



Translation of the SAF'Île letter

Summerside, September 23, 2022

Federal Electoral Boundaries Commission for Prince Edward Island

P.O. Box 458

Cornwall, PEI C0A 1H0

c/o Ms. Tracey Olson

Secretary of the Commission

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Subject: Follow-up to the appearance of the "Société acadienne et francophone de l'Île-du-Prince-Édouard" on June 9, 2022

Commissioners,

On behalf of the "Société acadienne et francophone de l'Île-du-Prince-Édouard (SAF'Île)", I would like to thank you for agreeing to hear us on June 9<sup>th</sup> during your consultation tour in Summerside. Thank you also for agreeing to give us time to analyze the linguistic data from the 2021 Census in order to fully understand the impact that your proposed electoral boundary changes could have on our Acadian and Francophone population in Prince Edward Island.

As agreed during this consultation session, we have consulted the linguistic data published on August 17<sup>th</sup> as a follow-up to the 2021 census and we share with you our analysis and recommendation on the changes you are proposing to the federal electoral boundaries of Prince Edward Island.

At the outset, we would like to point out that the electoral district of Egmont is the only one of the four electoral districts whose proposed boundaries raises concerns.

Since we did not have access to the exact geographical data from the proposed new boundaries for the electoral district of Egmont, we used, for our analysis, the 2021 linguistic data<sup>1</sup> of the

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<sup>1</sup> Statistics Canada. 2022. (table). Census Profile, 2021 Census of Population, Statistics Canada Catalogue no. 98-316-x2021001. Ottawa. Released August 17, 2022. <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang-E> (consulted on September 15, 2022).



current electoral district of Egmont, so 35,530 people, plus the census subdivisions<sup>2</sup> of Kinkora FD Part 1(3,003) 1,285 people, the municipality of Bedeque and the surrounding areas (3,015) 310 people and one-fifth of the census subdivision population of Kensington FD Part 1 (3,067) or 620 people (rounded), for a total population of 37,735. To us this approach seemed to respond as best as possible to the regions which are added according to your redistribution proposal and to the figure of 37,751 persons targeted by the enlargement of the territory of this electoral district. For information, the table and our calculations are in the attached Excel document.

The difference in the demographic weight of Francophones between the current and the proposed delimitation for the district of Egmont represents a loss of 0.3%. You may tell us that this is a small difference but added to the loss of 1.5% of the French-speaking population of Egmont between the 2016 and 2021 censuses, it is a significant proportion which, in our opinion, would set a very worrying precedent.

As we mentioned during our appearance, this riding is the historic region where the Acadians settled upon their return from deportation towards the end of the 18<sup>th</sup> century.

As you know, the deportation from Île Saint-Jean (now Prince Edward Island) took place in 1758. Some 3,000 Acadians were deported from Île Saint-Jean to France. Of these, only about one-third survived this ordeal. Two-thirds of the deportees therefore died, either drowned during shipwrecks of the ships transporting them, or as a result of epidemics which raged on board of other ships. About 1,500 Acadians from Île Saint-Jean escaped deportation, either by taking refuge in northern New Brunswick or by hiding on the Island.<sup>3</sup>

Egmont is also the only electoral district that has always had a large enough population of Francophones to possibly influence the results of an election. Therefore, we are convinced that it is imperative that their number and proportion be not diluted in order to continue to allow them effective representation.

We take the liberty of quoting here some excerpts from the briefs that our colleagues from Nova Scotia filed with the Provincial Electoral Boundaries in January 2019 and with the Nova Scotia Federal Electoral Commission in June 2022, to fully understand what the Courts have said about effective representation:

<sup>2</sup> Statistics Canada. 2022. (map) 2021 Census of Population, <http://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/referencemaps-cartesdereference/sgc-cgt/files-fichiers/2021-12572-02-02.pdf> (consulted on September 15, 2022)

<sup>3</sup> History of Acadia, SSTA Archives, <http://www.safîle.org/historique-de-l'acadie-archives-sst> (consulted on September 14, 2022)



31. that an Electoral Boundaries Commission is not merely an agency of the Crown. According to the Court of Appeal, the Commission has a constitutional duty to ensure respect for the principle of effective representation.

*(89) The Commission is not just a Crown agent following orders from its principal. It also entertains authority directly from s. 3 of the Charter to implement the constitutional principles of effective representation. Effective representation is not a favour of the Government's beneficence. Section 3 expresses the citizen's entrenched democratic right that is untouchable even by a legislative override under s. 33.<sup>4</sup>*

In their June 2022 submission, our colleagues stated that:

64. In Reference: Provincial Electoral Circ. (Sk.), (1991), 2. S.C.R. 158, Justice MacLachlin of the Supreme Court of Canada ruled for the majority on section 3 of the *Canadian Charter of Rights and Freedoms*, speaking, among other things, of effective representation:

