regional staff of the Office of the Commissioner of Official Languages, during our consultations, corroborated this.

The Prince Edward Island commission, for its part, ensured that it would act on “the desirability of having one of the province’s largest communities in each of the four electoral districts.” The commission contends that, “While this is not a determining factor, it does provide a sense of a balance to each electoral district.” The commission refers to the province’s Francophone and Acadian community, although it does not name it specifically.

The New Brunswick commission referred frequently to the presence of Anglophones and Francophones as a factor to be taken into consideration in the only officially bilingual province of Canada. The commission indicated that it had taken this factor into account in its initial proposal. It added that it was also important to give consideration to the bilingual nature of certain electoral districts when other factors were being looked at, such as the economic factor, and to avoid carving up the electoral districts on the basis of a “community of identity” rather than on the basis of the “community of interest.”

The proposals from the Nova Scotia and Newfoundland and Labrador commissions were mainly interested in the relative parity of the voting weight and had no impact on official language minority communities.

Our analysis, therefore, confirms that linguistic duality and the vitality of official language minority communities were not, for several of the commissions, important factors to be considered when they were reviewing the “community of interest” to redraw the federal electoral maps in 2002-2003.

Recommendation 1

The Commissioner of Official Languages recommends that, by June 2009, the government review subparagraph 15(1)(b)(i) of the *Electoral Boundaries Readjustment Act* to make it consistent with sections 16 to 20 of the *Canadian Charter of Rights and Freedoms*, and with the provisions and spirit of Part VII of the *Official Languages Act*, to ensure that official language minority communities are clearly identified and included in the definitions of “community of interest” or “community of identity” to be taken into account by the electoral boundaries commissions.

An Act that is silent about “community of interest”

The *Electoral Boundaries Readjustment Act* does not define the concepts of “community of interest” or “community of identity”. It is therefore up to the commissions themselves to interpret what they mean and to determine how they are applied. The article by Alan Stewart, in one of the studies published by the Royal Commission on Electoral Reform and Party Financing entitled “Community of Interest in Redistricting,”⁴ invites us to consider community of interest as a practical concept rather than a theoretical abstraction. Thus, by reviewing all of the reasons set forth by citizens at public hearings to justify the existence of a community of interest, he listed a series of indicators that reveal its presence.

According to Stewart, a community of interest is based on the principle that a group of people living in a specific geographical area share common values and attributes. Thus, when the public is consulted on electoral redistribution, people tend to refer to values and concepts that relate to their community. Belonging to an organization or group indicates that people that are part of it share values, which results in a feeling of identification with the community. The community of interest, therefore, promotes participation in social and political life, and that is why it must be taken into consideration during the redistribution process.

These are the indicators that Prof. Denis Duval of the Université de Moncton studied and analysed in a report submitted to the New Brunswick commission, and to the Federal Court in *Raïche v. Canada (Attorney General)*. According to Prof. Duval, these indicators

can be used to identify communities of interest in a given geographical area, such as within a province. This is in fact what he demonstrated for New Brunswick, to the satisfaction of the Federal Court.

Without going into specifics, according to Prof. Duval, the “linguistic factor” is “an indicator that does much more than illustrate that there is a community of interest. Language is a factor that structures the community... It embodies a collective culture, identity, history and will.”⁵

In fact, Prof. Duval’s position is similar to the position of the Commissioner of Official Languages, as indicated in her lecture to the commissions in March 2002 in which she said, “language is an essential element of individual identity as it develops and grows in a community, in networks and in the institutions that a community creates. The establishment of networks meets a very concrete need. Language allows people to preserve their identity and to maintain a community of interest, and also to prevent economic and social marginalization.”

In this study, we also used the language factor, in combination with some of the other factors listed in Alan Stewart’s papers, to demonstrate that the official language minority communities that had requested the intervention of the Commissioner to protect their language rights were justified in doing so four times out of five. For a variety of reasons, several commissions clearly did not understand the importance of these issues.

In his report on the electoral distribution carried out in 2002-2003, submitted to the government in May 2005 and entitled *Enhancing the Values of Redistribution – Recommendations of the Chief Electoral Officer of Canada following the Representation Order of 2003*, the Chief Electoral Officer of Canada recommended adding a paragraph to section 15 of the *Electoral Boundaries Readjustment Act* to clarify the concepts of “community of interest” and “community of identity.” Thus, the commission should consider demographic and sociological characteristics, municipal and local boundaries, economic ties and any other factors that it feels provide evidence of the existence of a community of interest.

5. Denis Duval, “Rapport d’étude des limites des circonscriptions proposées par la Commission de délimitation des circonscriptions électorales fédérales pour le Nouveau-Brunswick” [report on the study of the boundaries of electoral districts proposed by the New Brunswick Electoral Boundary Commission], Université de Moncton – Edmundston Campus, New Brunswick, October 17, 2002, p. 31.

Our study shows that in addition to the language factor, there are other factors to be considered when commissions are looking for evidence of the existence of a community of interest. These factors vary from one official language community to another, as each community has its own specific characteristics. An official language minority community in New Brunswick does not have the same characteristics as a minority community in Saskatchewan. Additional research must be carried out to further clarify what these communities of interest are before proceeding with the next electoral redistribution.

Recommendation 2

The Commissioner of Official Languages recommends that the government specifically mention official language minority communities in the new paragraph to be included in section 15 of the *Electoral Boundaries Readjustment Act* to ensure that the commissions are required to take them into consideration in the redistribution process.

Recommendation 3

The Commissioner of Official Languages recommends that the government provide immediate support for research into a definition of the main factors for communities of interest to ensure consistency with sections 16 to 20 of the *Canadian Charter of Rights and Freedoms* and Part VII of the *Official Languages Act*, prior to the 2011 redistribution.

Information from the commissions intended for the public

In the last redistribution, two complaints were filed against the Ontario commission because it had not included an insert in French in French-language weekly newspapers in Toronto and Sudbury, whereas it has done so in English in English-language daily papers in Ontario.

The investigation showed that the complaints were founded because the Ontario commission had not given French-language communities in Toronto and Sudbury treatment equal, from the media standpoint, to that given the majority communities. In addition, the analysis of the general communications plan prepared by Elections Canada for the commissions showed that the scope of the *Official Languages Act*, as well as the equality of status of French and English were not fully respected. The list of priorities in the Elections Canada communications plan does not mention official language minority communities.

Thus, in the English-speaking provinces, the plan recommended placing a full insert in daily newspapers explaining the electoral redistribution, aimed at informing the public and engage participation in the public hearings. In the French-language weeklies, a half-page advertisement invited Francophone readers to contact Elections Canada or the commission to obtain a French-language version of the proposed redistribution.

In Quebec, the communications plan recommended publishing an advertisement including the English version of the insert in the daily newspapers *The Gazette* and the *Sherbrooke Record*. Elsewhere, a half-page advertisement in local and regional weekly papers invited Anglophone readers in the community to contact the commission to obtain a full version of the insert in English. The Quebec commission's insert was to also be placed in the province's French-language daily newspapers.

This manner of proceeding does not respect the equal status of English and French and contradicts the provisions of section 11 of the *Official Languages Act*, which clearly stipulates that:

“A notice, advertisement or other matter that is required or authorized by or pursuant to an Act of Parliament to be published by or under the authority of a federal institution primarily for the information of members of the public shall, wherever possible, be printed in one of the official languages in at least one publication in general circulation within each region where the matter applies that appears wholly or mainly in that language and in the other official language in at least one publication in general circulation within each region where the matter applies that appears wholly or mainly in that other language.”

Official language minority communities do not have the communications resources available to the majority communities. Most of the time, the only print media they have are the weeklies. Not distributing the full insert about the redistribution in the weeklies for the official language minority communities constitutes an obstacle to public participation in this democratic exercise, which includes consultations on electoral boundaries and the eventual exercise of the right to vote. The communities’ right to effective representation in Parliament was adversely affected.

Besides print media, the information was available in the *Canada Gazette* and on the Elections Canada Internet site, in the section entitled *Federal Representation 2004*. This section is certainly very useful, but it is important to remember that technological access varies within the Canadian public, greatly influencing ease of Internet access. Indeed, communities that are far from major centres do not always have access to wideband Internet. However, this type of connection is necessary to efficiently consult Elections Canada’s Internet site. In short, the official language minority communities did not receive information of equal quality nor the equitable treatment to which they were entitled pursuant to the *Official Languages Act* and the equal status of Canada’s two official languages.