*What are the conditions of effective representation? The first is relative parity of voting power. A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing inadequate representation to the citizen whose vote is diluted. The legislative power of the citizen whose vote is diluted will be reduced, as may be access to and assistance from his or her representative. The result will be uneven and unfair representation. But parity of voting power, though of prime importance, is not the only factor to be taken into account in ensuring effective representation [...]*

*Factors such as geographic characteristics, community history and interests, and the representation of minority groups may need to be considered if our legislatures are to truly represent the diversity of our social mosaic.<sup>5</sup>* (we emphasize)

65. It was taking into account the major laws on which the Constitution of Canada was based, as well as various legal decisions such as the Carter decision, that in 1992 the first Electoral Boundaries Commission unanimously recommended the creation of protected electoral districts of Clare, Argyle and Richmond, smaller than the average riding, to allow the founding people of our province to elect a representative to the Legislative Assembly.<sup>6</sup>

<sup>4</sup> Fédération acadienne de la Nouvelle-Écosse (FANE) brief to the Electoral Boundaries Commission, January 2019, [https://www.acadiene.ca/wp-content/uploads/2019/03/M%C3%A9moire\\_fronti%C3%A8res\\_janvier-2019.pdf](https://www.acadiene.ca/wp-content/uploads/2019/03/M%C3%A9moire_fronti%C3%A8res_janvier-2019.pdf) (consulted on September 14, 2022)

<sup>5</sup> Reference: Provincial Electoral Circ. (Sk.), (1991) 2 S.C.R. 158

<sup>6</sup> Fédération acadienne de la Nouvelle-Écosse (FANE) brief to the Electoral Boundaries Commission, June 2022, [https://www.acadiene.ca/wp-content/uploads/2022/06/Memoire\\_frontieres\\_federales\\_130622-1.pdf](https://www.acadiene.ca/wp-content/uploads/2022/06/Memoire_frontieres_federales_130622-1.pdf) (consulted on September 14, 2022)





We are aware that our situation in Prince Edward Island is somewhat different from that of our colleagues in Nova Scotia, but we are of the opinion that the principle of effective representation that takes into account the geography, history and interests of the community as well as the representation of minority groups must be applied broadly and liberally with respect to Acadians and Francophones in Egmont. We recognize that the Commission has made efforts in this direction by trying to minimize movement of the electoral boundary. We are convinced, however, that in the case of the Acadian and Francophone community of Egmont, there are historical imperatives to be taken into account, which would justify the acceptability of considering a smaller population for this riding. We refer here not only to the history of a few hundred years ago, but even more to the recognition and protection of the cultural and school infrastructure so painstakingly acquired after several years of representations and appeals before the courts in recent decades.

For this reason, we recommend that the Commission maintain the electoral district of Egmont as it currently stands.

In thanking you for the attention you will pay to this, I would ask you, Commissioners, to accept the expression of my respectful sentiments,

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**Isabelle Dasyva-Gill**

Executive Director

Tableau évaluation d'impact sur la communauté acadienne et francophone - Circonscription d'Egmont actuelle et proposée

		Ajouts proposés					
Egmont actuel		Kinkora FD Partie 1	Bedeque	Kensington FD Partie 1 - 1/5	Total nouvelle circonscription	Différence	Kensington FD Partie 1 pour référence
<b>Connaissance des langues officielles</b>							
Total - <a href="#">Connaissance des langues officielles pour la population totale à l'exclusion des résidents d'un établissement institutionnel</a> - <a href="#">Données intégrales (100 %)30</a>	35 520	1 285	310	620	37 735	2 215	3 090
Anglais	29 940	1 185	280	550	31 955	2 015	2 765
Français	55	0	0	0	55	0	0
Français et	5 470	95	30	65	5 660	190	320
Pourcentage bilingue	15,50%	7,30%	9,60%	10,40%	15%	-0,50%	10,30%
<b>Première langue officielle parlée</b>							
Total - <a href="#">Première langue officielle parlée pour la population totale à l'exclusion des résidents d'un établissement institutionnel</a> - <a href="#">Données intégrales (100 %)31</a>	35 520	1 285	310	620	37 735	2 215	3 090
Anglais	33 095	1 260	300	610	35 265	2 170	3 040
Français	2 310	20	5	10	2 345	35	50
Français et	70	0	0	0	70	70	0
Pourcentage français + français et	6,70%	1,50%	1,60%	1,60%	6,40%	-0,30%	1,60%
<b>Langue maternelle</b>							
Total - <a href="#">Langue maternelle pour la population totale à l'exclusion des résidents d'un établissement institutionnel</a> - <a href="#">Données intégrales (100 %)32</a>	35 520	1 285	310	620	37 735	2 215	3 090
Réponses uniques	34 865	1 275	305	615	37 060	2 195	3 070
Langues officielles	33 080	1 250	305	595	35 230	2 150	2 965
Anglais	30 605	1 225	295	580	32 705	2 100	2 910
Français	2 470	25	5	10	2 510	40	60
Langues non officielles	1 785	20	5	20	1 830	45	105
Pourcentage réponses uniques	7%	1,90%	1,60%	1,60%	6,70%	-0,30%	1,90%