Recommendation 4

The Commissioner of Official Languages recommends that the government amend section 19 of the *Electoral Boundaries Readjustment Act* by June 2009 to clearly indicate the commissions' obligation to publish notices and their proposal for electoral redistribution in newspapers that are likely to reach official language minority communities across Canada, just as they must do so for official language majority communities.

Recommendation 5

The Commissioner of Official Languages recommends that Elections Canada ensure, during the next electoral redistribution, that the communications plan prepared for the commissions respects the provisions of the *Official Languages Act* and the equal status of both official languages.

In his report on the redistribution, the Chief Electoral Officer recommends (recommendation 3.3) that the commissions be required to disseminate their initial proposal “through means it determines most appropriate to reach the largest number of people.” Although we agree with this objective, we do not fully agree with the wording of this recommendation. In our view, with respect to communications, the commissions need a legal framework that is more binding and more consistent with the provisions and spirit of the *Official Languages Act*, in order to reach all the official language minority communities in Canada.

Recommendation 6

The Commissioner of Official Languages recommends that the government ensure that all new provisions of the *Electoral Boundaries Readjustment Act* concerning information intended for the public from the commissions, specify that the information must always be disseminated, entirely, in both official languages, and that the commissions must ensure the use of equivalent media that effectively reaches the official language communities, in compliance with the provisions and spirit of the *Official Languages Act*.

Difficulties in making changes to the commissions' proposals

The comparison between the commissions' proposed redistribution and their final reports shows that changes made by the commissions are, except in special circumstances, rather small. Indeed, only the Ontario and Saskatchewan commissions made truly substantial changes to their initial proposal after public hearings were held.

There are several reasons for this. Initially, there is the time and care spent by the commissions to finalize their redistribution plan with the assistance of the technical staff on loan from Elections Canada, Statistics Canada and Natural Resources Canada. Indeed, in arriving at a reasonable plan, there are many hours spent examining the various redistribution options. Then, once the redistribution proposal has been made for an entire province, it is difficult for a commission to make substantial changes to an electoral district without causing a chain reaction of modifications to neighbouring electoral districts, particularly when they must comply with the provincial quota established at the beginning of the process, under the *Electoral Boundaries Readjustment Act*.

Consequently, it is extremely important for official language minority communities to explain their community of interest or community of identity early in the redistribution process. Under the existing Act, this can only be done at the public hearings after the commission has already filed its proposal.

In order to improve public participation in the electoral redistribution process, the Chief Electoral Officer has suggested that section 19 of the *Electoral Boundaries Readjustment Act* be amended to allow the commissions to receive written comments and e-mails even before their proposal is filed. The Commissioner of Official Languages supports this recommendation.

To improve community participation in the redistribution process, the Chief Electoral Officer further recommends adding a provision to the Act (recommendation 3.4) stating, "a commission shall endeavour to communicate with groups representing citizens' interests in the province regarding its initial proposal and the methods for making representations to the commission."

The Commissioner of Official Languages fully supports the basic idea of requiring the commissions to consult groups representing community interests, including groups that represent official language minority communities. However, for the reasons mentioned above, this consultation should be held prior to the filing of the commissions' proposals in order to clearly identify communities of interest and communities of identity within an electoral district, and thus require the commissions to take these realities into consideration in their redistribution proposal. The commissions would then be better able to provide a rationale for the impact of their decisions on the official language communities.

The *Electoral Boundaries Readjustment Act* assigns a great deal of importance to communities, by the recognition of the “community of interest or community of identity in or the historical pattern of an electoral district in the province”. In order to support the development of official language communities, this provision must be fully applied by requiring its implementation before the commissions file their redistribution proposal. We are convinced that proper planning would make it possible for the commissions to complete their work without incurring any additional delays.

Recommendation 7

The Commissioner of Official Languages recommends that the government amend section 19 of the *Electoral Boundaries Readjustment Act* to allow the commissions to receive written comments, including e-mails, and to require that the commissions carry out consultations with groups representing the communities, especially official language minority communities, prior to presenting their proposal, thus enabling them to inform the commissions and for the commissions to then provide a rationale for the impact of their decisions.

The need for more public hearings

As we pointed out for the minority communities in Northern Ontario, for a variety of reasons, a commission can sometimes significantly alter its initial proposal in its report to the House of Commons. These changes can have a considerable impact on a community without the community ever having been really consulted.

Thus, having nothing to add to the initial proposal by the commission, which did not have an impact on them, the official language communities were caught off guard by a final report that had a considerable impact on them, without ever being able to state their point of view or put their interests forward. They were deprived of the right to state their case about a situation that affected them deeply, including their right to effective representation within the meaning and spirit of the *Electoral Boundaries Readjustment Act*.

In situations like these, the Act should require the commissions to hold public hearings within a reasonable time period following the submission of their report to the House of Commons, to enable citizens to express their point of view, just as other members of the public had the opportunity to do so when the initial proposal was presented by the commission.

Recommendation 8

The Commissioner of Official Languages recommends that the government require commissions that make substantial changes to their initial proposal when presenting their final report to the House of Commons, to conduct new public consultations in those electoral districts affected by their new proposal, in a timely manner, so that official language minority communities and others affected by these changes, where applicable, can express their opinion.

Reports vary from commission to commission

The reports prepared by commissions vary considerably. It was not always easy to identify a rationale for their decisions. We pointed out above that the language factor as it applies to the community of interest was often missing, and sometimes implied.

One way of ensuring that commissions take official language communities into account and provide justification for their decisions in this regard would be to require them to complete a report using a template that could be developed by Elections Canada. In his report, the Chief Electoral Officer recommends amending section 20 of the *Electoral Boundaries Readjustment Act* to list all the factors that should be considered in each commission's report.

By providing them with a report template, it would simplify the work of the commissions, as well as the work of the MPs called upon to review the reports. It would also ensure that all the factors required—including a rationale for the commissions' decisions with respect to the protection and vitality of official language communities—are indeed taken into consideration. That is why the Commissioner supports this recommendation which would likely facilitate the work done by Elections Canada in preparing the *Representation Order*.

Recommendation 9

The Commissioner of Official Languages recommends that the government review section 20 of the *Electoral Boundaries Readjustment Act* to establish the essential factors that must be taken into consideration by all commissions, including the treatment of official language minority communities, to ensure that all commissions address these factors effectively in their report.

The commissions and the Commissioner's power of investigation

In the course of the investigations that were conducted while the commissions were working on the redistribution process, there were two instances in which the commissions refused to acknowledge the Commissioner's investigation methods. Thus when the Commissioner sent her preliminary investigation reports to the Chairs of the commissions for their comments, giving them the opportunity to respond as provided in subsection 60(2) of the *Official Languages Act*, they claimed that they were protected by the provisions of the *Electoral Boundaries Readjustment Act* and refused to comment on the reports in question.

It was nevertheless part of the mandate of the Commissioner of Official Languages to elicit their comments, allowing them to express their point of view about the question at issue and, where applicable, alter the conclusions of the investigation. It is therefore important to explain the Commissioner's investigatory powers, however briefly, in the *Electoral Boundaries Readjustment Act*.

Recommendation 10

The Commissioner of Official Languages recommends that the government add a provision to the *Electoral Boundaries Readjustment Act* referring to the Commissioner of Official Languages' investigatory powers in order to obtain the commissions' co-operation in dealing with complaints brought to the Commissioner's attention.

CONCLUSION

This particular study on the 2002-2003 electoral boundaries redistribution reveals that several commissions did not take into account the government's commitment to enhance the vitality of official language minority communities.

Some commissions, for example in Manitoba and Prince Edward Island, paid more attention than others to this commitment, by including official language communities as "communities of interest," which they chose to take into consideration from the outset. The New Brunswick commission also gave due regard to the presence of both official language communities within the province in carrying out its work, although it did experience serious difficulties, as did the previous commission.

It should be remembered that the commissions do not have an easy role to play, wedged between the requirements of vote equality and the presence of a variety of communities of interest. However, it can safely be said that the official language minority communities did not receive the proper attention they should have been given. The examples in this study illustrate the negative impacts on a number of official language communities in Alberta, Ontario and New Brunswick.

The commissions took a number of factors into consideration, such as the recent municipal amalgamations that occurred in almost every part of Canada, in order to mitigate the impact of their decisions on certain communities. Very few, however, thought to consider the presence of the two official language communities as communities of interest that needed to be protected so that their vitality and development could be enhanced.

Yet, the federal government is committed, under Part VII of the *Official Languages Act* to enhance the vitality of the English and French linguistic minority communities in Canada and assist their development. The scope of this commitment was clearly reinforced with the passage of Bill S-3. The commissions have a duty to ensure that the government's commitment to official language minority communities is fulfilled. They must consider the facts presented to them, assess their relevance, and determine how their decisions affect these communities. As we have demonstrated, in their assessment of the impact of their decisions, the commissions must take into consideration the various factors that serve to determine whether there are communities of interest.

The findings of this study show that certain changes should be made to the *Electoral Boundaries Readjustment Act* and to the mechanisms used by the commissions to ensure that official language minority communities receive better protection and that their development is assisted.

The Government has noted that the *Electoral Boundaries Readjustment Act* has had a significant impact on ensuring effective representation for Canadians. It has also recognized, however, that there is room for improvement to the *Act*. In that context, the government has indicated it is very open to considering changes to improve the *Electoral Boundaries Readjustment Act* in time for the next decennial census in 2011, including the Commissioner's recommendations dealing with official language minority communities. The government has made it clear that any changes must not interfere with the principle of effective representation, as reflected in the *Charter of Rights and Freedoms*, as well as the independence of the electoral boundaries readjustment process. The Commissioner of Official Languages fully supports this position.

The purpose of our 10 recommendations to the government and Elections Canada is to ensure that by the next electoral boundaries redistribution, all official language minority communities, wherever they might be, receive the protection to which they are entitled, and that all commissions work to enhance the development of these communities as they perform the duties assigned to them by Parliament.

Recommendations of the Commissioner of Official Languages

Recommendation 1

The Commissioner of Official Languages recommends that, by June 2009, the government review subparagraph 15(1)(b)(i) of the *Electoral Boundaries Readjustment Act* to make it consistent with sections 16 to 20 of the *Canadian Charter of Rights and Freedoms*, and with the provisions and spirit of Part VII of the *Official Languages Act*, to ensure that official language minority communities are clearly identified and included in the definitions of “community of interest” or “community of identity” to be taken into account by the electoral boundaries commissions.

Recommendation 2

The Commissioner of Official Languages recommends that the government specifically mention official language minority communities in the new paragraph to be included in section 15 of the *Electoral Boundaries Readjustment Act* to ensure that the commissions are required to take them into consideration in the redistribution process.

Recommendation 3

The Commissioner of Official Languages recommends that the government provide immediate support for research into a definition of the main factors for communities of interest to ensure consistency with sections 16 to 20 of the *Canadian Charter of Rights and Freedoms* and Part VII of the *Official Languages Act*, prior to the 2011 redistribution.

Recommendation 4

The Commissioner of Official Languages recommends that the government amend section 19 of the *Electoral Boundaries Readjustment Act* by June 2009 to clearly indicate the commissions' obligation to publish notices of and their proposal for the electoral redistribution in newspapers that are likely to reach official language minority communities across Canada, just as they must do so for official language majority communities.

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Recommendation 7

The Commissioner of Official Languages recommends that the government amend section 19 of the *Electoral Boundaries Readjustment Act* to allow the commissions to receive written comments, including e-mails, and to require that the commissions carry out consultations with groups representing the communities, especially official language minority communities, prior to presenting their proposal, thus enabling them to inform the commissions of their existence and for the commissions to then provide a rationale for the impact of their decisions.

Recommendation 8

The Commissioner of Official Languages recommends that the government require commissions that make substantial changes to their initial proposal when presenting their final report to the House of Commons, to conduct new public consultations in those electoral districts affected by their new proposal, in a timely manner, so as official language minority communities and others affected by these changes, where applicable, can express their opinion.

Recommendation 9

The Commissioner of Official Languages recommends that the government review section 20 of the *Electoral Boundaries Readjustment Act* to establish the essential factors, that must be taken into consideration by all commissions, including the treatment of official language minority communities, to ensure that all commissions address these factors effectively in their report.

Recommendation 10

The Commissioner of Official Languages recommends that the government add a provision to the *Electoral Boundaries Readjustment Act* referring to the Commissioner of Official Languages' investigatory powers in order to obtain the commissions' co-operation in dealing with complaints brought to the Commissioner's attention.

